

Agenda Item: ID18-0129 (4:30 P.M.#1)

Date: 1/25/18

REC'D JAN 24 '18 AM 9:41
FRESNO CITY CLERK

FRESNO CITY COUNCIL



Supplemental Information Packet

Agenda Related Item(s) – ID18-0129 (4:30 P.M.#1)

Contents of Supplement: Letter and Attachments from Leadership Counsel

Item(s)

CONTINUED HEARING to consider Development Permit Application No. D-16-109, located on the north side of East Central Avenue between South Orange and South Cedar Avenues (Council District 3) – Development and Resource Management Department.

1. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment No. D-16-109, dated September 18, 2017;
2. DENY the appeal and UPHOLD the Director's approval of Development Permit Application No. D-16-109 authorizing the development of an industrial business park for industrial uses with up to seven reinforced concrete buildings ranging in size from 124,200 square feet to 1,000,000 square feet, with a total building square footage not to exceed ±2,145,420.

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

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REC'D JAN 24 '18 AM 9:36
FRESNO CITY CLERK

January 24, 2018

Council President Esmeralda Soria & Fresno City Councilmembers
Fresno City Hall
2600 Fresno Street
Fresno, CA 93721

Sent via Email

**RE: Development Permit & Environmental Assessment No. D-16-109
January 25, 2018 Fresno City Council Agenda Item IDs 18-0104 & 18-0129**

Dear Council President Soria and Councilmembers:

We submit these comments on Development Permit & Environmental Assessment No. D-16-109 on behalf of South Central Neighbors United and their members. Along with these comments, we re-submit and incorporate fully herein by reference comments previously submitted to the City of Fresno relating to this matter dated October 18 and December 20, 2017 and attached hereto as Exhibit A.

South Central Neighbors United is comprised of residents who live along and near East Central Avenue between Highways 99 and 41, including in homes across the street from the site of the proposed project ("Project Site"), and who stand to be directly adversely impacted by the proposed project ("Project") and other development recently approved by the City.

As explained in comments contained in Attachment A and for the reasons set forth in this letter below, the Environmental Assessment, Mitigated Negative Declaration ("MND"), falls far short of the standard set by the California Environmental Quality Act ("CEQA") by failing to disclose or evaluate various significant Project impacts, including clearly inaccurate information and conclusions, and failing to identify and incorporate feasible mitigation for potentially significant impacts. The Project Site is located across the street from existing homes and within approximately ½ mile from Orange Center Elementary School and several disadvantaged unincorporated communities, including Daleville, Bretton Avenue, Malaga Avenue, and the Flamingo Mobile Home Lodge. As proposed, the Project would have serious unanalyzed and unmitigated impacts on the residents of those communities, to the extent that residents homes may become uninhabitable. The City must prepare and circulate an EIR that fully and accurately discloses the Project's impacts – individual and cumulative, direct and indirect, construction-based and ongoing – and considers and incorporates meaningful alternatives and mitigation measures to reduce and eliminate those impacts. Identification of the scale and nature impacts and appropriate mitigation should be completed in full consultation and consideration of the comments of the public, including in particular, residents in neighborhoods and communities surrounding the Project Site who stand to be adversely impacted.



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In addition, without proper analysis or mitigation, the Project has the potential to generate significant and disproportionate adverse impacts on a low-income community of color and therefor has the potential to violate state and federal fair housing and civil rights laws. The City must not approve this Project in a manner that disproportionately burden residents based on protected characteristics.

I. The City Has Failed to Perform Required Analysis of the Project's Water Related Impacts

Comments previously submitted to the City on this Project, including comments dated October 18 and December 20, 2017, describe the MND's complete failure to include *any* analysis of the Project's water-related impacts, including impacts on neighborhoods surrounding the Project Site, or to include appropriate mitigation required by CEQA.

In addition to the deficiencies identified in the October 18 and December 20th letters, the City's treatment of the Project's water-related impacts is also fatally flawed for several other reasons. First, the City failed to conduct a Water Supply Assessment required for this Project pursuant to California Water Code Section ("CWC") Section 1090 and CEQA. Second, neither the MND nor the MEIR addresses the significant implications of the Sustainable Groundwater Management Act on the Project's water supply. Third, the MND misrepresents a letter from the City of Fresno as a guarantee of water supply while failing to provide any information about the Project's potential water usage or analysis of the Project's city-wide or neighborhood-level water supply impacts.

A. No Water Supply Assessment Was Included in the Project's MND or in the MEIR

Pursuant to California Water Code Section (CWC) §10910 (which incorporates Senate Bill 610 and Senate Bill 1262) and related provisions of the California Environmental Quality Act (Appendix G Checklist Item XVII.d and Appendix G Checklist Item IX.b), a WSA is required for a proposed project, if the project includes, among other things, an *industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupy more than 40 acres of land, or have more than 650,000 square feet of floor area*. Since the proposed Project is an industrial park that includes +/-2,145,420 square feet of floor area, it meets the threshold for a "project" and a WSA must be performed by the water supplier. Nevertheless, neither the MND nor the MEIR includes a WSA for the Project. The WSA must evaluate whether the water supplier's total projected water supplies available during normal, single-dry and multiple-dry water years during a 20-year projection are sufficient to meet the projected water demand associated with the proposed project, in addition to the water agency's existing and planned future uses (CWC§10910(c)(3)). Upon approval by the water supplier, the WSA must be submitted to the lead agency for inclusion in the project's CEQA document, wherein the lead agency must determine, based on the entire record, whether the projected water supplies will be sufficient for the project in addition to existing and planned future uses. (CWC § 10911(b)-(c)).



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Further, pursuant to SB 1262, WSAs are now required to include certain information related to the Sustainable Groundwater Management Act (SGMA) if a water supply for a proposed project includes groundwater. The MND includes no information or analysis relating to SGMA.

B. Neither the MND Nor the MEIR Addresses the Significant Implications of the Sustainable Groundwater Management Act on the Project's Water Supply

The Project is located in the Kings Sub-basin, which is classified by the California Department of Water Resources ("DWR") as a high priority basin in a condition of critical overdraft.¹ As such, this subbasin is subject to accelerated compliance with the Sustainable Groundwater Management Act ("SGMA"), including development of a Groundwater Sustainability Plan (GSP) by January 2020. The GSP will have to, among other things, quantitatively describe how the Kings Subbasin will be actively managed to go from its current condition of critical overdraft to full groundwater sustainability by 2040. Despite this radical change in how local groundwater will be managed in the near future, the Master EIR and the proposed Project's MND make no mention of SGMA and the potential impacts to future water supply availability. The MND also ignores comments dated April 18, 2017 submitted by Fresno Irrigation District, a responsible agency for this Project, advising the City that the Project area "is reliant on groundwater pumping" and that the City should consider the impacts of the development on the City's ability to comply with SGMA. Exhibit B, p. 28 of 66.

C. The MND Misrepresents a Letter from the City of Fresno as a Guarantee of Water Supply

The MND references an April 18, 2017 letter from the City of Fresno Department of Public Utilities – Water Division (subject: Water Requirements for Development Permit Application D-16-109), and states that the department has determined that adequate water service is available. However, all that the letter actually provides is a list of requirements for infrastructure upgrades and a request that the proposed Project provide the City with an estimate of water demands as follows (from Page 2 of the April 18, 2017 letter):

- a. "The applicant shall provide a forecast for the Peak Hour Water Demand (gallons per minute) at full build out of the project, including domestic, irrigation, commercial, and industrial demands.
- b. "The applicant shall provide a forecast for the Total Annual Water Demand (gallons) at full build out for the project, including domestic irrigation, commercial, and industrial demands; and
- c. "The applicant shall include a Fire Protection Water Demand of 1,500 gallons per minute (gpm) in the water demand forecast.

¹ See California Department of Water Resource's Final List of Critically Overdrafted Basins and Basin Prioritization Results available at http://www.water.ca.gov/groundwater/sgm/pdfs/COD-basins_2016_Dec19.pdf and http://www.water.ca.gov/groundwater/casgem/pdfs/lists/StatewidePriority_Abridged_05262014.pdf.



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- d. "The Peak Hour Water Demands plus Fire Protection Water Demands shall represent the peak instantaneous water demands required for the project."

The letter requires that the Project construct the necessary facilities to accommodate these Project demands. This letter does not meet the standard of a CWC-compliant WSA nor does it provide any actual information about the adequacy of existing surface and groundwater supplies to satisfy demand generated by the Project or the impact of the Project on those supplies.

D. The MND Ignores Concerns Raised by FID Regarding the Potential Groundwater Supply Impacts

The MND ignores concerns raised in FID's April 18, 2017 comments to the City on this Project regarding the Project's potential groundwater supply impacts. That letter states:

"FID is concerned that the proposed development may negatively impact local groundwater supplies including those areas adjacent to or neighboring the proposed development area." Exhibit B, p. 28 of 66.

The letter continues to say that significant dependence on groundwater by the Project could exacerbate existing groundwater overdraft and that FID recommends that the City "require the proposed development balance anticipated groundwater usage with sufficient recharge of imported surface water" to preclude exacerbating the overdraft. *Id.*

The MND does not disclose FID's concerns or include the mitigation recommended and in fact includes no information about the Project's potential water usage, other than to state that it may come from groundwater and surface water sources. See MND, pp. 27-31. Rather, the MND provides only the vague assertion that the project shall implement MEIR mitigation measures "as applicable" and includes no project specific mitigation measures relevant to the groundwater usage or supply.

MEIR mitigation measures related to groundwater supply do not alone clearly or adequately address project-specific groundwater impacts to the areas adjacent to and neighboring the Project Site, such as the homes along East Central Avenue between Orange and Cedar Avenue, the community along Malaga Avenue to the South, or Daleville to the West – all residential areas reliant on groundwater for domestic use. See e.g., G-4-b. "In cooperation with other agencies, enhance the recharge of groundwater as may be necessary."; G-4-c. "Address localized groundwater deficiencies and groundwater quality problems that exist or may arise in portions of the planning area." MEIR, 5.9-15.

For these reasons and those provided in previously submitted comments dated October 18 and December 20, 2017, the MND's analysis and mitigation of the Project's potentially significant impacts on water supply falls far short of the standard set by CEQA and must be revised.



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II. The MND Does Not Address Impacts Caused by Adjacent DTSC-Listed Sites

The Project Site is located adjacent to Department of Toxic Substance Control (“DTSC”) Sites 10490006 (Orange Avenue Disposal Site (landfill)) and 10100001 (New Idria Mining and Chemical) and approximately 1/3 of a mile from DTSC Site 10280007.² Neither the MND nor the MEIR provides any analysis of potential impacts relating to the proximity of these sites to the Project Site.

An evaluation of potential impacts relating to the Orange Avenue Landfill should address landfill gas migration to the Project Site, groundwater plume migration, and what (if any) monitoring is being performed at the landfill in order to address the applicable provisions of CEQA (Appendix G Checklist Item III.d and Appendix G Checklist Item VII.b).

Documentation on DTSC’s EnviroStor website indicates that DTSC Site 10100001 is a source of groundwater contamination with concentrations of cadmium, manganese, and carbon tetrachloride being detected in an onsite well above Federal and State MCLs. The presence of this site and the impact of this groundwater contamination on the site is not addressed in the Master EIR nor in the Projects MND. The MND must address impacts of this site on the Project to address the applicable provisions of CEQA (Appendix G Checklist Item III.d and Appendix G Checklist Item VII.b).

III. The MND and MEIR Do Not Address Potential Impacts Arising From Disturbance of Contaminated Soils

During Project construction, adjacent residents, children at Orange Elementary School, and workers may be exposed to residual contaminants in soil which become airborne as dust. The MND and MEIR provides no analysis of potential impacts relating to the disturbance of soil at and near the Project Site for Project construction and operation activities. The MND’s cursory conclusion that, “there are no known existing hazardous material conditions on the site,” (MND, p. 25) and failure to include any Project-specific mitigation measures is inadequate, given the Project’s location next to three DTSC sites and its former use for agricultural purposes.

The MND fails to disclose or evaluate the environmental implications of the fact that no physical barrier exists between the Project Site and the adjoining Orange Avenue Landfill and DTSC Site 10100001 and only a two-lane road and part of Site 10100001 separates DTSC Site 10280007 and the Project Site. A 2011 DTSC Site Assessment for Site 10100001 concluded that there is potential for hazardous releases at the site and “assessment work is needed to determine if

² Information provided by DTSC about each of these Project’s is available at DTSC’s EnviroStor website at the following links: Site 10280007; http://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=10280007; Site 10100001, http://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=10100001; 10490006, http://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=10490006.



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hazardous substances are present in site soils.” p. 9.³ Soil and dust from the three DTSC sites – and any contaminants contained in that soil and dust -- has likely migrated the Project Site over time through on-ground soil shifting and wind-blown dust. Therefore, the disturbance of soil on the Project site may result in exposure of residents, school children, and workers to hazardous contaminants that pose a public health risk.

In addition, the MND indicates that the Project Site is designated as Prime Farmland by the California Department of Conservation. p. 9. Neither the MND nor the MEIR contain an analysis of impacts of soil disturbance relating to previous usage for agricultural purposes. Organochlorine pesticides, such as DDT, were applied to agricultural land in the 1940s until they were banned in the early 1970s. Residual concentrations of organochlorine pesticides may be present in soil farmed during that time frame along with elevated levels of arsenic which was also used in pesticides before the 1950s.⁴ Development of former agricultural land that is contaminated with pesticides may place adjacent residents, school children, and workers at risk during construction and site operation. Soil sampling should be conducted in accordance with DTSC’s Interim Guidance for Sampling Agricultural Properties (2008)⁵ and the results incorporated into the environmental review and mitigation for this Project.

Along with failing to analyze the potential soil-related impacts of this Project, the MND also fails to include clearly defined and appropriate mitigation. The MND states only that, “the proposed project shall (1) implement and incorporate, as appropriate, the Hazards and Hazardous Materials related mitigation measures” identified in the General Plan Master Environmental Impact Report (“MEIR”) (emphasis added) and (2) implement the Hazards and Hazardous Materials related mitigation measures included in the Project Specific Mitigation Monitoring Checklist. These measures are wholly inadequate.

First, the requirement that the Project incorporate mitigation identified in the MEIR “as appropriate” is vague and unenforceable and does not meet CEQA’s standard for mitigation. *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 180 (speculative, vague, or noncommittal mitigation does not comply with CEQA). Further, the only mitigation measure). In addition, the only mitigation measure identified in the MEIR which is

³ Document available on DTSC’s EnviroStor website at https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/9917707681/land%20parcel.pdf

⁴ See “DDT – A Brief History & Status,” U.S. EPA, available at <https://www.epa.gov/ingredients-used-pesticide-products/ddt-brief-history-and-status>; “Agricultural Sources of DDT Residues in California’s Environment; A Report Prepared in Response to House Resolution No. 53 (1984),” California Department of Food & Agriculture, Reprinted in 1996, finding that “DDT residues are present in soil wherever DDT was used legally in the past.” p. 3. A copy of this document is available at http://www.cdpr.ca.gov/docs/emon/pubs/ehapreps/eh06_85ddt.pdf

⁵ Available at http://www.energy.ca.gov/sitingcases/palmdale/documents/2011-02-02_Exhibits_FSA_TN-59585.pdf



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relevant to impacts associated with disturbance of contaminated soils is Policy NS-4-c, which reads:

“Require an investigation of potential soil or groundwater contamination whenever justified by past site uses. Require appropriate mitigation as a condition of project approval in the event soil or groundwater contamination is identified or could be encountered during site development.”

Despite incorporation of this policy, the MND does not indicate whether the City deems it “justified” and therefor applicable to the Project Site, no investigation of potential soil contamination has been completed, and no process or timeline for the performance of such an investigation prior to initiation of construction is identified.

Second, the only Project Specific Mitigation related to Hazards and Hazardous Materials is the requirement that businesses that handle hazardous materials prepare a business plan (MM VIII.1). This mitigation measure is irrelevant to potential disturbance of contaminated soils and does nothing to ensure evaluation or adequate mitigation of any associated impacts.

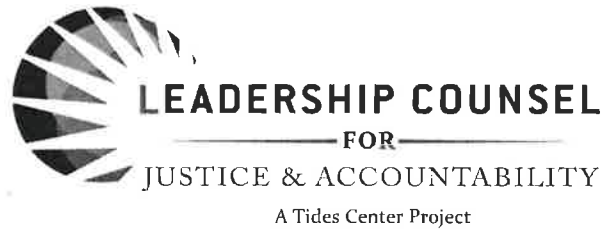
The City must evaluate soil contamination on the existing site and all associated impacts to the environment and human health and identify and adopt appropriate mitigation to reduce potentially significant impacts from soil disturbance.

IV. The City Has Not Adequately Evaluated or Identified Appropriate Mitigation for the Project’s Pedestrian Safety Impacts

According to the MND, this Project would generate 6,260 average daily vehicle trips and vehicles would enter the Project Site through nine points of ingress and egress located South Cedar Avenue, South Orange Avenue, and East Central Avenue. p. 44. Trucks and cars travelling to and from the Project Site would pass directly in front of (1) homes located on Central Avenue between Cedar and Orange Avenues, (2) the Flamingo Mobile Home Park located on Central Avenue at the Highway 99 interchange, and (3) homes along Central Avenue between South Cherry and South Mary Avenues near the Highway 41 interchange.

Trucks and vehicles would travel along routes shared by children who walk by foot to and from Orange Center Elementary School. These roadways are two lane roads that in most places lack any shoulder and have no traffic lights or crosswalks and largely lack sidewalks. With these existing conditions, the imposition of thousands of daily truck and car trips per day on these roadways – together with existing traffic and traffic generated by the Amazon and Ulta Beauty Warehouses currently under construction -- will create a significant traffic safety risk to pedestrians from surrounding communities and school children.⁶

⁶ The narrow roadways, lack of separation between the roadways and sensitive land uses, deteriorating road conditions, and high levels of existing truck traffic in the area already result in traffic safety hazards and accidents. Just this month, in January 2018, a truck crashed into and damaged a resident’s fence in front of her home on East Central Avenue near the intersection of South Mary Avenue after the truck hit a dip in the road.



However, the MND contains no analysis of the Project's potential pedestrian traffic safety impacts. The MEIR contains only scattered references to General Plan build out impacts on pedestrian facilities that do not constitute a coherent analysis that discloses or analyzes the impacts specific to this Project. See MEIR, 5.14, Transportation and Traffic. In fact, while the MND's traffic analysis focuses almost entirely on the Project's Traffic Impact Study, the MEIR specifically states that the Level of Service standard used in TIS' do not analyze pedestrian safety:

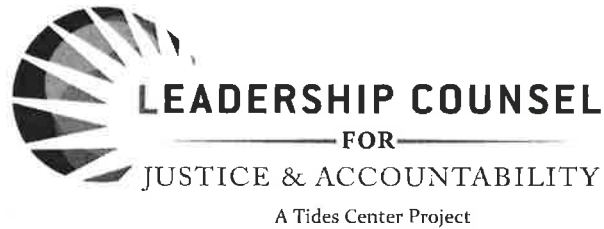
"It should be noted that this traditional methodology used to analyze the roadway system does not consider the potential impact on walking, bicycling, and transit. Pedestrians, bicyclists, and transit riders are all users of the roadway system but may not be fully recognized in the traffic operations analysis and the calculation of LOS. The LOS thresholds in Table 5.14-2 are based on driver's comfort and convenience. Identifying the need for roadway improvements based on the resulting roadway LOS can have unintended impacts to other modes such as increasing the walking time for pedestrians." MEIR, 5.14-7.

The MEIR further states that, "The City of Fresno's Traffic Impact Study Report Guidelines establish general procedure and requirements for the preparation of traffic impact studies associated with development within the City," but acknowledges that these guidelines "do not currently have thresholds for impacts on transit, bicycle, and pedestrian facilities." 5.14.27.

Thus, neither the TIS, MND, or MEIR adequately evaluates the Project's potentially significant impacts on pedestrian safety nor do they include any relevant mitigation. The Project Specific Mitigation Measures include only one transportation/traffic-related mitigation measure – Measure XVI.1, a requirement that the Project coordinate with Caltrans to determine interim improvements at the SR 99 / North Avenue interchange.

With respect to MEIR mitigation measures, the MND states only that the proposed project shall implement "as appropriate" Transportation / Traffic related mitigation measures, with no specification of any measure in particular which the City will require the Project to apply. Furthermore, the MEIR includes no mitigation measures specifically related to pedestrian safety which would ameliorate or eliminate the pedestrian safety impacts of this Project. To address transportation impacts, the MEIR relies on Policy MT-2-j, "Funding for Multi-Modal Transportation Systems" and Policy MT-2-I, "Region-wide Transportation Impact Fees," which only establish general commitments by the City to seek funding for the construction of a multi-modal system and continue to support the implementation of region-wide transportation impact fees but say nothing of particular actions the City will take to mitigate Project-specific pedestrian safety impacts.

The City must evaluate the Project's individual and cumulative traffic safety impacts for pedestrians and identify and adopt feasible mitigation measures to reduce those impacts.



V. The MND Does Not Disclose or Identify Adequate Mitigation to Ameliorate the Project's Potentially Significant Noise and Vibration Impacts on Nearby Residents & School Children

The MND provides no information about the noise-related impacts specific to this Project's construction and operational activities. Neither does the Project include any analysis of cumulatively significant impacts that are likely to arise given the existence of significant noise sources in the area (highways 99 and 41 and existing industrial facilities) and pending and future development, including the Amazon and Ulta Beauty Warehouses. At the same time, the basic facts of the Project (construction and operation of a 2 million+ square foot industrial warehouse facility with 6,260 estimated vehicle trips per day) and adjacent and nearby sensitive uses (residential and school) indicate that the Project may be expected to generate significant impacts on sensitive receptors. These impacts must be fully evaluated and all feasible mitigation to ameliorate or eliminate those impacts identified.

A. The MND Inappropriately Defers Analysis of the Project Operation's Noise Impacts

The MND provides no information about the Project's potential uses on the basis that it would be speculative, given the range of uses allowed in the Heavy Industrial zone district. p. 37. However, while a range of uses may be allowed, the Project Application states that structures proposed to be developed are intended for warehouse use. Based on the site's indication for warehousing, the City can and must evaluate the Project's potential noise impact.

The MND attempts to justify its deferral of any analysis by stating that General Plan Policy NS-1-i requires an acoustical analysis where a project potentially threatens to expose existing or proposed noise-sensitive land uses to excessive noise levels. p. 37. However, the MND accurately describes Policy NS-1-i when it states that the General Plan's presumption of potentially excessive noise levels that triggers the policy "shall be based on the location of new noise-sensitive uses to known noise sources or staff's professional judgement that a potential for adverse noise impacts exists." *Id.* Here, the proposed Project would result in the location of a noise generating use (a 2 million+ square foot series of warehouses) next to existing sensitive uses – residential homes and an elementary school - and therefore an acoustical analysis would not be triggered based on Policy NS-1-i's first prong.

Further, it is inappropriate and impermissible pursuant to CEQA to defer determination of whether a noise evaluation will be conducted and the completion of such an evaluation to a time following Project approval and according to staff's sole discretion, without any public process, rather than in the environmental document upon which approval is based.

In justification for its failure to include any noise impacts analysis, the MND also states that "acoustical analyses will be required prior to the approval of any special permit (site plan or



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conditional use permit) applying for a new noise sensitive uses” in proximity to the Project Site. Again, this does nothing to ensure that this Project’s noise impacts are evaluated and that the Project fully mitigates those impacts. Moreover, the statement also does not cover the wide range of sensitive land uses that are allowed by right (without a special permit) pursuant to the City’s Development Code.

B. The MND Inaccurately Concludes That Construction-Related Noise Impacts & Groundborne Vibration Will be Less Than Significant

The MND admits that, “Construction activities associated with the development of the proposed project could expose persons or structures to excessive ground borne vibration or noise levels.” p. 38. Despite this admission, the MND then quickly concludes that the Project’s construction-related impacts will be less than significant, because “construction activity would be exempt from City of Fresno noise regulations, as long as such activity is conducted pursuant to an applicable construction permit and occurs between 7:00 a.m. and 10:00 p.m., excluding Sunday.” *Id.* Exemption of construction activities from the City’s noise ordinance does not correspond to a finding that the noise generated by construction activities will be less than significant. To the contrary, the lack of any applicable local regulation controlling construction noise impacts indicates the need for project-specific mitigation to address noise impacts. CEQA provides no blanket exemption for the evaluation and mitigation of construction noise impacts where a local ordinance does not apply to such impacts.

Here, it may be expected that the Project will result in significant construction noise related impacts to residences across the street from the Project Site on East Central Avenue, at the Orange Elementary School approximately ½ mile away, and in Daleville and the Flamingo Mobile Home Park which are situated on East Central Avenue by state route interchanges and will be subjected to construction-related vehicle traffic on Central Avenue and associated noise. This Project will involve the construction of more than seven concrete buildings comprising more than 2 million square feet, parking facilities to accommodate thousands of vehicles, and on and off-site improvements required by the City of Fresno. Construction noise impacts are likely to be individually and cumulatively significant, considering the scale of the Project, the existence of significant existing sources of noise with adjacent highways 99 and 41, and current and future construction and operation activities (including vehicle traffic) at the nearby Amazon Warehouse and Ulta Beauty Sites. The City must fully evaluate construction noise impacts on surrounding residences, Orange Center Elementary School, and workers and identify and include appropriate and adequate mitigation.

C. The MND Does Not Disclose or Evaluate the Project’s Ongoing Groundborn Vibrational Impacts

The MND includes no discussion of or specific mitigation relating to the potential ongoing groundborn vibrational impacts of the Project. Such impacts will likely arise from the 6,260 estimated truck and car trips per day as well as operations on the Project Site. Residents currently report feeling vibrational impacts in their homes when existing truck traffic passes by.



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These existing impacts are likely to be magnified by the dramatic increase in truck traffic associated with this Project. In addition, various types of industrial operations which the Project site may house are likely to have different types of vibrational impacts on surrounding properties and sensitive land uses. The City must analyze and identify and adopt required mitigation for such ongoing traffic and operational groundborn vibration impacts.

VI. The City Erroneously Concludes Without Appropriate Justification That The Project Will Not Result in Displacement

The MND acknowledges that the Project Site is located adjacent to existing residential properties in unincorporated Fresno County. Yet, the MND concludes that the Project does not have the potential to displace existing residents because the Project Site is planned for Heavy Industrial uses and is vacant. The MND's analysis does nothing to evaluate or mitigate the potential for this Project to displace residents in the existing properties in unincorporated County, including residences on Central Avenue immediately South of the Project Site as well as in nearby communities of Daleville, the Flamingo Mobile Home Park, Bretton Avenue, and Malaga Avenue.

The serious potential environmental impacts of this Project have the potential to displace residents from each of these communities, which total hundreds of homes. For example, as explained in this letter and in previous comments dated October 18, 2017 and December 20, 2017, the Project's potential adverse impacts on groundwater supply may cause residents' domestic wells to run dry and render their homes essentially uninhabitable, given the high cost and wait time to drill deeper wells and the high energy costs of operating deep wells. Excessive pollution, noise, vibration, traffic and safety hazards associated with the passage of roughly 6,260 trucks and cars in front of residents' homes every day – in addition to truck and car traffic generated by Amazon and Ulta Beauty warehouses – may also make residents' homes uninhabitable. If this occurs, residents will be forced to seek housing elsewhere. Resident relocation may contribute to the demand for and help spur new housing construction, given the low vacancy rates for rental and sale housing in the Fresno Metro Area and the low income levels and buying power of households in the Project vicinity.⁷

VII. The City Council May Not Adopt The MND, Because the City Failed to Call A Scoping Meeting Required by Public Resource Code Section 21083.9

Public Resource Code Section 21083.9 provides that “a lead agency shall call at least one scoping meeting” for projects of statewide, regional, or areawide significance. A lead agency “shall determine that a proposed project is of statewide, regional, or areawide significance” and subject to a scoping meeting, if the project has the potential to for causing significant effects on the environment extending beyond the city or county in which the project is located.” Cal. Code

⁷ A 2016 HUD Housing Market Profile for Fresno found a 1.2 percent vacancy rate for homes for sale and 5 percent apartment vacancy rate. The Housing Market Profile is available here: <https://www.huduser.gov/portal/periodicals/USHMC/reg/FresnoCA-HMP-Sept16.pdf>



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of Reg. ("C.R.C.") §§ 15206(b) & 15206(b)(2). "Projects subject to [subdivision (b) of Code of Regulations Section 15206] include...[a] proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or encompassing more than 650,000 square feet of floor area." As explained by the CEQA guidelines, scoping serves as a helpful tool for agencies in identifying the range of actions, alternatives, mitigation measures, and significant effects to be analyzed and an effective way to bring together affected agencies and interested persons to resolve concerns. *Id.* § 15083(a)&(b).

Since the proposed Project would occupy 110 acres of land and encompass +/-2,145,420 square feet of floor area, the City of Fresno was required to hold a scoping meeting for the project. The Mitigated Negative Declaration contains no indication that a scoping meeting was held for this Project nor are we aware of the City having conducted such a scoping meeting. The City may not approve the MND for this Project, because it has not conducted a scoping meeting as required. Pub. Res. Code § 21083.9; C.R.C. §§ 15082(c)(1); 15206(b); 15206(b)(2).

* * * * *

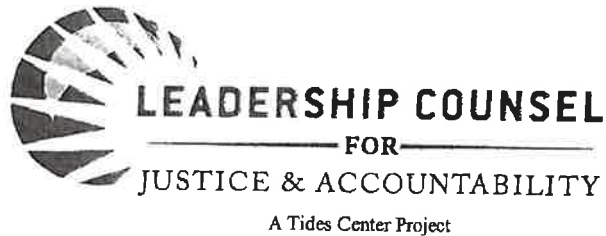
Thank you for your consideration of these comments. Please contact me at (559) 369-2796 or awerner@leadershipcounsel.org if you would like to find a time to discuss them in person.

Sincerely,

A handwritten signature in black ink, appearing to read "Ashley Werner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ashley Werner
Senior Attorney

cc: Mayor Lee Brand
Douglas Sloan, City Attorney
Jennifer Clark, Director, DARM
Phillip Siegrist, Planner II



December 20, 2017

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

Hand Delivered

RE: Development Permit Application & Environmental Assessment No. D-16-109

Dear Commissioners:

We write to you on behalf of our clients, South Central Neighbors United (or "Neighbors United"), Katie Taylor, Leo Macias, Daniel Macias, Dolores Sandoval, Gwen Gearheart, and Jerry Gearheart regarding Development Permit Application ("Application") and Environmental Assessment No. D-16-109. South Central Neighbors United is comprised of residents who live near the site of the proposed project ("Project"), including in the community located across the street from the Project Site's Southern boundary and in the Flamingo Mobile Home Lodge located at 2581 East Central Avenue.

The Project would impose serious negative impacts on community members and neighborhoods surrounding the Project Site, including on Neighbors United's members; other residents of the community located across the street from the Project Site, the Flamingo Mobile Home Park, Daleville, and other nearby communities, including lower-income communities and communities disproportionately comprised of residents' of color; and students at Orange Center Elementary School. The Development Permit and EA, a Mitigated Negative Declaration ("MND"), lack the necessary information, analysis, and mitigation to ensure the protection of community members' health and well-being, surrounding property, and the environment and approval thereof would violate the Fresno Municipal Code ("FMC"), the California Environmental Quality Act ("CEQA"), and state and federal civil rights and fair housing laws.

For these reasons, which are explained in more detail below, South Central Neighbors United urges you to **deny** Development Permit Application and Environmental Assessment No. D-16-109. In the alternative, Neighbors United advises you to recommend that staff work collaboratively with our clients and other residents and stakeholders to revise the Development Permit Conditions of Approval and prepare an Environmental Impact Report that fully analyzes

and adopts all feasible mitigation measures for the Project's potentially significant impacts in full compliance with the Fresno Municipal Code, CEQA, state and federal fair housing and civil rights laws, and other applicable laws and regulations.

We reserve the right to submit further comments on Development Permit and Environmental Assessment No. D-16-109.

I. I. The Planning Commission May Not Approve the Development Permit, Because the Project Does Not Comply with the FMC's Mandatory Requirements

A. The Planning Commission Cannot Make The Required Findings Set Forth in Section 15-5206

Municipal Code Section 15-5206 provides that the Planning Commission "may only approve a Development Permit application if it finds that the application is consistent with the purposes of this article" and with (A) "the applicable standards and requirements" of the Code, (B) "The General Plan and any operative plan or policies the City has adopted," (C) "Any applicable design guidelines adopted by the City Council," and (D) "Any approved Tentative Map, Conditional Use Permit, Variance or other planning or zoning approval that the project required." The Planning Commission cannot make these findings and may not approve the Development Permit as proposed.

1. The Project Is Inapposite to FMC's Purpose to Ensure Compatible Development

As proposed, the Project is manifestly inconsistent with the FMC's purpose to "provide a harmonious and workable relationship among land uses and ensure compatible infill development." § 15-102(B). This Project proposes the development of more than two million square feet of building space for heavy industrial use immediately across the street from a single-family home residential community and less than a mile away from the Orange Center Elementary School and five disadvantaged unincorporated communities, including a community located along Malaga Avenue and Cedar Avenue (approximately .4 miles away), Flamingo Mobile Home Lodge (.6 miles away), Daleville (.7 miles away), Britten Avenue (approximately .8 miles away), and Malaga (approximately .9 miles away). Exhibit A (Map of Area Surrounding Project Site).

Project construction, the industrial complex, the unidentified industrial uses it may house, and 6,260 truck and car trips that the application estimates that the Project will generate daily would impose myriad adverse impacts on these sensitive land uses, many of which have yet to be analyzed.

The Project Development Standards Checklist for this Project acknowledges that:

“There are a broad range of uses listed as permissible within the IH (Heavy Industrial) zone district under the Industrial Use Classifications. General Industrial uses are allowed by right in the IH zone district and is not a special use listed in Chapter 15, Article 27. In addition, Indoor Warehousing and Wholesaling Distribution are allowed by right and not subject to additional regulations.”

According to FMC Section 15-4505, “General Industrial” uses include, “Manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials.” These uses include but are not limited to biomass energy conversion, food and beverage processing, photographic processing plants, leather and allied product manufacturing, chemical manufacturing, plastics and rubber products manufacturing, primary metal manufacturing, automotive and heavy equipment manufacturing, among others. *Id.* Significant environmental impacts and impacts to human health are associated with each of these projects. The Development Permit Application and the MND fail to identify, analyze or include mitigation for the impacts of the potential uses which the Project Site may house by right with no further regulation. Neither do the Conditions of Approval or the MND include any restrictions on the allowable uses of the Project Site beyond those contained in the FMC.

Among the many potential unmitigated impacts of this Project that renders it incompatible with existing residences in the area is the unmitigated depletion of groundwater that residents rely on in their homes, which would render their homes uninhabitable and dramatically undermine residents’ property values. See Section I(A)(3)(B). In addition, the thousands of daily vehicle trips generated by the Project stand to pass directly in front of residences across the street from the Project Site, the Flamingo Mobile Lodge, and Daleville, all located along Central Avenue between the Highway 41 and 99 exits. These trips will undermine quality of life and health for the occupants of those residences and reduce property values as a result of diesel emissions, traffic, safety, noise, aesthetic, and other adverse impacts. As described below and in comments submitted on the MND for this Project on October 18, 2017 (Exhibit B), the proposed Conditions of Approval and mitigation measures for this Project fail to address this Project’s significant impacts that can be expected to occur. Thus, the Project as proposed is inapposite to the Code’s purpose of ensuring compatible infill development and a “harmonious and workable relationship” among land uses.

2. The Project Is Inconsistent With the Code's Standards and Requirements

The Planning Commission cannot make the finding that the Application is consistent with the "applicable standards and requirements" of the Code. The Application and the MND not only fail to demonstrate that the Project will meet these standards and requirements but also show that the Project does not.

a. Section 15-1304 - Service Areas and Loading

FMC Section 15-1304, "Service Areas and Loading", provides that:

"Service and loading areas should be integrated with the design of the building and shall be screened from residential areas. Special attention shall be given when designing loading facilities in a location that is proximate to residential uses. Techniques such as block walls, enhanced setbacks, or enclosed loading can minimize adverse impacts to residents." (underline added).

Since the Project Site is across the street from a residential area, the Section 15-1304's residential screening provisions apply. However, the Property Development Standards Checklist for this Project does not acknowledge the presence of a residential area next to the Project and fails to include screening requirements for the Project's loading facilities let alone require the block walls, enhanced setbacks, enclosed loading techniques referenced in Section 15-1304 or any other techniques to shield loading facilities from residences. The Project does not comply with Section 15-1304.

b. Section 15-1304 - Site Design Development Standards

FMC Section 15-1304(A)(1) states that where an employment district is located within 40 feet of a residential district, the maximum height of any development in that employment district is limited to 30 feet. Here, the Project Site is located across the street and approximately 30 feet from a residential district, and thus the proposed building may not exceed 30 feet in height. However, the Project Development Standards Checklist states that the allowed height of the building is 60 feet and the proposed height of the building is 41 feet and six inches. Thus, the Project does not comply with Section 15-1304(A)(1)'s height limitations for development in Employment Districts abutting residential development.

c. Sections 15-2508 (Lighting & Glare) & 15-2015 (Lighting & Outdoor Illumination)

FMC Section 15-2508(b) provides that:

“Lights shall be placed to deflect light away from adjacent properties and public streets, and to prevent adverse interference with the normal operation or enjoyment of surrounding properties. Direct or sky-reflected glare from floodlights shall not be directed into any other property or street. Except for public street lights and stadium lights, no light, combination of lights, or activity shall cast light onto a residentially zoned property, or any property containing residential uses, exceeding one-half foot-candle.”

FMC Section 15-2508(c) further provides that:

- (1) “No use shall be operated such that significant, direct glare, incidental to the operation of the use is visible beyond the boundaries of the lot where the use is located.
- (2) “Windows shall not cause glare that may disrupt adjoining properties, traffic on adjacent streets, etc.
- (3) “Glare or heat reflected from building materials shall be mitigated so as to not disrupt surrounding properties.”

FMC Section 15-2015(B) further provides that:

“No use shall be operated such that significant, direct glare, incidental to the operation of the use is visible beyond the boundaries of the property where the use is located.” § 15-2015(B)(7);

“No light or combination of lights, or activity shall cast light exceeding one foot candle onto a public street, with the illumination level measured at the centerline of the street.” § 15-2015(B)(8)(b), and;

“No light, combination of lights, or activity shall cast light exceeding 0.5 foot candle onto a residentially zoned property, or any property containing residential uses.” § 15-2015(B)(8)(c)

The Property Development Standards Checklist includes no standards or even reference to the placement and nature of lighting to demonstrate compliance with Sections 15-2508 or 15-2015(B). The mitigation measures, AES-1 and AES-3, identified in the MND to address light and glare impacts only require use of shields to direct light away from residential properties and potentially the use of low intensity lighting fixtures, but they do not ensure that the lighting will not create “adverse interference with the normal operation or enjoyment of surrounding

properties,” that the Project will not cast light exceeding one-half foot candle onto residential uses, that significant glare from the operation will be visible beyond the Project Site’s boundaries, that glare or heat from the building materials will not disrupt surrounding properties, and that other impacts in violation of Sections 15-2508 and 15-2015(B) will not occur. Mitigation Measure Monitoring Checklist for EA No. D-16-109, pp. 1-2. In addition, neither the MND or the Mitigation Measure Monitoring Checklist discuss or include any mitigation for the Project’s potentially significant light-related impacts from construction activities, which are subject to the requirements of Section 15-2508.

The Application proposes construction of seven buildings consisting of more than two million square feet for heavy industrial use and parking space for 1,842 vehicles on a 110 acre lot. These structures and uses will require extensive lighting for the Project’s operations, which will occur twenty four hours a day, seven days a week, and for the ingress and egress of more than 6,200 vehicles each day to the Project Site. Without further mitigation tailored to this Project, the Project will undoubtedly create light impacts that adversely impacts residents use and enjoyment of their homes. The impacts of the current construction of the Amazon warehouse, located approximately .6 miles from the residences across the street from the Project Site, demonstrates that the imposition of AES-1 and AES-3 are insufficient to yield compliance with Section 15-2508, as members of South Central Neighbors United who live in those residences have stated that the glare from ongoing construction of the Amazon facility shines directly into their windows and prevents them from sleeping at night.

The Planning Commission cannot find that the Project complies with Section 15-2508 and therefore may not approve the Development Permit for this Project at this time.

d. Section 15-2512 -- Air Contaminants

“Uses, activities, and processes shall not operate in a manner that emit dust, fumes, smoke, or particulate matter adverse to the public health, safety, or general welfare of the community or detrimental to surrounding properties or improvements.” FMC, § 15-2512.

The proposed Development Permit contains no conditions to specifically address the air quality impacts of this Project. The measures included in the Project Specific Mitigation Monitoring Checklist to address air quality impacts include a requirement to comply with Air District regulations (III.1 & 4), a requirement to purchase emission reduction credits from the Air District if the project exceeds certain Air District thresholds (III.2), a requirement to use an off-road construction fleet that emits 20% fewer emissions than the statewide average (III.3), and for certain potential uses that could locate on the property, conduct an odor assessment (III.5).

A simple requirement of compliance with existing rules and regulations to date has failed to ensure compliance with Section 15-2512. Members of South Central Neighbors United and their

families have been exposed to unhealthy levels of dust from the construction activities occurring nearby at the site of the Amazon warehouse. The dust has triggered their allergies and asthmatic symptoms and covers their cars and homes on a daily basis despite their efforts to keep them clean. The generation of additional construction dust from this Project, along with the recently-approved Ulta Beauty warehouse, without further mitigation will exacerbate adverse public health impacts and impacts to property in the area.

Census Tract 6019001500 in which the Project is located is ranked 100th percentile for pollution burden under the California Communities Environmental Health Screening Tool, Version 3.0., including 98th percentile for Ozone, 97th percentile for PM 2.5, and 98th percentile for toxic release exposures. Exhibit C. The census tracts ranks 90th percentile for asthma emergency department visits. The residents living in this census tract in proximity to the Project Site are therefore among the most pollution burdened and vulnerable to the impacts of additional pollution burdens in the State of California.

Anecdotal evidence of health-related impacts of the census tract's severe pollution burden confirm residents' vulnerability to existing and further pollution in the area: almost every household in the community across the street from the Project Site, including households of members of South Central Neighbors United, have experienced cancer incidences and cancer-related deaths. SCNU members and their households also experience asthma, allergies and other chronic health conditions scientifically linked to air emissions exposures.

The mitigation measures proposed for this Project are simply inadequate to ensure that the Project will not "emit dust, fumes, smoke, or particulate matter adverse to the public health, safety, or general welfare of the community or detrimental to surrounding properties or improvements." FMC, § 15-2512.

3. The Project Is Not Consistent with The General Plan and The Roosevelt Community Plan

The Project fails to comply with various requirements contained in the General Plan and the Roosevelt Community Plan, and the Planning Commission cannot make the findings required in Section 15-2506(B).

a. Compatibility of Land Uses & Design & Traffic Standards

Several goals and policies in the City of Fresno's 2035 General Plan and in the Roosevelt Community Plan require that the City ensure compatibility among land uses when approving new development. These policies include but are not limited to the following:

Roosevelt Community Plan, Goal 1-13, "Ensure that new industrial development is compatible with adjacent land uses and is not aesthetically or environmentally detrimental."

Roosevelt Community Plan, Policy 1-13.1, "Industrial areas shall be designed such that industrial truck and vehicular traffic will not route through local residential streets."

Roosevelt Community Plan, Policy 1-13.2. Requiring the application of development standards for industrial development entitlements adjacent to properties zoned or planned for residential use, including a 20 feet wide landscaped setback of deciduous and evergreen trees (1-13.2(a)), the construction of a six and one-half inch masonry wall (1-13.2(b)), placing loading docks and areas on the sides of industrial manufacturing buildings that face away from, or are not less than 150 feet from, adjacent residential property (1-13.2(g)), and shielding of exterior lighting to prevent line of sight visibility of the light source from abutting property (1-13.2(e)).

General Plan Chapter 3, Policy D-4-f, "Strive to ensure that all new non-residential 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."

As discussed herein and in comments submitted on October 18, 2017 on the MND (Exhibit C), neither the Development Permit Application, the proposed Conditions of Approval, nor the Mitigated Negative Declaration and proposed mitigation measures ensure that the industrial complex, construction activities, and the vehicle traffic projected to result from this Project is "compatible" with or "complimentary" to adjacent land uses, including the homes across the street from the Project Site and the Orange Elementary School, that the Project is not "aesthetically or environmentally detrimental" as required by Roosevelt Community Plan, Goal 1-13 and General Plan Policy D-4-f.

Neither the MND nor the Development Permit Application specify the truck and car routes that will be used for this Project. However, the Property Development Standards Checklist states, "There are multiple points of access [to the Project Site] from East Central, South Orange, and South Cedar Avenues." p. 6. Vehicles accessing the Project Site from East Central Avenue would pass directly in front of the residential community located across the street from the Project Site. In addition, any vehicle accessing the Project Site from the Central Avenue Exit of Highway 41 or 99 would respectively pass directly in front of Daleville or the Flamingo Mobil Home Lodge. Such a vehicle routing scheme conflicts with Roosevelt Community Plan Goal 1-13 and General Plan Policy D-4-f requiring the City to ensure compatibility of new development with residential land uses, as well as Roosevelt Community Plan Policy 1-13.1.

Further, the Development Permit Application, the proposed Conditions of Approval, and the Mitigated Negative Declaration fail to include the required design features set forth in sub-sections (a), (b), (g) or (e) of Roosevelt Community Plan, Policy 1-13.2 to ensure compatibility between new industrial uses and existing residential uses.

b. Adequate Water Supply

The General Plan and the Roosevelt Community Plan include several policies that require the City to ensure that new development demonstrates an adequate supply of water. These policies included but are not limited to the following:

General Plan, RC-6-c Land Use and Development Compliance. "Ensure that land use and development projects adhere to the objective of the Fresno Metropolitan Water Resources Management Plan to provide sustainable and reliable water supplies to meet the demand of existing and future customers through 2025."

General Plan, PU-8-c Conditions of Approval. "Set appropriate conditions Conditions of Approval for each new development proposal to ensure that the necessary potable water production and supply facilities and water resources are in place prior to occupancy."

General Plan, PU-8-g Review Project Impact on Supply. "Mitigate the effect of development and capital improvement projects on the long-range water budget to ensure an adequate water supply for current and future uses."

Roosevelt Community Plan, Policy 4-3.1, "Require that a specific finding be made by the City Public Utilities Director and Fire Chief to document that an adequate supply of clean potable water can be provided to serve the domestic and fire suppression needs of each proposed development prior to approval of...special permits."

The Development Permit Application, Conditions of Approval, and Mitigated Negative Declaration fail to demonstrate that the Project complies with these policies.

First, neither the Application nor the MND provides any analysis of the potential water use of this Project. Without any analysis of the water impacts of this Project, which stand to be substantial given the size of the industrial park proposed, the Planning Commission has no way to find that this Project will ensure sustainable and reliant water supplies to supply existing and future customers - including residences located outside of existing City limits and within the City's Sphere of Influence - or that adequate water supplies for the Project have been obtained.

In addition, the Project materials, including comments provided by City Departments, do not include any "specific finding" by the City Public Utilities Director or the Fire Chief documenting that an adequate supply of clean potable water can be provided to serve the domestic and fire suppression needs of the proposed development, as required by Roosevelt Community Plan, 4-3.1. In fact, the comments provided by the Fire Department are provided by Byron Beagles, identified as "Fire Protection Engineer," and specifically state "NOT APPROVED" on each building diagram included with the comments. Likewise, comments provided by the Water Division of the Public Works Department were submitted by Robert Diaz, identified as "Senior Engineering Technician," through Michael Carbajal, "Planning Manager," and state only that the applicant will be required to provide water demand forecasts to determine the degree of improvements required. p. 2. The comments do not and cannot include the finding that an adequate supply of water may be provided, as the comments were not based on any information or forecasting about the Project's water usage.

The MND states that the Project "may be served by conventional groundwater pumping and distribution systems." p. 30. The MND acknowledges that, "The adverse groundwater conditions of limited supply and compromised quality have been well-documented by planning, environmental impact report, and technical studies over the past 20 years," and that these conditions include low water well yields and limited aquifer storage capacity and recharge capacity. p. 28. Declining water levels have dramatically adversely impacted members of South Central Neighbors United, and other residents living in the community across the street from the Project Site, in Daleville, on Bretton Avenue, and in other nearby residential areas, as numerous homes in these neighborhoods have run out of water in the last five to ten years as their wells have run dry. Many homes have relied on emergency connections to neighboring houses that have not yet run out of water and emergency pumps provided by non-profits like Self-Help Enterprises and the State.

The mitigation measures relating to water supply impact identified in the MND include only measures for the City to continue to develop and implement water conservation measures and to participate in the Kings Water Authority and Implementation of the Kings Basin IRWMP," (MM HYD-1 & 2, p. 24). The Project Specific Mitigation Monitoring Checklist includes no project-specific mitigation measures to address water supply impacts. These measures are clearly inadequate to ensure that water supplies are adequate for the Project in addition to residents reliant on well water in communities surrounding the Project Site are adequate for current and future uses. Without protection from clear mitigation measures, such as a commitment by the City of Fresno or the Project Applicant to connect residences to a stable source of water, predominately low-income residents will have no way to compete for groundwater with this large-scale industrial development.

**B. The Development Permit Application Does Not Satisfy Section 15-204(B),
Because It Does Not Show That the Project Will Comply With the Code**

FMC Section 15-5204(B) provides that a Development Permit application “shall be accompanied by a written narrative, operational statement, site plans, elevations, three-dimensional renderings, and other related materials necessary to show that the proposed development, alteration, or use of the site complies with all applicable provisions of this Code.” As explained above, neither the Application or the associated materials show that the proposed project complies with various provisions of the Code.

II. The Planning Commission May Not Consider The Development Permit At This Time, Because The District 3 Implementation Committee Has Not Reviewed or Provided Recommendations on the Application

Development Code Section 15-4906(D)(1) provides that City of Fresno District Implementation Committees “shall review and provide recommendations to the Planning Commission and City Council on every application for a Plan Amendment, Rezone, Tentative or Parcel Map, Conditional Use Permit, Development Permit, or Variance to develop property within the committee’s boundaries.” Underline added. In providing its review and recommendations, the Committee “shall consider every plan to which the development is subject.” § 15-4906(D)(1).

The Project location, 3751 South Cedar Avenue, falls within the District 3 Implementation Committee’s boundaries. Yet, the District 3 Committee has not met in over a year and has not reviewed or provided recommendations on the Development Permit application for this Project. The Planning Commission may not consider Development Permit Application No. D-16-109 unless and until the District 3 Implementation Committee reviews and provides recommendations on the application to the Planning Commission.

The City’s failure to provide the Development Permit Application to the District 3 Implementation Committee for review and recommendations also renders the application inconsistent with the “applicable standards and requirements” of the Code and ineligible for approval by the Planning Commission. Fresno Municipal Code § 15-5206(A).

III. Approval of Development Permit and EA No. D-16-109 Would Violate State and Federal Civil Rights and Fair Housing Laws

The census tract in which the Project Site is located is disproportionately comprised of people of color compared to Fresno as a whole. In this census tract, approximately 79% of the population identifies as non-white, including 72% who identify as Hispanic/Latino and 5% who identify as

Asian. Exhibit C. In the City of Fresno and County Fresno as a whole, 51.4% and 44.6% of residents respectively classify themselves within a racial group other than white.¹

As a result, if approved as proposed, this Project would fall disproportionately adversely impact racial and ethnic minorities and other protected groups and would deny use and enjoyment of housing and make housing unavailable based on a protected status in violation of state and federal civil rights laws, including but not limited to Government Code Sections 11135, 65008, 12955.

IV. The Mitigated Negative Declaration Fails to Satisfy CEQA

City Planning Staff advised us in written correspondence dated November 30th confirming that the December 20, 2017 Planning Commission hearing on the appeal of the approval of this Project would only include consideration of the Development Permit and that the MND would be considered only at a subsequent City Council hearing. Therefore, we incorporate herein comments submitted on October 18, 2017 on the MND attached hereto as Exhibit B and will submit further comments up through the City Council's consideration of the MND at a subsequent hearing.

* * * * *

Thank you for your consideration of these comments. If you have any questions or would like to find a time to discuss them, please contact me at my office at (559) 369-2786.

Sincerely,



Ashley Werner
Senior Attorney
Leadership Counsel for Justice & Accountability

Cc: Mayor Lee Brand
Fresno City Councilmember Oliver Baines
Jennifer Clark, Director, DARM
Phillip Siegrist, Planner II, DARM
Arsenio Mataka, Office of Attorney General Xavier Becerra

¹ 2010 United States Census, https://www.census.gov/2010census/popmap/ipmtext.php?fl=06:0627000,https://www2.census.gov/census_2010/01-Redistricting_File--PL_94-171/California/.

Exhibit A
Map of Area Surrounding Project Site



Exhibit B
Comments Submitted on October 18, 2017 on EA No.

Phillip Siergrist
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Sent Via Email

Re: Environmental Assessment & Development Permit Application No. D-16-109

Dear Mr. Siergrist:

Building Youth Tomorrow Today, Central Valley Air Quality Coalition, Central California Asthma Collaborative, Faith in Fresno, Fresno Building Healthy Communities, Friends of Calwa, Leadership Counsel for Justice and Accountability, The Voice of Including Communities Equitably, Saint Anthony Claret Church / Mision Rey, and Francisco Mendez hereby submit the following comments on draft Environmental Assessment No. D-16-109 (Mitigated Negative Declaration or "MND") and Development Permit Application No. D-16-109.

I. Commenters' Interest in the Project

Building Youth Tomorrow Today ("BYTT") is located at 930 Tulare Street, Fresno, CA and is a grassroots non-profit organization that provides training to potential youth leaders through a balance of programs and hands on opportunities surrounding education, professionalism, advocacy, and community development. BYTT has an interest in ensuring a safe and healthy environment for potential youth leaders and the community at large and therefore has an interest in this project.

Central Valley Air Quality Coalition is located at 4991 E. McKinley Ave. # 109, Fresno, CA and is a partnership of more than 70 organizations committed to improving public health in the San Joaquin Valley by developing and strengthening local, state and federal air quality policy. CVAQ seeks to ensure that this project takes advantage of available opportunities to prevent, reduce and mitigate air pollution impacts.

Central Valley Asthma Collaborative is focused on reducing the burden of chronic disease through education, direct services, building regional capacity and advocating for sensible policies that improve health through the prevention and management of chronic disease. Any failure to fully mitigate the on-site and off-site pollution from projects such as these pose a significant health risk to the surrounding community, employees and the regions fragile water and air quality and undermines our organization's goals.

Faith in Fresno works with residents across Fresno County, including families and member congregations in Southwest Fresno, Malaga, and Calwa, to address issues of environmental, racial, and economic justice. Faith in Fresno is located at 4147 E Dakota Avenue, Fresno CA.

Fresno Building Healthy Communities - located at 4991 E McKinley Ave Suite 107 Fresno, CA 93727 - is a coalition of community- and faith-based organizations, residents and young people representing more than 90,000 people living in South Fresno working to create One Healthy Fresno where all children and families can live healthy, safe, and productive lives. Fresno BHC is committed to improve and maintain a clean and healthful environment, especially for those who have traditionally lived, worked and played closest to sources of pollution and has a deep interest in ensuring that this project is compatible with community priorities and protects residents from harmful pollution while positively contributing to community health and development.

Friends of Calwa, located at 3980 E Jensen Ave Fresno, CA 93725, is an independent community based organization with the vision that all people, regardless of income level, cultural background or political persuasion, live in neighborhoods that nurture their development. Friends works to protect the health and environment of local communities from harmful industrial development and toxic pollution. We believe that all people, regardless of race, color, national origin or income, should be treated fairly and enjoy the same degree of protection from environmental and health hazards. Friends seeks to ensure that this project contributes to the health of the surrounding community and is a good neighbor in every aspect.

Leadership Counsel for Justice and Accountability is located at 764 P Street, Fresno CA and is a non-profit organization with a mission to work alongside residents of disadvantaged communities in the San Joaquin Valley and East Coachella Valley to advocate for sound policy and eradicate injustice to secure equal access to opportunity regardless of wealth, race, income and place. Leadership Counsel works alongside residents in neighborhoods in Southeast, Southwest and Downtown Fresno, Calwa, and other disadvantaged communities in the City and County of Fresno to advocate for access to basic infrastructure and services, safe and affordable housing, and a healthy environment in those neighborhoods and inclusive public process and therefore has an interest in this project.

Saint Anthony Claret Catholic Church is located at 2494 S. Chestnut, Fresno CA, and its mission parish, Mision de Cristo Rey, is located 3565 Calvin St. Malaga, CA 93725. The parish was founded in 1951 and is comprised of over 1,200 families, and is staffed Claretian Missionaries. With a prophetic voice, the parish serves the Lord in solidarity with those most in need in order to build structures of justice in our society. Mision de Cristo Rey is approximately a mile from the proposed project.

Francisco Mendez lives at 2566 South Habitat Avenue in the City of Fresno. Francisco Mendez has lived in Fresno for over 20 years and is an active advocate for the infrastructure and service, housing, and public health needs of the West Fresno community and for residents' right to participate in public decision-making processes. Mr. Mendez' children attended Orange Center Elementary School. Mr. Mendez has an interest in the Project on these bases.

The Voice of Including Communities Equitably (V.O.I.C.E.) is a faith and community based organization located at 1803 East California Avenue, Fresno, whose mission is to advocate for social and economic equity, justice, and inclusion through community engagement, development

Phillip Siergrist, DARM, City of Fresno

October 18, 2017

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of leaders and raising of the collective consciousness. VOICE seeks to ensure that this Project benefits the community and mitigates environmental impacts by creating economic development opportunities for local residents that will reduce vehicle miles travelled to and from the project.

II. THE MND FAILS TO SATISFY THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, BECAUSE IT FAILS TO ADEQUATELY ANALYZE AND MITIGATE THE PROJECTS' POTENTIALLY SIGNIFICANT IMPACTS

A. The City Must Prepare an EIR for the Project

CEQA requires the preparation of an environmental impact report ("EIR") where substantial evidence exists, in light of the whole record before the lead agency, that a project may have a significant effect on the environment. Pub. Res. Code § 21080d. CEQA sets a low threshold for the preparation of an EIR and an agency's "decision not to require an EIR can be upheld only if there is no credible evidence to the contrary." *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1316-17.

In light of the low threshold established by CEQA, this Project unquestionably requires an EIR given the large scale of this Project and the potential for significant impacts not analyzed or adequately mitigated in the MEIR. This Project proposes the construction of development of "an industrial business park with up to seven reinforced concrete buildings" which are proposed for heavy industrial use and will range in size from 124,200 to 1,000,000 square feet, with a total building square footage of up to 2,145,420. MND, p. 2. Project Application estimates that the Project will generate 6,260 daily vehicle trips.

The Fresno Development Code allows numerous land uses classified under the Development Code's Industrial; Agricultural and Extractive; Transportation, Communication, and Utilities; Public Utilities; and other categories by right (with no discretionary review) as well as additional land uses under these classifications allowed pursuant to a Conditional Use Permit. Development Code, Part II: Base and Overlay Districts, Table 15-1302: Land Use Regulations-Employment Districts, II:74-78. A few of the land uses permitted by right include Construction and Material Yards, General Industrial, Wholesaling and Distribution, Indoor Warehousing and Storage, Major Utilities, Freight/Truck Terminals and Warehouses, Agricultural Processing, and Stockyards. Thus, this Project will open the door for the initiation of a whole range of uses known result in significant environmental impacts with no further review under CEQA, public review, or discretionary permitting process. As explained below, this Project will give rise to significant environmental impacts including but not limited to air quality, aesthetics, odor, noise, greenhouse gas emissions, transportation, housing and population, among others, that were not fully analyzed or mitigated in the General Plan Master Environmental Impact Report ("MEIR") and that require thorough analysis and mitigation through an EIR at this time.

As further discussed below, this City must prepare an EIR for this Project, because it will result in environmental effects which will cause "substantial adverse effects on human beings, either directly or indirectly." Pub. Res. Code § 21083(a)(3). The Project is located across the street from several single-family houses; about half a mile from the Flamingo Mobil Home Lodge,

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which is identified as a Disadvantaged Unincorporated Community located in the City's Sphere of Influence by the City's General Plan (3-80); approximately one mile from Orange Center Elementary School; and within a mile of at least four other disadvantaged unincorporated communities, including Malaga. Construction of the proposed buildings and on-site and off-site activities associated with the operation of the heavy industrial land uses that will occupy the Project Site will result in significant environmental effects that will directly and adversely impact the health and quality of life of residents in the area and children that attend Orange Center Elementary School. For instance, the 6,260 vehicle trips that the Project Application anticipates will generate significant diesel emissions and other forms of pollution, noise, vibration, aesthetic, traffic, and other environmental effects which will dramatically impact residences across the street from the Project site and the Flamingo Mobil Home Lodge located on South Central Avenue next to the exit at Highway 99 that many of the trucks and other vehicles travelling to and from the Project will use. These and other adverse effects on human beings arising from the Project's environmental impacts require that the City prepare an EIR for this Project.

Furthermore, and as also explained below, the Project's impacts must be viewed as cumulatively considerable given the multiple sources of pollution and extreme environmental degradation already impacting the area surrounding the Project. Pub. Res. Code § 21083(b)(2); California Code of Regulations ("C.C.R.") § 15064(h). "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of future projects. Pub. Res. Code § 21083(a)(2). Given the significant scope of this project; the project's location in a census tract that ranks among the most polluted in the entire state due to its proximity to freeways, facilities that release toxic air contaminants, diesel pollution, hazardous waste sites, and other sources of pollution; the City's recent permitting of multiple large industrial projects near the Project Site; and the City's plans for future industrial expansion in the area, the Project's impacts are unquestionably cumulatively considerable and warrant the preparation of an EIR.

Therefore, if the City wishes to proceed with this Project, it must prepare an EIR under CEQA to fully ascertain the Project's potential significant impacts and consider and adopt adequate mitigation measures. Pub. Res. Code § 21080d; C.C.R. § 15064(a)(1).

B. The MND Fails to Analyze Potentially Significant Impacts of Future Projects

The MND fails to analyze several potentially significant impacts of future projects, including impacts on air quality and noise, on the basis that such analysis would be "speculative" given the range of land uses permitted in the Heavy Industrial Zone District. pp. 15, 37. As mentioned above, many of the land uses that may occur at this site are allowed "by right" in the Heavy Industrial Zone District and will not trigger environmental review under CEQA upon their proposal. The MND's lack of analysis of potentially significant project impacts, including impacts that will never receive further environmental review, and thorough consideration of feasible mitigation measures undermines the MND's essential function as an informational tool for the public, public agencies, and decision-makers to allow those parties to understand the environmental and human consequences of proposed projects. C.C.R. § 15121; *Laurel Heights Improvement v. Regents of Univ. of Cal.* (1994) 6 Cal.4th 112, 1123 (*Laurel Heights II*). The

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MND's analysis and discussion of its proposed mitigation does not satisfy CEQA and must be revised.

In addition, the MND's failure to analyze the impacts of the land uses that will occur on the project site constitutes impermissible "piecemeal" review. CEQA prohibits the City from conducting a "piecemeal" review of this Project. *Laurel Heights II*. An EIR must include an analysis of the environment effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects." *Id.*

Here, the heavy industrial land use in the concrete buildings proposed in the MND is explicitly anticipated by and included in the Project description ("Development Permit Application No D-16-109 proposes the development of an industrial business park with up to seven reinforced concrete buildings. The buildings are proposed for heavy industrial use and will range in size from 124,200 square feet to 1,000,000 square feet."). MND, p.1. These future land uses will be significant in that they will change the scope and effect of the environmental effects analyzed in the MND. Thus, the City must prepare an EIR which fully analyzes the air quality, noise, and other potential environmental impacts of the heavy industrial land uses which may occur on the project site.

C. The MND Fails to Analyze the Project's Cumulatively Significant Impacts

The MND includes no analysis of the Project's cumulative environmental impacts other than a few conclusory statements that the Project has no such impacts. MND, pp. 22, 50, 51. The census tract in which the Project Site is located – Census Tract 6019001500 – ranks in the 99.99th percentile under CalEnviroScreen 3.0 for total pollution burden compared to all census tracts in California and ranks as the 5th most pollution burdened census tract of more than 8,000 census tracts in the State.¹ The census tract ranks in the 99th percentile for drinking water contamination, hazardous waste, and solid waste, the 98th percentile for ozone and toxic releases, and the 97th percentile for PM 2.5 exposure. CES Spreadsheet. Residents in the census tract demonstrate heightened vulnerability to pollution exposure, ranking in the 92nd percentile for cardiovascular disease and 89.5th percentile for asthma. Neither the MND nor the MEIR analyzes – let alone even acknowledges – the cumulative environmental impacts associated with the extreme existing environmental burden in the Project area and corresponding adverse impacts on human beings.

In addition, neither the MND nor the MEIR include any analysis of the cumulative impacts of this Project in general or on directly impacted residences, the Orange Center Elementary School and other sensitive uses in the area in light of significant projects approved in 2017 in close proximity to the Project Site. These recently approved projects include but are not limited to the Amazon Fulfillment Center located at the corner of Orange Avenue and Central Avenue, adjacent to the Project Site, which includes an 855,000 foot warehouse on 20 acres of land that

¹ Data for Census Tract 6019001500 included in the "Microsoft Excel Spreadsheet" ("CES Spreadsheet") available for download on the Office of Environmental Health Hazard's website at <https://oehha.ca.gov/calenviroscreen/maps-data/download-data>.

will house up to 2,500 employees, and the Ulta Beauty warehouse at the corner of Central Avenue and East Avenue, about one mile from the Project Site, which will occupy a 670,500-square feet and house up to 1,000 employees.² These projects will both generate thousands of truck and car trips per day along Central Avenue and other roads that abut residences and other sensitive uses and which will contribute to numerous cumulatively significant environmental effects, including impacts on air quality, greenhouse gas emissions, transportation, noise, aesthetics, and other factors, with substantial adverse effects on human beings.

Further, neither the MND nor the MEIR includes analysis of the Project's cumulative impacts in light of planned future industrial development in the area by the City. Mayor Lee Brand has announced a goal of attracting an influx of industrial business to the "industrial triangle" bounded by Highway 99, Highway 41, and Central Avenue, where this Project is located, by offering infrastructure, tax, and other incentives to prospective businesses. See Timothy Sheehan, Fresno Bee, "Amazon bringing 1500-plus jobs to Fresno with planned warehouse," dated June 2, 2017.

The City must prepare and circulate for public comment an EIR that fully considers the cumulative environmental impacts of the Project in consideration of existing environmental conditions, past and present projects, and probable future development in the area.

D. The MND Does Not Adequately Analyze and Mitigate the Project's Potentially Significant Effects on Aesthetics

The MND incorrectly concludes that the Project will have a less than significant analysis on the visual character of the area, based solely on assertion that the "proposed project would add to the overall character of the area." In evaluating environmental impacts, "[a]ll answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts." CEQA Guidelines, Appendix G.

This Project will clearly have significant adverse on-site and off-site aesthetic impacts considering the Project as whole. According to the Operational Statement provided in the Project Application, the Project will generate approximately 6,260 vehicle trips per day and operate 24 hours per day, seven days per week. East Central Avenue is a primary truck route serving facilities along East Central Avenue and the surrounding area. Thousands of daily truck and car trips generated by the project will be visible to residents who live across the street from the Project Site and in the Flamingo Mobil Home Lodge, which is located on Central Avenue at the exit for Highway 99. Families, teachers, and administrators travelling to and from Orange Center Elementary School may also be expected to be visually impacted by the truck and vehicle traffic generated by the Project. No wall, vegetative or other visual barrier exists between the residences opposite to Project Site and the Project Site or between Flamingo Mobil Home Lodge and East Central Avenue.

² See Timothy Sheehan, Fresno Bee, "Amazon bringing 1500-plus jobs to Fresno with planned warehouse," dated June 2, 2017, <http://www.fresnobee.com/news/local/article153979624.html>; Timothy Sheehan, Fresno Bee, "It's Official: Ulta bringing part of its billion-dollar business to Fresno," dated March 10, 2017.

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In addition, the EIR's statement that the Project "will not create a substantial light or glare", because staff will "ensure that lights are located in areas that will minimize light sources to the neighboring properties" is unsupported. The City's assertion that staff will require sighting of lights in location to minimize light pollution to neighboring properties does not mean that the effects of those light sources on the properties will not be significant. In fact, the evidence indicates that light impacts of the Project on neighboring properties will be significant. The Project requires lighting for more than two million square feet of buildings, 1842 parking space, and 110 acres. Project Application, Environmental Assessment Application. The Project will require constant day and night lighting, since it will operate 24 hours a day, seven days a week. The Project Application includes no apparent information about the height of the buildings proposed, but the City of Fresno Development Code allows buildings constructed within an industrial zone district to measure up to 50 feet in height – significantly higher than the single family residential in the Project vicinity. Thus, light from the Project's potential upper levels may be expected to be visible to and adversely impact surrounding residential properties.

Neither the MND nor the MEIR analyzes or provides adequate mitigation for the aesthetic impacts discussed herein. The City must prepare and circulate for public review an EIR that discloses, analyzes, and proposes adequate mitigation for the Project's potentially significant visual impacts on nearby residences, the Orange Center Elementary School, and other uses. The EIR must also consider how the Project contributes to cumulative impacts of the Amazon Fulfillment Center, Ulta Beauty warehouse and other past, present, and future development which generates on-site and off-site visual impacts.

Feasible mitigation measures that an EIR should consider include, among others, planting and maintenance of drought-resistant trees and shrubbery and the installation of physical barriers and other forms of screening between residences and the Project Site and along East Central Avenue which could adequately shield truck traffic and Project operations from view. All mitigation measures should be identified and selected in consultation with and under the advisement of impacted residents.

D. The MND Fails to Analyze and Adopt Available Mitigation Measures For the Project's Significant Impacts on Agricultural Resources

The MND acknowledges that the Project Site is designated as Prime Farmland, that the MEIR acknowledges that the conversion of Prime Farmland anticipated by the General Plan "is a significant impact on agricultural resources," and that despite the implementation of mitigation measures included in the General Plan, "project and cumulative impacts on agricultural resources will remain significant." MND, pp. 9-10. Yet, in direct contradiction to these acknowledgements, the MND states that the conversion of the Project Site's Prime Farmland to industrial land uses will constitute a less than significant impact on agricultural resources. p. 8. The fact that the property is not currently under cultivation by the Project Applicant does not lessen the impact of the conversion of Prime Agricultural land on the Project Site or make qualify the impact as "less than significant."

In addition, the MND fails to acknowledge or analyze the effect of the Fresno City Council's March 2016 elimination of the requirement contained in General Plan Policy RC-9-c, Farmland

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Preservation Program, that the City implement a policy to require developers to preserve farmland on a one to one acre basis whenever a project would result in the conversion of Prime Farmland. The MEIR included Policy RC-9-c as a feasible mitigation measure in response to the projected conversion of thousands of acres of Prime Farmland and other agricultural resources under the General Plan. In revising Policy RC-9-c, the City did not conduct an environmental review of this policy change pursuant to CEQA or amend the MEIR to account for the elimination of the mitigation measure.

Thus, changed circumstances resulting from the City's amendment of policies identified in the MEIR as mitigation for significant impacts on agricultural resources makes it inappropriate for the City to rely on the MEIR for its analysis now. The City must conduct an EIR which acknowledges that the Project will result in a Significant Impact to agricultural resources and identify and adopt all feasible mitigation measures, including but not limited to one for one agricultural land preservation, to reduce the impact.

E. The MND Fails to Include Any Information or Analysis of the Project's Potential Hydrology and Water Quality Impacts

The MND indicates that the Project will result in no significant hydrology or water quality impacts, including no significant impacts to groundwater supplies, drainage, runoff, water contamination, among other impacts. Yet, the MND provides no information whatsoever about the amount of water the Project may be expected to use, potential contaminants resulting from the Project that may impact groundwater quality, amount of runoff that may be expected, and other critical information that is necessary to reach a determination that the Project's impacts will be less than significant.

The Heavy Industrial land uses which may occupy the Project Site include water intensive land uses as well as land uses that involve the transport, storage or applications of chemicals, animal by products, and other materials that may result in groundwater contamination through spillage, site cleaning procedures, or other activities. For instance, the Heavy Industrial Zone District allows land uses falling within the "General Industrial" classification by right (i.e., with no discretionary permit or environmental review requirement). The Development Code defines the "General Industrial" classification as follows:

Manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes operations such as food and beverage processing (excluding animal food manufacturing); production apparel manufacturing; photographic processing plants; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; primary metal manufacturing; fabricated metal product manufacturing; and automotive and heavy equipment manufacturing. (Development Code, Part IV-14³)

³ The Development Code is available on the City of Fresno's website at the following link: <https://www.fresno.gov/darm/general-plan-development-code/#tab-02>

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These activities involve processes dependent on chemicals and intensive water usage: For example, paper manufacturing often involves the use of bleach or other chemicals⁴ and food processing uses water as an ingredient, for cleaning and sanitation, for steaming, heating and refrigeration.⁵ The MND includes no analysis of the potential water-related impacts that may result from the operation of Heavy Industrial Land Uses due to the Project nor does the MND site to any page in the MEIR that includes the appropriate analysis.

The MND also fails to include any discussion, analysis, or mitigation of construction-related impacts of the Project on water quality. Water usage on construction sites may include but is not limited to dust suppression; commissioning and testing of building plant and services; wet trades, such as concreting or plastering; groundworks, including grouting and drilling; among other impacts.⁶

The MND states that “the applicant will be required to comply with all requirements of the City of Fresno Department of Public Utilities, Water Division that will reduce the project’s water impacts to less than significant.” p. 30. Such a conclusory analysis undermines the intent and purpose of CEQA to inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities and to identify the ways that environmental damage can be avoided or significantly reduced. In fact, if such a conclusory level of review were permissible under CEQA, it would render the environmental review process irrelevant, since a jurisdiction could simply state that the Project would be subject to the jurisdiction’s existing laws and policies with no further analysis.

The City must prepare and circulate for public review an EIR that fully considers the individual and cumulative hydrology and water impacts of the Project.

D. The MND Fails to Adequately Analyze and Mitigate the Project’s Significant Impact on Air Quality and Greenhouse Gas Emissions

The MND includes only a cursory review of the potential air quality and greenhouse gas emissions impacts of the Project. The review includes no information or analysis of levels of emissions associated with the Project or the impact of these emissions on sensitive receptors in the Project vicinity, including residences adjacent to the Project, Flamingo Mobil Home Lodge, Orange Center Elementary School, Malaga, and other disadvantaged unincorporated communities within one mile of the Project site. The review also fails to include any analysis of the cumulative impacts of the Project on the surrounding area and sensitive populations, considering the significant industrial projects already existing in the area and currently under development and proposed future development, as well as the extreme pollution burden documented for the census tract in which the project is located. The MND acknowledges that “it

⁴ See Pratima Bajpai, Basic Overview of Pulp and Paper Manufacturing Process, abstract available at https://link.springer.com/chapter/10.1007/978-3-319-18744-0_2

⁵ See EUFIC, “Use of Water in Food Production,” available at <http://www.eufic.org/en/food-production/article/use-of-water-in-food-production>; New Food, “Assuring Water Quality in Food Production,” available at <https://www.newfoodmagazine.com/article/7026/ensuring-water-quality-in-food-processing/>

⁶ See “Water: An Action Plan for Reducing Water Usage on Construction Sites,” Carmen Waylen, et al, available at <http://www.greenconstructionboard.org/otherdocs/SCTG09-WaterActionPlanFinalCopy.pdf>

is likely that the total concentrations of pollutants and contaminants generated by the individual development projects will exceed the thresholds during project construction and operation,” but deems any specific analysis “speculative” because of the numerous types of industrial uses that may occur at the Project Site and concludes that the impacts will be less than significant due to City and Air District regulations. Again, the City cannot defensibly claim that the Project impacts are less than significant simply due to the existence of regulations after acknowledging in its analysis that the impacts will in fact be significant and cannot avoid completing a required analyses which includes assessment of cumulative impacts.

II. THE CITY MUST COMPLY WITH DEVELOPMENT CODE REQUIREMENTS FOR THE ISSUANCE OF THE DEVELOPMENT PERMIT AND SHOULD PROVIDE FOR THE GREATEST PUBLIC PROCESS AVAILABLE [REVISE]

A. The District 3 Implementation Committee Must Consider and Provide Recommendations On The Project Before the City Makes a Determination on the Development Permit

Development Code Section 15-4906(D)(1) provides that City of Fresno District Implementation Committees “shall review and provide recommendations to the Planning Commission and Council on every application for a Plan Amendment, Rezone, Tentative or Parcel Map, Conditional Use Permit, Development Permit, or Variance to develop property within the committees’ boundaries.” Underline added. In providing its review and recommendations, the Committee “shall consider every plan to which the development is subject.” § 15-4906(D)(1).

The Project location, 3751 South Cedar Avenue, falls within the District 3 Implementation Committee’s boundaries. Yet, the District 3 Committee has not met in over a year and has not reviewed or provided recommendations on the Development Permit application for this Project. The Committee must do so before the City makes a determination on the Development Application.

B. The Director Should Refer the Project to the Planning Commission for Consideration & Hearing Pursuant to Code Section 15-204

Development Code Section 15-5204 grants the Director authority to refer applications for a Development Permit directly to the Planning Commission when “the public interest would be better served by having the Planning Commission conduct the Development Permit review.” In the event of a referral of a Development Permit application to the Planning Commission, the Planning Commission shall hold a public hearing prior to making its decision.

The signatories to these comments request the Director to refer this Development Permit application to the Planning Commission. The extensive scope of the Project, which includes up to 2,145,420 square feet of building development proposed for Heavy Industrial Use on 110.8 acres of land and anticipated 6,260 daily vehicle trips, makes a unilateral director decision with no public hearing inappropriate. As documented above, this Project has the potential to result in significant individual and cumulative impacts on the environment and public health in an area that ranks among the most burdened by pollution in the entire state. In the interest of

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transparency and accountability, the public must have the opportunity to provide input on this Project to appointed or elected decision-makers in a public forum and to witness their decision-makers' vote on the Project. The public interest would undoubtedly be better served by the referral of the Development Permit application to the Planning Commission.

The area surrounding the Project Site has a disproportionate share of residents of color compared to the City as a whole. Failure to refer the Project to the Planning Commission would deny residents most impacted by the Project an opportunity to provide input to their appointed and elected decision-makers prior to the City's determination on Development Permit and may result in a disparate negative impact on protected classes based on race, country of origin, and other protected factors in violation of state and federal civil rights and fair housing laws. Government Code §§ 12955(l) (unlawful to discriminate through public or private land use practices, decisions or authorizations); 65008; 11135.

Should the Director choose to make a determination on the Development Permit and MND notwithstanding our request for referral of this Project to the Planning Commission, we hereby request that the City immediately provide us with notice of the decision so that we may exercise our right to file an appeal should we or other members of the public deem it warranted. We request that the City provide us with notice via email to Ashley Werner at awerner@leadershipcounsel.org and make the decision available to the general public by, at a minimum, posting the decision on DARM's webpage for pending projects.

III. The MND's Failure to Adequately Analyze and Mitigation the Project's Environmental Impacts Threatens to Violate Civil Rights and Fair Housing Laws

As discussed in Section II(B) above, the area surrounding the Project site is disproportionately comprised of people of color compared to the City as a whole.⁷ See CalEnviroScreen 3.0 Census Tract 6019001500. In addition, the residents in the area surrounding the Project site disproportionately speak a language other than English and are immigrants. Thus, failure by the City to correct deficiencies in its analysis and mitigation of this Project threatens to impose disproportionate negative impacts based on race, country of origin, and other protected classes and would violate state and federal civil rights and fair housing laws. 42 U.S.C. § 3601; Cal. Gov. Code § 11135, 1290, 65008. As the City has released approved significant industrial projects with limited to no environmental review and mitigation, including the Amazon and Ulta Beauty distribution centers, we are troubled by what appears to be a pattern and practice of the City of Fresno to fail to adequately assess and mitigate the impacts of projects that disproportionately impact protected classes.

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⁷21% of residents in Census Tract 601900500 are white compared to 52% in the City of Fresno as a whole. See California Communities Environmental Health Screening Tool: CalEnviroScreen 3.0 ("CES") data for Census Tract 601900500 by entering the Project address, 3751 South Cedar Avenue, Fresno at the Office of Environmental Health Hazard's CES webpage at <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30>; American Community Survey, 2015.

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Thank you for your consideration of our comments. We reiterate our request that the City immediately notify us via email at awerner@leadershipcounsel.org of any decision relating to this Project, including but not limited to the Development Permit Application or Environmental Assessment D-16-109. Please contact Ashley Werner of Leadership Counsel for Justice and Accountability at (559) 369-2790 or via email at awerner@leadershipcounsel.org if you would like to set up a time to discuss these comments in person.

Sincerely,

Ashley Werner
Leadership Counsel for Justice and Accountability

Sandra Celedon Castro
Building Healthy Communities

Thomas Weiler
Faith in Fresno

Dolores Weller
Central Valley Air Quality Coalition

Beau Reynolds
VOICE

Francisco Mendez
Southwest Fresno resident

Tanisha Sorrell
Building Youth Tomorrow Today

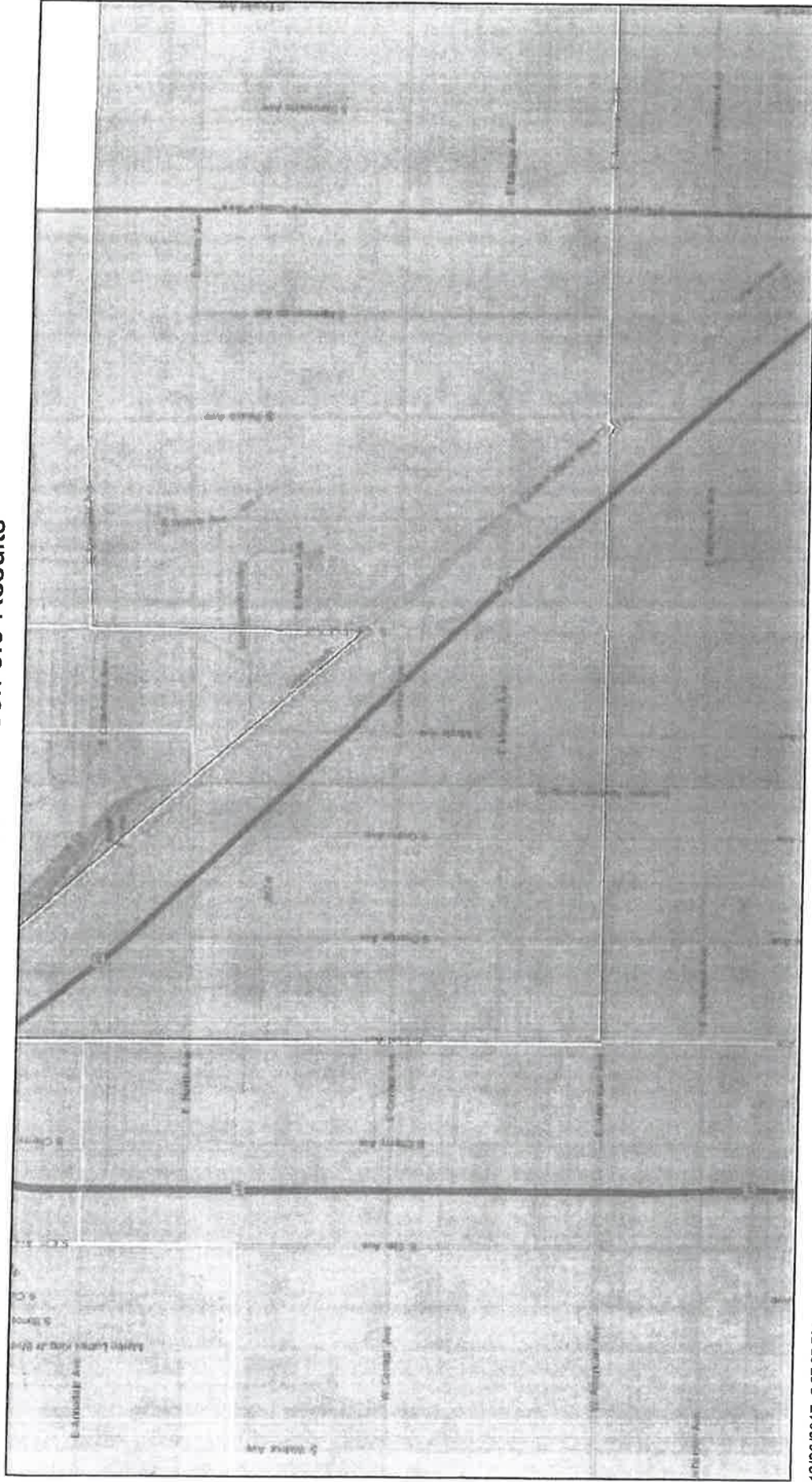
Laura Moreno
Friends of Calwa

Kevin Hamilton
Central Valley Asthma Collaborative

St. Anthony Claret Church/Mision
Rey

Exhibit C
California Communities Environmental Health Screening
Tool, Version 3.0, Map of Census Tract 6019001500

CalEnviroScreen 3.0 Results

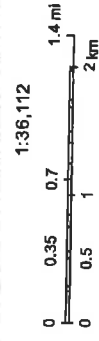


12/20/2017, 3:27:25 PM

CalEnviroScreen 3.0 Results

71 - 80%

91 - 100% (Highest Scores)



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS

Web AppBuilder for ArcGIS
Bureau of Land Management, Esri, HERE, DeLorme, Intermap, increment P, USGS, METNUSA, EPA, USDA | DEHA |



Find address or place



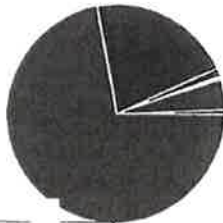
	93
<u>Ozone:</u>	98
<u>PM 2.5:</u>	97
<u>Diesel:</u>	58
<u>Pesticides:</u>	95
<u>Toxic Releases:</u>	98
<u>Traffic:</u>	24
<u>Drinking Water:</u>	99
<u>Cleanups:</u>	97
<u>Groundwater Threats:</u>	92
<u>Hazardous Waste:</u>	100
<u>Impaired Water:</u>	0
<u>Solid Waste:</u>	100
<u>Asthma:</u>	90
<u>Low Birth Weight:</u>	39
<u>Cardiovascular Rate:</u>	92
<u>Education:</u>	91
<u>Linguistic Isolation:</u>	74
<u>Poverty:</u>	90
<u>Unemployment:</u>	94
<u>Housing Burden:</u>	84

Information about age

This tract contains 15% Children under 10. The average in California census tracts is 13%. It also contains 13% Elderly over 65.

Race/Ethnicity & Age Profiles

Hover your mouse over the pie chart to see the race/ethnicity characteristics of this census tract. Click on the arrow next to the



Hispanic
(%):
72

2

Zoom

E Jefferson Ave



0.4mi

Find address or place

Census Tract: 6019001500

Population: 2,206
CalEnviroScreen 3.0 Percentile: 96 - 100%

Pollution Burden Percentile: 100

Population Characteristics
Percentile: 93

Ozone: 98
PM 2.5: 97
Diesel: 58
Pesticides: 95
Toxic Releases: 98
Traffic: 24
Drinking Water: 99
Cleanups: 97
Groundwater Threats: 92
Hazardous Waste: 100
Impaired Water: 0
Solid Waste: 100

Asthma: 90
Low Birth Weight: 39
Cardiovascular Rate: 92
Education: 91
Linguistic Isolation: 74
Poverty: 90
Unemployment: 94
Housing Burden: 84

Information about age

This tract contains 15% Children under 10. The average in California census tracts is 13%. It also contains 13% Elderly over 65.

Race/Ethnicity & Age Profiles

Hover your mouse over the pie chart to see the race/ethnicity characteristics of this census tract. Click on the arrow next to the Zoom to



0.4mi



DATE: April 24, 2017 **REVISED June 26, 2017**

TO: Phillip Siegrist
Development and Resource Management Department

FROM: Jairo Mata, Engineer II
Public Works Department, Traffic and Engineering Services Division

SUBJECT: Conditions of Approval for **D-16-109**

ADDRESS: **3571 South Cedar Avenue**

APN: **330-021-55, 16, 02, 30, 29T, 18T, 09, 57, & 56T**

ATTENTION:			
The items below require a separate process with additional fees and timelines, in addition to the CUP/SPR permit process. Submit the following items prior to building permits.			
X	Maintenance Agreement / CFD	Ann Lillie	Public Works Department (559) 621-8690 ann.lillie@fresno.gov
X	Deed (up to 2 month processing time) Deed documents for the required dedications must conform to the format specified by the city and shall be prepared by the applicant's engineer. Pay the deed document processing and recordation fee at the time of deed submittal with verification of ownership prior to the issuance of building permits.	Jeff Beck	Public Works Department (559) 621-8560 jeff.beck@fresno.gov
X	Vacation (4 month processing time) A feasibility study for all proposed vacations of existing public right of way is required prior to building permits.	Jason Camit	Public Works Department (559) 621-8681 Jason.Camit@fresno.gov
X	A Cross Access Agreement is required. A Lot Merger or Lot Line Adjustment is required, for the proposed structure over a parcel line prior to building permits or submit a revised exhibit confining the proposed development within existing parcel lines.	Phillip Siegrist	Planning and Resource Management Department (559) 621-8061 phillip.siegrist@fresno.gov
X	A signed GAD stamped approved is required prior to next submittal by Public Works for Cedar Ave.	Jairo Mata	Public Works Department (559) 621-8714 Jairo.Mata@fresno.gov

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.

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 accessibility regulations.

Underground all existing off-site overhead utilities within the limits of this site/map as per FMC Section 15-4114.

South Cedar Avenue: Industrial Arterial

1. Dedication and Vacation Requirements
 - a. If not existing dedicate **34'-44'** of property, from centerline, for public street purposes, within the limits of this application. **Establish the centerline per the approved GAD for the modified County Precise Plan No. 57. Resubmit "after" GAD is signed and stamped approved by Public Works.**
 - b. Dedicate a corner cut for public street purposes at the intersection of Cedar and Central Avenues.
 - c. Vacate excess right of way to accommodate the **34'** right of way from street centerline.
2. Construction Requirements:
 - a. Construct **20'** of permanent paving per Public Works Standard **P-50**, within the limits of this application and transition paving as necessary.
 - b. Site Plan approval of a street type approach **P-76** is a tentative approval until such time that a qualified Civil Engineer prepares street plans that provide the sufficient cross drainage approved by the City Engineer in accordance with Public Works Standard **P-10**. If grades are not sufficient, construct to Public Works Standards **P-2** and **P-6**.
 - c. Provide a **12'** visibility triangle at all driveways, per Fresno Municipal Code (FMC) 15-2018B.
 - d. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. **The curb shall be constructed to an 8' commercial pattern (6' sidewalk-2' clear to right of way line).**
 - e. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-7** for Arterials.
 - f. Construct standard curb ramps per Public Works Standard **P-30** and **P-32**, based on a **30'** radius.

East Central Avenue: Industrial Arterial

1. Dedication Requirements
 - a. Dedicate **66'-74'** of property, from the Fresno Irrigation District (FID) easement, for public street purposes, within the limits of this application, per Public Works Standard **P-55** and **P-69**. **Midblock= 66' ; 10' pattern - 7' bike -13' thru -12' two way left-13' thru -7' bike - 4' pattern**
2. Construction Requirements:
 - a. Construct **20'** of permanent paving per Public Works Standard **P-50**, within the limits of this application and transition paving as necessary.
 - b. Site Plan approval of a street type approach **P-76** is a tentative approval until such time that a qualified Civil Engineer prepares street plans that provide the sufficient cross drainage approved by the City Engineer in accordance with

Public Works Standard **P-10**. If grades are not sufficient, construct to Public Works Standards **P-2** and **P-6**.

- c. Provide a **12'** visibility triangle at all driveways, per Fresno Municipal Code (FMC) 15-2018B.
- d. **North Side: Construct concrete curb, gutter and sidewalk to Public Works Standard P-5. The curb shall be constructed to a 10' commercial pattern.**
Construct **4' x 6'** tree wells per Public Works Standard **P-8**. Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, Section 26-2.11(C).
- e. **South Side: Construct concrete curb and gutter to Public Works Standard P-5. The curb shall be constructed to a 4' pattern.**
- f. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-7** for Arterials.
- g. Construct an **80'** bus bay curb and gutter at the northwest corner of Cedar and Central Avenues to Public Works Standard **P-73**, complete with a **10'** monolithic sidewalk.

South Orange Avenue: Collector

1. Dedication and / or Vacation Requirements
 - a. Dedicate **42'-44'** of property, from centerline, for public street purposes, within the limits of this application, per modified Public Works Standard **P-54**. Centerline shall be established per County Precise Plan No. 72.
 - b. Dedicate a corner cut for public street purposes at the intersection of Orange and Central.
 - c. Vacate **5'** of right of way adjacent to this application as shown on **Exhibit A-1**.
2. Construction Requirements:
 - a. Construct **20'** of permanent paving per Public Works Standard **P-50**, within the limits of this application and transition paving as necessary.
 - b. Site Plan approval of a street type approach **P-76** is a tentative approval until such time that a qualified Civil Engineer prepares street plans that provide the sufficient cross drainage approved by the City Engineer in accordance with Public Works Standard **P-10**. If grades are not sufficient, construct to Public Works Standards **P-2** and **P-6**.
 - c. Provide a **12'** visibility triangle at all driveways, per Fresno Municipal Code (FMC) 15-2018B.
 - d. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. **The curb shall be constructed to an 8' commercial pattern (6' sidewalk-2' clear to right of way line).**
 - e. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-8** for Collectors.
 - f. Construct a standard curb ramp per Public Works Standard **P-30** and **P-32**, based on a **30'** radius.
 - g. Construct an **80'** bus bay curb and gutter at the northeast corner of Orange and Central Avenues to Public Works Standard **P-73**, complete with an **8'** monolithic sidewalk.

Prior to obtaining a certificate of occupancy, obtain the City Engineer's approval for the required street construction plans. Construct all improvements in accordance with the City of Fresno, Public Works Department Standard Drawings and Specifications. The

performance of any work within the public street right of way (including pedestrian and utility easements) requires a **STREET WORK PERMIT prior** to commencement of work. When preparing Street Plans and/or Traffic Control Plans, contact (Randy Schrey) at (559) 621-8807, **10 working days** in advance, to make sure that sidewalks or an approved accessible path remain open during construction. Submit construction plans for all required work, in a single package, to the City of Fresno's, Traffic and Engineering Services Division. The City Engineer shall determine if utility poles, streetlights, etc. require relocation. Dedication(s) shall be sufficient to accommodate utility relocations, additional paving and any other grading or transitions as necessary based on a **45 MPH** design speed for Collectors and **55 MPH** for Arterials.

Contact Underground Services Alert (USA) at 811, two working days before commencing excavation operations within the street right of way and/or utility easement to locate all underground facilities.

A person licensed to practice Land Surveying in the State of California is required to preserve or reset all survey monuments within the area of construction.

PRIVATE IMPROVEMENT REQUIREMENTS

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. Install **30"** state standard "STOP" sign(s) at location(s) shown. Signs shall be mounted on a **2"** galvanized post with the bottom of the lowest sign **7'** above ground, located behind curb and immediately behind a major street sidewalk.
3. Provide parking space needs, circulation, access, directional signs (e.g. "Entrance," "Exit," "Right Turn Only," "One Way" signs, etc.) as noted on all **Exhibits**.

Private Irrigation / Canal Requirements: All piping shall be located outside of the proposed street right of way. Any piping across city streets shall be rubber gasketed reinforced concrete pipe (RGRCP) constructed perpendicular to the street. Submit engineered plans to Public Works Department, Engineering Division for review and approval. **Identify the proposed easement or cross section on the site plan.**

Traffic Signal Mitigation Impact (TSMI) Fee: This project shall pay all applicable TSMI Fees **at the time of building permit**. Contact the Public Works Department, Frank Saburit at (559)621-8797. The fees are based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual.

Trip Generation: **Additional conditions of approval may be required. See Jill Gormley's Traffic Impact Study comments for TIS 17-005.**

TSMI fee is credited against traffic signal and Intelligent Transportation System (ITS) improvements, provided that the improvements are; constructed at ultimate locations, contained within the build out of the 2025 General Plan circulation element and are included in the latest Nexus Analysis for TSMI fee. Project specific impacts that are not consistent with the *2025 General Plan*, *Public Works Standard Drawings* or not incorporated in the TSMI fee infrastructure costs, are not reimbursable unless the City Engineer and City Traffic Engineer include the new traffic signal and/or ITS improvements in the next update; upon the inclusion of the added infrastructure, the applicant shall agree to pay the newly 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 Engineer's estimate, the costs associated with the improvements, prior to paying the TSMI fee at time of building permit.

TSMI Requirements:

1. Orange Avenue: Collector: Install a signal pole with a 150-watt equivalent LED safety light and an oversize street sign to Public Works Standards at the northeast corner of Orange Avenue and Central Avenue.
2. Central Avenue: Arterial: Install a signal pole with a 150-watt equivalent LED safety light and an oversize street sign to Public Works Standards at the northwest corner of Central Avenue and Cedar Avenue.

Fresno Major Street Impact (FMSI) Fees: This entitlement is in the **New Growth Area**; therefore pay all applicable growth area fees and citywide regional street impact fees. Contact the Public Works Department, Frank Saburit at (559) 621-8797.

FMSI Requirements:

CONSTRUCT FMSI REQUIREMENTS PRIOR TO OCCUPANCY.

South Cedar Avenue: Industrial Arterial

1. Dedicate and construct northbound: (1) 13' travel lane and (1) 5' shoulder; southbound: (1) 13' travel land and (1) 5' shoulder; and a 2-way left turn lane **within the limits of this application**. Provide details of said street on the approved street plans. If not existing, an additional 8' dedication is required beyond the edge of pavement. Stripe 200' left turn pockets at all major intersections. Dedication shall be sufficient to accommodate arterial standard and any other grading or transitions as necessary based on a **55 MPH** design speed.

East Central Avenue: Industrial Arterial

1. Dedicate and construct eastbound: (1) 13' travel lane and (1) 5' shoulder; westbound: (1) 13' travel lane and (1) 5' shoulder; and a 2-way left turn lane **within the limits of this application**. Provide details of said street on the approved street plans. If not existing, an additional 8' dedication is required beyond the edge of pavement. Stripe 200' left turn pockets at all major intersections. Dedication shall be sufficient to accommodate arterial standard and any other grading or transitions as necessary based on a **55 MPH** design speed.

South Orange Avenue: Collector

1. If not existing dedicate and construct northbound: (1) 13' travel lane and (1) 5' shoulder; southbound: (1) 13' travel lane and (1) 5' shoulder; and a 2-way left turn lane **within the limits of this application**. If not existing, an additional 8' dedication is required beyond the edge of pavement. Stripe 200' left turn pockets at all major intersections. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a **45 MPH** design speed.

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

Prior to resubmitting a corrected exhibit, provide the following information on the site plan:

A. General Requirements

1. **Property Lines, Easements and Vacations:** Accurately show, identify and dimension.
2. **Scope of work:** All items shall be listed as existing or proposed.

B. Offsite Information:

1. **Adjacent Streets:** Identify and provide the name.
2. **Section and Center Lines:** Accurately show and identify.
3. **Street Improvements and Furniture:** Accurately show and identify existing and proposed curb, gutter, sidewalks (provide width), driveway approaches (provide width), accessibility ramps (provide radius), street lights (specify if wood or metal pole), traffic signals, utility poles, boxes, guy wires, signs, fire hydrants, tree wells, irrigation stand pipes, etc.
4. **Accessibility:** Identify the required 4' minimum path of travel along the public sidewalk adjacent to property, as required by the California Administration Code (Title 24). A pedestrian easement may be required if Title 24 requirements cannot be met.
5. **Canals:** Identify adjacent canals and provide a proposed cross section complete with dimensions on the site plan.

C. Onsite Information:

1. **Buildings:** Identify and label all buildings as existing, proposed or to be removed. Provide square footage.
2. **Access:** Provide pedestrian, vehicular, and service access. Identify in the operational statement the maximum size of vehicle to enter and exit the site. Provide turning templates on the site plan for all large vehicles.
 - a. Identify a **12'** visibility triangle at all driveways and points of egress into public right of way, per Fresno Municipal Code (FMC) 15-2018B.
3. **Driveways and Alleys:** Provide a **12'** visibility triangle at all driveways, per Fresno Municipal Code (FMC) 15-2018B.
4. **Parking Lot:**
 - a. **Stalls:** Provide length and width. Identify the **3'** vehicular overhang adjacent to continuous curbing. No obstructions shall be within the **3'** overhang. Provide the number that are required, provided, employee, and designated for accessible parking stalls.
 - b. **Wheel Stops:** 6" high
 - c. **Walkways:** provide width adjacent to parking stalls 7' min.
 - d. **Lighting:** not to be within the 3' vehicular overhang
 - e. **Planters:** provide planter dimensions and radii
 - f. **Paving:** per Public Works Standards **P-21,P-22, P-23**

Questions relative to these conditions may be directed to Jairo Mata at 559 621-8714 Jairo.Mata@fresno.gov , in the Public Works Department, Traffic and Engineering Services Division.

**CITY OF FRESNO - DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
REQUEST FOR COMMENTS, CONDITIONS, ENVIRONMENTAL ASSESSMENT,
AND ENTITLEMENT APPLICATION REVIEW OF
DEVELOPMENT PERMIT APPLICATION NO. D-16-109**

Building & Safety Services

Return Completed Form to:

Phillip Siegrist, Development Services/Planning

Email: Phillip.Siegrist@fresno.gov and

Joann.Zuniga@fresno.gov

Development and Resource Management

2600 Fresno Street, Third Floor

Fresno CA 93721-3604

PROJECT DESCRIPTION AND LOCATION:

Development Permit Application No. D-16-109 was filed by Ken Vang of Precision Civil Engineering, on behalf of Richard Caglia of Caglia Environmental, and pertains to ± 110.81 acres of property located on the northwest corner of East Central and South Cedar Avenues. The applicant proposes development of an industrial business park with up to 7 reinforced concrete buildings. The buildings are proposed for heavy industrial use and will range in size from 124,200 square feet to 1,000,000 square feet, with the total building square footage at $\pm 2,069,820$. The property is zoned IH/UGM (*Heavy Industrial/Urban Growth Management*).

APNs: 330-021-02, 09, 10, 16, 18T, 30, 55 ZONING: IH/UGM

SITE ADDRESS: 3571 South Cedar Avenue

DATE ROUTED: April 3, 2017

COMMENT DEADLINE: April 21, 2017

WILL THIS PROJECT AFFECT YOUR AGENCY/JURISDICTION? (If yes, specify.)

SUGGESTION(S) TO REDUCE IMPACTS/ADDRESS CONCERNS:

- 1) Demo permit for existing structures.
- 2) Separate grading application
- 3) Plans/permits req'd provide 60' side yards/R for unlimited area.

REQUIRED CONDITIONS OF APPROVAL:

IS ANY ADDITIONAL INFORMATION NEEDED FOR YOU TO COMPLETE YOUR REVIEW? (Be specific):

REVIEWED BY:


Name and Title

8556
Telephone Number

4/14/17
Date



County of Fresno

DEPARTMENT OF PUBLIC HEALTH

David Pomaville, Director
Dr. Ken Bird, Health Officer

April 10, 2017

Phillip Siegrist
Development & Resource Management
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

LU0018916
2602

Dear Mr. Siegrist:

PROJECT NUMBER: D-16-109

Development Permit Application No. D-16-109 was filed by Ken Vang of Precision Civil Engineering, on behalf of Richard Caglia of Caglia Environmental, and pertains to ± 110.81 acres of property located on the northwest corner of East Central and South Cedar Avenues. The applicant proposes development of an industrial business park with up to 7 reinforced concrete buildings. The buildings are proposed for heavy industrial use and will range in size from 124,200 square feet to 1,000,000 square feet, with the total building square footage at $\pm 2,069,820$. The property is zoned IH/UGM (*Heavy Industrial/Urban Growth Management*).

APNs: 330-021-02, 09, 10, 16, 18T, 30, 55 ZONING: IH/UGM SITE ADDRESS: 3571 South Cedar Avenue

Comments/Concerns:

Since specific tenants for this application have not been identified, the full range of IH zoning 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 for Future Tenants:

- If the tenant(s) propose to use and/or store hazardous materials and/or hazardous wastes, they shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 (<https://www.fresnocupa.com/> or <http://cers.calepa.ca.gov/>). Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
- The proposed construction and retail/industrial project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.
- 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.

Promotion, preservation and protection of the community's health

1221 Fulton Mall / P. O. Box 11867, Fresno, CA 93775

(559) 600-3271 • FAX (559) 600-7629

The County of Fresno is an Equal Opportunity Employer

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Health, Environmental Health Division, for review and approval. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.

- Should a food facility be proposed, prior to operation, the applicant(s) shall apply for and obtain a permit to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Consumer Food Protection Program at (559) 600-3357 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.
- The applicant, or any tenant leasing space, should be advised that construction and operating permits may be required by the State of California, Department of Health Services for wholesale food manufacturing. Contact the staff at the Division of Food and Drug at (559) 445-5323 for more information.
- 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.

REVIEWED BY:

Kevin Tsuda, R.E.H.S.
Environmental Health Specialist II

(559) 600-3271

kt

cc: Rogers, Moreno, Sandoval, Sauls & Chugg- Environmental Health Division (CT. 15.00)
Richard Caglia- Owner (richard@caglia.com)
Ken Vang- Applicant (kvang@precisioneng.net)



DATE: October 24, 2017

TO: Phillip Siegrist, Development Services/Planning
Development and Resource Management Department

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

SUBJECT: PUBLIC WORKS CONDITIONS OF DEVELOPMENT PERMIT
APPLICATION NO. 2016-109 FOR MAINTENANCE
REQUIREMENTS

LOCATION: 3571 South Cedar Avenue
APN: 330-021-55, 16, 02, 30, 29T, 18T, 09, 57, & 56T

The Public Works Department, Traffic and Engineering Services Division, has completed its review and the following requirements are to be placed on this development as a condition of approval. These requirements are based on City of Fresno code, policy, standards and the public improvements depicted on the Exhibits submitted for this development.

ATTENTION:			
The item (s) below requires a separate process with additional costs and timelines. In order to avoid delays with the approval of this development, the following item (s) shall be submitted and accepted for processing to the Public Works Department prior to Building Permit approval.			
X	CFD Annexation Request Package	Ann Lillie	(559) 621-8690 ann.lillie@fresno.gov
X	Private Maintenance Covenant	Ann Lillie	(559) 621-8690 ann.lillie@fresno.gov

Time-lines for processing the CFD Annexation and the private maintenance covenants require three to four months and **SHALL** be completed prior to occupancy for this development. Delays to this development will occur if the maintenance requirements are not satisfied.

All applicable construction plans for this development shall be submitted to the appropriate City Department for review and approval **prior** to the CFD process.

- a. Landscape and Irrigation Plans are required to be approved prior to the finalization of the CFD process and the approval of the final map.
- b. **Proposed park amenities shall be reviewed and approved by the Building & Safety Services Division or as approved in writing by the City Engineer at time of submittal for the CFD process and prior to final map approval.**
- c. **Other non-standard requests will require written approval by the City Engineer and/or his designee.**

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 and shall require a revision of this letter.

Any change affecting the items in these conditions shall require a revision of this letter.

1. The Property Owner's Maintenance Requirements

The long term maintenance and operating costs, including repair and replacement, of certain required public improvements ("Services") associated with all new Commercial, Industrial and Multi-Family developments are the ultimate responsibility of the Property Owner. The property owner shall provide Services either by a mechanism approved by the Public Works Department or by annexing to the City of Fresno's Community Facilities District No. 9 ("CFD No. 9").

The following public improvements are eligible for Services by CFD No. 9 as associated with this development:

- All landscaped areas, trees and irrigation systems, as approved by the Public Works Department, within the median islands (1/2 if frontage is only on one side) in the public street rights-of-way. **(Major Public Streets)**
- Concrete curbs and gutters, valley gutters, sidewalks, curb ramps, traffic calming, and median island maintenance band and capping, and street name signage and street lights within and adjacent to **Major Public Streets**.
- The Property Owner shall be responsible for providing maintenance services for all landscaping, irrigation systems, hardscaping or other features located outside of the City street rights-of-way; this shall **include all landscaping and irrigation systems within the sidewalk patterns fronting all public streets of this development and are not eligible for inclusion on CFD No. 9.**

2. The Property Owner may choose to do one or both of the following:

- a. The Property Owner may petition the City of Fresno to request annexation to CFD No. 9 by completing and submitting an Annexation Request Package to the Public Works Department, Traffic and Engineering Services Division for review and approval. The Annexation Request Form is available, along with current costs, on-line at the City's website at <http://www.fresno.gov>, under the Public Works Department, Developer Doorway.
 - **Proceedings to annex territory to CFD No. 9 SHALL NOT commence** unless the territory being developed is within the City limits and all construction plans (this includes Street, Street Light, Signal, Landscape and Irrigation plans, and any other plans needed to complete the process) and the development plans are considered technically correct.
 - The annexation process will be put on **HOLD** and the developer notified if all of the requirements for processing are not in compliance. **Technically Correct shall mean that the facilities and quantities to be maintained by CFD No. 9 are not subject to change after acceptance for processing.**

- Public improvements not listed above will require written approval by the Public Works Department Director or his designee.
- b. The Property Owner may provide for Services privately for the above maintenance requirements. All City maintenance requirements not included for annexation to CFD No. 9 for Services **SHALL** be included in some other City approved mechanism for the required Services associated with this development. Contact the Planner in the Development and Resource Management Department for more details.

For questions regarding these conditions please contact me at (559) 621-8690
or ann.lillie@fresno.gov



**DEPARTMENT OF PUBLIC UTILITIES
MEMORANDUM**

DATE: May 2, 2017

TO: PHILLIP SIEGRIST, Planner II
Planning and Development Department

FROM: KEVIN GRAY, Supervising Engineering Technician
Department of Public Utilities, Planning and Engineering

SUBJECT: SEWER REQUIREMENTS FOR DEVELOPMENT PERMIT
APPLICATION D-16-109

General

Development Permit Application No. D-16-109 was filed by Kevin Vang of Precision Civil Engineering, on behalf of Richard Caglia of Caglia Environmental, and pertains to ± 110.81 acres of property located on the northwest corner of East Central and South Cedar Avenues; Address 3571 South Cedar Avenue, APNs: 330-021-02, 09, 10, 16, 18T, 30, 55. The applicant proposes development of an industrial business park with up to 7 reinforced concrete buildings. The buildings are proposed for heavy industrial use and will range in size from 124,200 square feet to 1,000,000 square feet, with the total building square footage at $\pm 2,069,820$. The property is zoned IH/UGM (Heavy Industrial/Urban Growth Management).

Sewer Requirements

The nearest sanitary sewer main to serve the proposed project is a 36-inch sewer main located in East Central Avenue. Sanitary sewer facilities are available to provide service to the site subject to the following requirements:

1. Construct a 15-inch sanitary sewer main (including sewer house branches to adjacent properties) in S. Cedar Avenue from the existing 36-inch main located in E. Central Avenue for 1400-feet from the intersection of E. Central and S. Cedar Avenues.
2. Construct a 12-inch sanitary sewer main (including sewer house branches to adjacent properties) in S. Cedar Avenue from the proposed 15-inch main located in S. Cedar Avenue to the parcel associated with APN(330-021-16)'s north property line.



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SEWER REQUIREMENTS FOR DEVELOPMENT PERMIT APPLICATION D-16-109
Page 2 of 3

3. Construct a 15-inch sanitary sewer main (including sewer house branches to adjacent properties) in S. Orange Avenue from the existing 36-inch main located in E. Central Avenue for 1400-feet from the intersection of E. Central and S. Orange Avenues.
4. Construct a 12-inch sanitary sewer main (including sewer house branches to adjacent properties) in S. Orange Avenue from the proposed 15-inch main located in S. Orange Avenue to the parcel associated with APN(330-021-55)'s north property line.
5. Installation of sewer house branch(s) shall be required.
6. On-site sanitary sewer facilities shall be private.
7. Abandon any existing on-site private septic systems.
8. A cross access agreement is required for sewer service(s) crossing parcels
9. All underground utilities shall be installed prior to permanent street paving.
10. Street easements and/or deeds shall be recorded prior to approval of improvement plans.
11. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed additions to the City Sewer System.
12. All public sanitary sewer facilities shall be constructed in accordance with City Standards, specifications, and policies.
13. The Project Developer shall contact Wastewater Management Division/Environmental Services at (559) 621-5100 prior to pulling building permits regarding conditions of service for special users.

Sanitary Sewer Fees

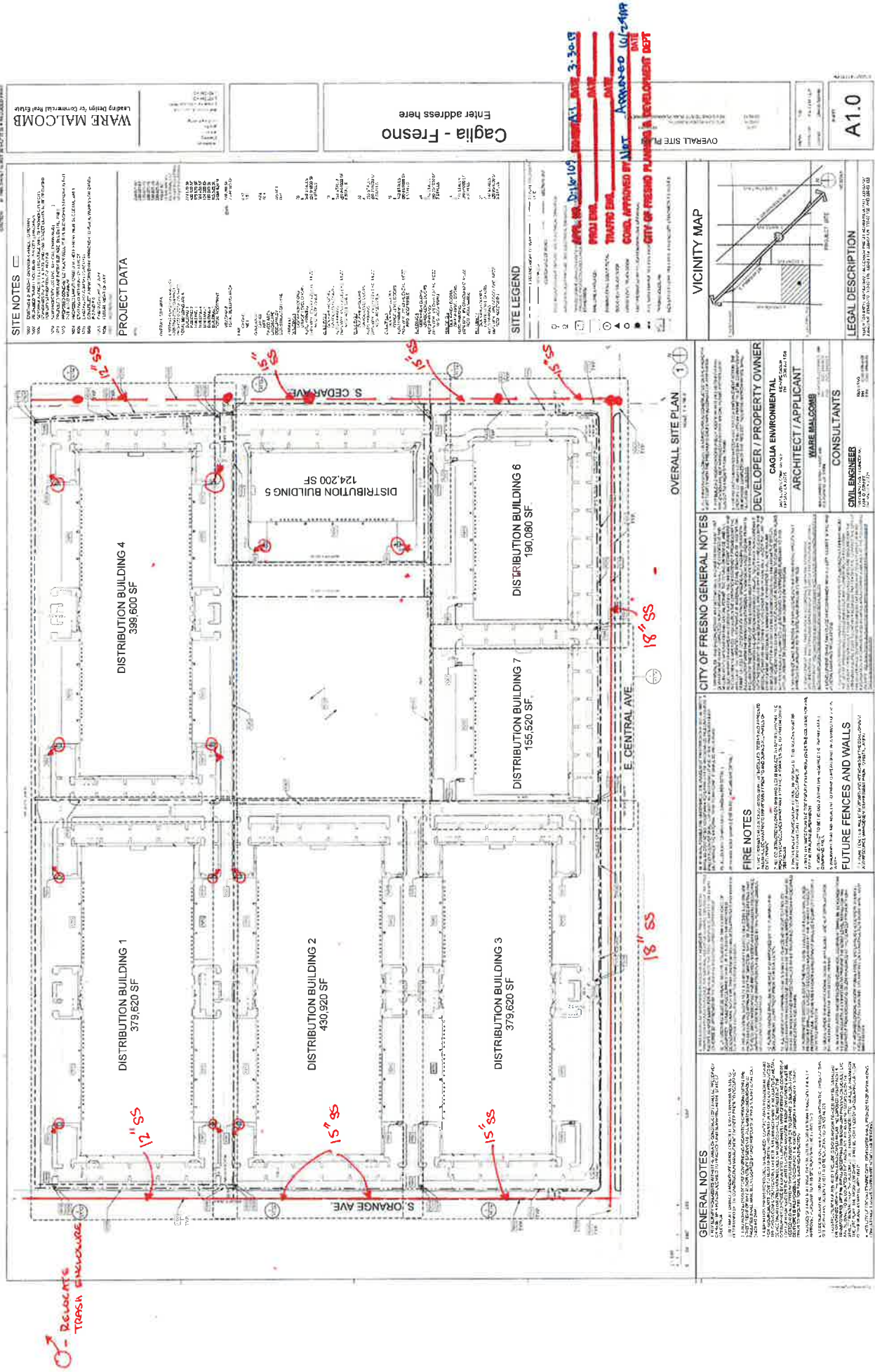
The following Sewer Connection Charges are due and shall be paid for the Project:

1. Sewer Lateral Charge.
2. Sewer Oversize Charge.

MEMORANDUM
PHILLIP SIEGRIST, Planner II
Planning and Development Department
May 2, 2017

SEWER REQUIREMENTS FOR DEVELOPMENT PERMIT APPLICATION D-16-109
Page 3 of 3

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 Sections 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 monthly basis over time based on metered (water or sewer effluent) usage. The developer may contact the Department of Public Utilities/Wastewater-Environmental Control at (559) 621-5153 to receive an estimated cost of the Sewer Facility Charges applicable to the project (based on a constant sewer discharge and loading (Biochemical Oxygen Demand [BOD] and Total Suspended Solids [TSS] levels anticipated) at the current rates in effect, at that time, per Fresno's Master Fee Resolution. The developer shall provide data regarding estimated sewer discharge rates [flow] and loading [BOD/TSS levels] required for calculating the estimated charges.





**DEPARTMENT OF PUBLIC UTILITIES
MEMORANDUM**

DATE: May 3, 2017

TO: PHILLIP SIEGRIST, Planner II
Planning and Development Department

FROM: KEVIN GRAY, Supervising Engineering Technician
Department of Public Utilities, Planning and Engineering

SUBJECT: SOLID WASTE REQUIREMENTS FOR DEVELOPMENT PERMIT
APPLICATION D-16-109

General

Development Permit Application No. D-16-109 was filed by Kevin Vang of Precision Civil Engineering, on behalf of Richard Caglia of Caglia Environmental, and pertains to ± 110.81 acres of property located on the northwest corner of East Central and South Cedar Avenues; Address 3571 South Cedar Avenue, APNs: 330-021-02, 09, 10, 16, 18T, 30, 55. The applicant proposes development of an industrial business park with up to 7 reinforced concrete buildings. The buildings are proposed for heavy industrial use and will range in size from 124,200 square feet to 1,000,000 square feet, with the total building square footage at $\pm 2,069,820$. The property is zoned IH/UGM (Heavy Industrial/Urban Growth Management).

Solid Waste Requirements

This location is serviced by Commercial Solid Waste Franchisee. For service information, please contact Mid Valley Disposal at 559-237-9425

Suggestions to Reduce Impacts/Address Concerns

1. Enclosure not shown to current standard.
2. Provide drive up access when possible.
3. Backing limit of 45' for solid waste vehicle.
4. Minimum width of 18' for truck path.
5. Minimum overhead clearance of 16'.



A Nationally Accredited Public Utility Agency

MEMORANDUM
PHILLIP SIEGRIST, Planner II
Planning and Development Department
May 2, 2017

SEWER REQUIREMENTS FOR DEVELOPMENT PERMIT APPLICATION D-16-109
Page 2 of 2

6. Enclosure shall be constructed on a level surface.
7. The enclosure shall be level with the adjoining roadway (with no ramps, slopes, etc.).

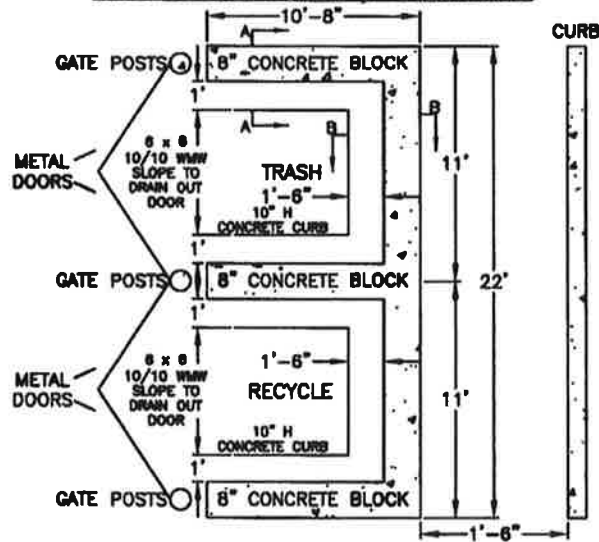
Recommended Conditions of Approval

1. Enclosure shall be built in accordance with current City of Fresno Standards P-33 and P-34.
2. 2-cell trash enclosure required.
3. Relocate enclosure as shown on the site plan.
4. There is a conflict with location of trash enclosure and depressed loading dock regarding solid waste truck access.
5. Provide turn around for solid waste vehicle (noted on plans).
6. Current City of Fresno Standards P-33 and P-34 attached.

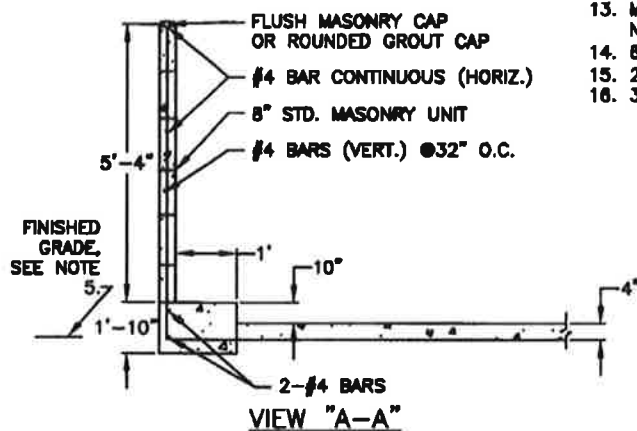
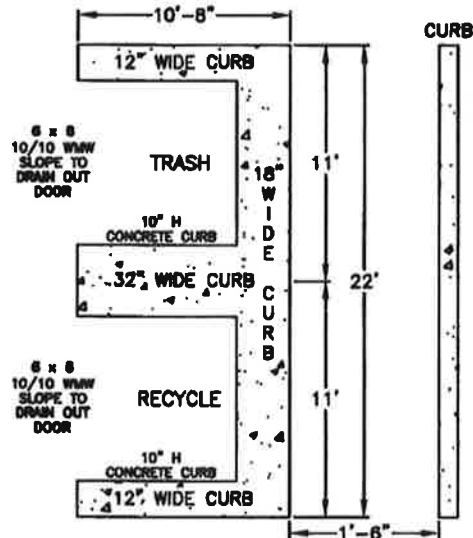
Additional Information

1. Revise plans to show location of trash enclosure and resubmit for approval.
2. Need answers to questions stated above.
3. Make sure developer/contractor receives copy of current City of Fresno Standards P-33 and P-34.

ENCLOSURE SCALE / STANDARD

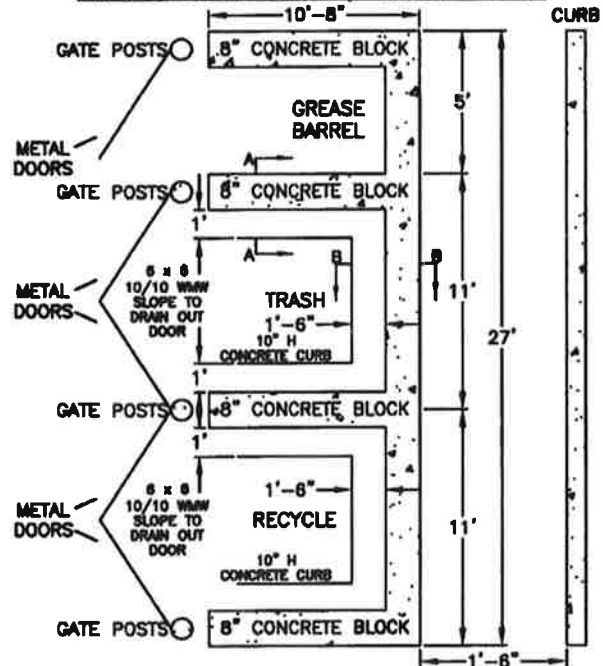


ENCLOSURE SCALE/ CURB ONLY ZONES-M1,M2,M3, & CM ONLY



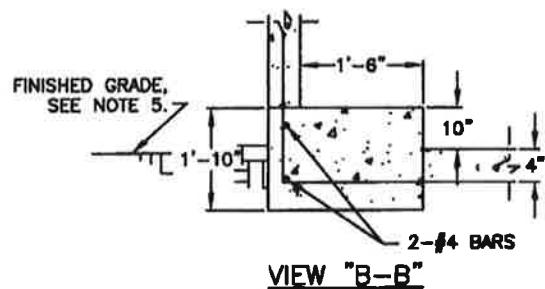
TYPICAL SECTION W/ CONCRETE BLOCK WALL

ENCLOSURE SCALE / RESTAURANT



NOTES:

1. ALL CONSTRUCTION SHALL COMPLY WITH THE FRESNO MUNICIPAL CODE.
2. GROUT ALL CELLS.
3. ALL MASONRY UNITS SHALL COMPLY WITH THE LATEST ADOPTED CALIFORNIA BUILDING CODE AND U.B.C. STANDARD 24-4 GRADE N.
4. ALL MASONRY WALLS SHALL BE INSPECTED BY THE CITY OF FRESNO DEVELOPMENT DEPARTMENT.
5. DEPTH OF FOOTINGS ARE INTO NATURAL UNDISTURBED SOIL OR TESTED AND APPROVED COMPACTED FILL.
6. ALL MASONRY UNITS SHALL BE MINIMUM F'M-1500 PSI.
7. REINFORCING STEEL SHALL BE DEFORMED BAR, MIN. GRADE 40.
8. FOOTING CONCRETE SHALL BE A MINIMUM 2000 PSI AT 28 DAYS.
9. MORTAR SHALL BE TYPE-S (MINIMUM 1800 PSI AT 28 DAYS).
ONE (1) PART CEMENT, TYPE-1
ONE-HALF (1/2) PART LIME PUTTY OR HYDRATED LIME.
FOUR AND ONE-HALF (4 1/2) PARTS SAND (MAXIMUM).
10. GROUT SHALL BE A MINIMUM 2000 PSI AT 28 DAYS.
ONE (1) PART CEMENT.
THREE (3) PARTS SAND.
TWO (2) PARTS PEA GRAVEL.
11. FINISH PAD ELEVATION TO BE FLUSH WITH GRADE AT ACCESS PAVEMENT.
12. ANY GATE HINGES SHOULD BE LOCATED ON THE OUTSIDE.
13. METAL DOORS ARE REQUIRED ON ALL ENCLOSURES, CHAIN LINK IS NOT ACCEPTABLE.
14. 8" CONCRETE BLOCK TO BE USED FOR WALLS.
15. 2 CELLS ARE REQUIRED FOR COMMERCIAL/INDUSTRIAL BUILDINGS.
16. 3 CELLS ARE REQUIRED FOR RESTAURANTS.



VIEW "B-B"

TYPICAL REFUSE CONTAINER ENCLOSURE DETAILS

REF. & REV.
AUG., 2010

CITY OF FRESNO

P-33

GENERAL NOTES:

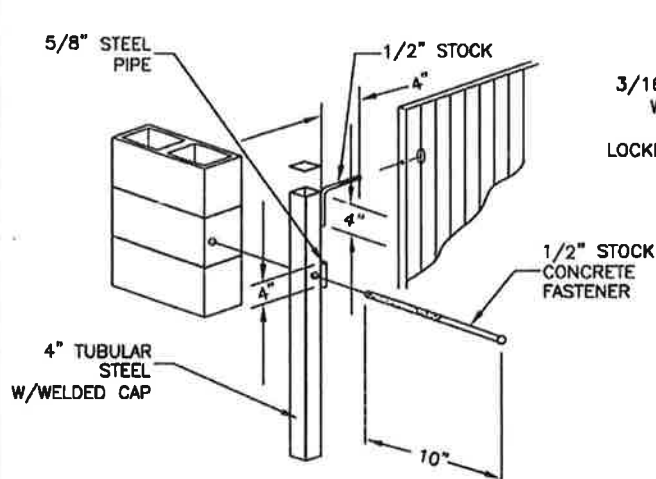
1. ALL SITE PLANS SHALL HAVE THE SIGNATURE APPROVAL OF A SOLID WASTE MANAGEMENT DIVISION REPRESENTATIVE.
2. CONTAINERS USED AT ALL PLACES SHALL BE PLACED FOR COLLECTION AT SERVICE LOCATIONS APPROVED BY THE PUBLIC UTILITIES DIRECTOR, OR HIS/HER DESIGNEE, BUT SHALL NOT BE STORED IN THE PUBLIC RIGHT-OF-WAY.
3. THE DESIGN OF ANY NEW, SUBSTANTIALLY REMODELED, OR EXPANDED BUILDING OR OTHER FACILITY SHALL PROVIDE FOR PROPER STORAGE OR HANDLING WHICH WILL ACCOMMODATE THE SOLID WASTE LOADING ANTICIPATED AND WHICH WILL ALLOW FOR SAFE AND EFFICIENT WASTE REMOVAL.
4. THE PUBLIC UTILITIES DIRECTOR, OR HIS/HER DESIGNEE, SHALL PLAN WITH THE PROPERTY OWNER AND/OR THEIR REPRESENTATIVE AS TO PLACEMENT OF STORAGE CONTAINERS TO MINIMIZE TRAFFIC, AESTHETIC AND OTHER PROBLEMS BOTH ON THE PROPERTY, AND FOR THE GENERAL PUBLIC.
5. BELOW IS A CHECKLIST OF REQUIREMENTS REVIEWED FOR A SITE PLAN:
 - a. REFUSE, RECYCLABLES, AND GREASE BARRELS SHALL BE STORED FOR LATER REMOVAL FROM THE PREMISES IN AN AREA THAT IS SCREENED FROM VIEW OF THE PUBLIC STREETS BY A CITY OF FRESNO, PUBLIC UTILITIES APPROVED STANDARD ENCLOSURE (REFER TO P-33, P-34, AND P-95 FOR DETAILS). APPROVED STANDARD ENCLOSURES ARE TO BE BUILT USING EIGHT INCH (8") CONCRETE BLOCK AT A HEIGHT OF SIX FEET (6').
 - b. ENCLOSURES BUILT IN (INDUSTRIAL ZONES) M-1, M-2, M-3, AND CM ZONES REQUIRING DIRECTOR APPROVAL, OR HIS/HER DESIGNEE, MAY ELIMINATE WALLS AS LONG AS IT IS NOT VISIBLE FROM A MAIN STREET. FOR THIS DESIGN, THE CURBING WILL BE TWELVE INCHES (12") WIDE ON BOTH SIDES, EIGHTEEN INCHES (18") DEEP ALONG THE REAR WITH A THIRTY-TWO INCH (32") WIDE CURB SEPARATING THE TWO CELLS. CURBING MUST BE REINFORCED WITH REBAR AT A HEIGHT OF TEN INCHES (10"). ALL ENCLOSURES SHALL BE A MINIMUM OF EIGHTEEN INCHES (18") FROM THE NEAREST CURB. ALL OTHER PUBLIC WORKS DESIGN REQUIREMENTS SHALL BE MET DURING REVIEW.
 - c. THE APPROVED STANDARD ENCLOSURE HAS BEEN DESIGNED TO ACCOMMODATE ALL SIZES OF CONTAINERS TO HANDLE THE ACCUMULATION OF WASTE AND RECYCLABLES GENERATE BETWEEN COLLECTIONS. A STORAGE AREA WITH INNER DIMENSIONS TEN FEET (10') BY TEN FEET (10') IS THE MINIMUM. THERE SHALL BE CURBING TWELVE INCHES (12") FROM SIDE WALLS AND EIGHTEEN INCHES (18") FROM REAR WALL AND AT A HEIGHT OF TEN INCHES (10"). THESE FEATURES ARE INCLUDED IN ORDER TO REDUCE THE POSSIBILITY OF DAMAGE TO THE ENCLOSURE ITSELF.
 - d. SERVICE ACCESS TO ENCLOSURE SHALL BE A MINIMUM UNENCUMBERED OPENING OF EIGHT FEET (8'). THE GATE TO BE USED SHALL BE BUILT OF METAL, CHAIN LINK IS NOT ACCEPTABLE, SO THAT BINS CANNOT BE SEEN WHEN GATES ARE CLOSED AND SHALL BE MOUNTED ON THE OUTER SURFACE OF ENCLOSURE AS TO NOT PROTRUDE INTO SERVICE ACCESS OPENING. HARDWARE LATCHES SHOULD BE A HEAVY GAUGE LOCKING GATE LATCH. TWO GATES ARE REQUIRED ON EACH CELL WITH THE EXCEPTION OF THE GREASE BARREL CELL.
 - e. THE FLOOR OR BOTTOM SURFACE OF THE COLLECTION AREA SHALL BE MADE OF CONCRETE, (SLOPED) ONE PERCENT (1%) TO THE FRONT, AND THERE SHALL NOT BE ANY DRAINAGE GUTTER IN FRONT OF ENTRANCE. THE UNENCUMBERED OPENING OF EIGHT FEET (8') REFERENCED IN D. ABOVE SHALL BE A LEVEL SURFACE. THE FLOOR SHALL NOT SLOPE TO THE BACK OR SIDES OF THE ENCLOSURE TO ALLOW DRAINAGE TO THE REAR OF THE AREA OR CAUSE ANY STANDING WATER WITHIN THE ENCLOSURE. IT SHALL BE CONSTRUCTED SO THE COLLECTION VEHICLE CAN DRIVE DIRECTLY INTO THE POCKETS OF THE CONTAINERS WITHOUT ANY OBSTRUCTIONS.
 - f. INGRESS AND EGRESS SHALL HAVE AN UNOBSTRUCTED OVERHEAD CLEARANCE OF SIXTEEN FEET (16') AND SHALL NOT BE LESS THAN EIGHTEEN FEET (18') WIDE AND CAPABLE OF ACCOMMODATING A TRUCK WITH A TWO HUNDRED FIFTY INCH (250") WHEELBASE, A FORTY-FOUR FOOT (44') (CENTER LINE) TURNING RADIUS AND A SUPPORT WEIGHT OF THIRTY-FIVE (35) TONS. AREA SHALL BE UNOBSTRUCTED AND SO CONFIGURED THAT A TRUCK WILL BE ABLE TO MAKE A ROUND TRIP FROM THE PUBLIC RIGHT-OF-WAY TO THE COLLECTION AREA AND RETURN WITHOUT EXCESSIVE BACKING INTO A TRAFFIC LANE OR A PUBLIC THOROUGHFARE. BACKING AROUND A BUILDING IS NOT ALLOWED. AT NO TIME SHALL A TRUCK BE REQUIRED TO BACK IN EXCESS OF FORTY-FIVE FEET (45').
 - g. BIN ENCLOSURE GATES AND SERVICE AREA SHALL NOT OPEN INTO OR BE A PART OF A PARKING STALL OR LOADING ZONE.
 - h. GATED ENTRANCE/EXIT SERVICE SITES SHALL BE AT LEAST FORTY FEET (40') AWAY FROM ENTRANCES AND EXITS TO PREVENT TRUCKS FROM STICKING OUT INTO THE ROADWAY WHILE WAITING TO ACCESS ENCLOSURE AND ALLOW TRUCKS ENOUGH SPACE TO CLEAR GATE ON EXITING WHILE WAITING TO MERGE WITH TRAFFIC.
 - i. THE ENCLOSURE(S) SHALL ACCOMMODATE REFUSE BINS, RECYCLE BINS, AND GREASE BARRELS WHEN APPLICABLE. NEITHER THE WASTE NOR RECYCLING CONTAINER SHALL BE REQUIRED TO BE MOVED IN ORDER TO SERVICE THE OTHER. GREASE BARRELS SHALL NOT BE PLACED IN THE SAME AREA OF THE ENCLOSURE WITH REFUSE OR RECYCLABLES.
 - j. OWNER/OCCUPANTS SHALL NOT USE ENCLOSURES FOR STORAGE OR PLACE ANY MATERIALS AROUND THE TRASH, RECYCLE, OR GREASE CONTAINERS.
 - k. SIGNAGE IS REQUIRED TO CLEARLY IDENTIFY ALL RECYCLING, SOLID WASTE COLLECTION, AND LOADING AREAS AND THE MATERIALS ACCEPTED THEREIN. THIS SIGNAGE SHALL BE PLACED AT ALL POINTS OF DIRECT ACCESS TO RECYCLING, SOLID WASTE, AND LOADING AREAS ON, OR ADJACENT TO, THE RECYCLABLE AND SOLID WASTE MATERIAL CONTAINERS.
 - l. SITES UTILIZING COMPACTORS AND/OR ROLL-OFFS REQUIRE SIXTY FEET (60') OF CLEARANCE IN FRONT OF THE UNIT, AND A MINIMUM OF THREE FEET (3') ON EACH SIDE, FOR LOADING AND UNLOADING.

TYPICAL REFUSE ENCLOSURE DETAILS

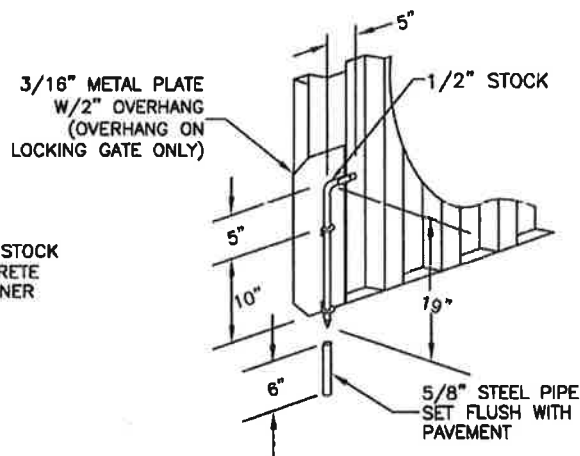
REF. & REV.
NOV., 2007

CITY OF FRESNO

P-34



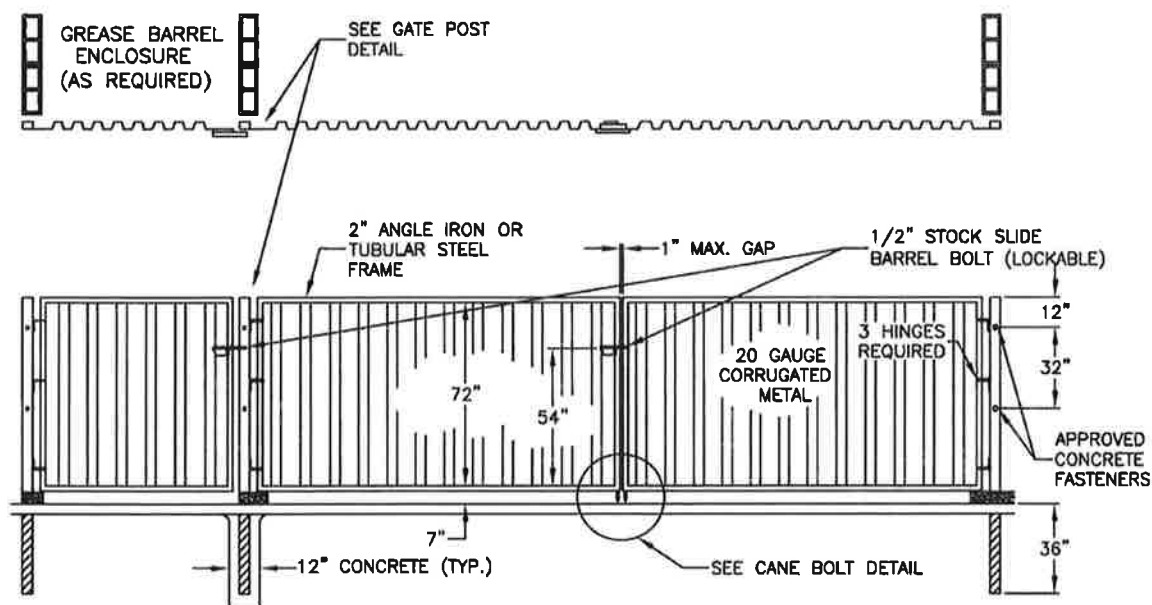
GATE POST DETAIL



CANE BOLT DETAIL
(BOTH SIDES OF GATE)

NOTES:

1. GATES TO BE PAINTED TO MATCH BUILDING ACCENT FEATURES.
2. DESIGN, ENGINEERING AND CONSTRUCTION NOT SPECIFICALLY NOTED SHALL BE IN ACCORDANCE WITH ACCEPTED INDUSTRY STANDARDS AND OF FIRST QUALITY.
3. SECONDARY CANE BOLT RETAINER TO BE PLACED FOR EACH GATE SUCH THAT GATE IS HELD IN A POSITION 90 DEGREES TO THE CLOSED POSITION.
4. TWO GATES ARE REQUIRED ON EACH CELL WITH THE EXCEPTION OF THE GREASE BARREL CELL.





Department of Public Utilities – Water Division

DATE: April 18, 2017

TO: PHILLIP SIEGRIEST, Planner II
Development Department/Current Planning

THROUGH: MICHAEL CARBAJAL, Planning Manager
Department of Public Utilities – Water Division

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

A handwritten signature in black ink, appearing to read "Robert A. Diaz", written over the typed name and title.

**SUBJECT: WATER REQUIREMENTS FOR DEVELOPMENT PERMIT APPLICATION
D-16-109**

General

Development Permit Application No. D-16-109 was filed by Kevin Vang of Precision Civil Engineering, on behalf of Richard Caglia of Caglia Environmental, and pertains to ± 110.81 acres of property located on the northwest corner of East Central and South Cedar Avenues; Address 3571 South Cedar Avenue, APNs: 330-021-02, 09, 10, 16, 18T, 30, 55. The applicant proposes development of an industrial business park with up to 7 reinforced concrete buildings. The buildings are proposed for heavy industrial use and will range in size from 124,200 square feet to 1,000,000 square feet, with the total building square footage at $\pm 2,069,820$. The property is zoned IH/UGM (Heavy Industrial/Urban Growth Management).

Water Requirements

The nearest water mains to serve the proposed project are a 14-inch main in South Cedar Avenue and a 14-inch main located in South Orange Avenue. Water facilities are available to provide service to the site subject to the following requirements:

1. Construct a 16-inch water main (including City fire hydrants) in East Central Avenue from South Cedar Avenue west to South Orange Avenue.
2. Construct a 16-inch water main (including City fire hydrants) in South Orange Avenue from East Central Avenue north to the existing 14-inch water main in South Orange Avenue.
3. The proposed project is located within the boundaries of:
 - a. Water Supply Urban Growth Management area WS-401s; and
 - b. Growth Area 1 as defined in the General Plan.



A Nationally Accredited Public Utility Agency

MEMORANDUM

Phillip Siegrist, Planner II

Water Requirements for Development Permit Application D-17-109

Page 2 of 3

April 18, 2017

4. The project applicant shall be required to pay water-related fees and charges in accordance with the City's Master Fee Schedule and Municipal Code.
5. The project applicant shall be required to construct, or participate in the construction of, water system improvements or enhancements to accommodate the forecasted peak instantaneous water demands of the project, inclusive of fire protection water demands. The degree of system improvements or enhancements required to accommodate the increased water demands for the project will be dependent upon the Peak Hour Water Demands, Total Annual Water Demands, and Fire Protection Water Demands required to serve the various structures planned for the applicant's project site. The water system elements that will be incorporated into the cost of water system improvements and enhancements will include:
 - a. Additional groundwater pumping capacity
 - b. Additional groundwater recharge capacity
 - c. Additional surface water treatment capacity
 - d. Additional water distribution system capacity
6. To determine the degree of water system improvements and enhancements the applicant shall be required to construct, or participate in the construction of, the applicant shall present water demand forecasts for the proposed project to the Director of Public Utilities, or designee.
 - a. The applicant shall provide a forecast for the Peak Hour Water Demand (gallons per minute) at full build out of the project, including domestic, irrigation, commercial, and industrial demands;
 - b. The applicant shall provide a forecast for the Total Annual Water Demand (gallons) at full build out for the project, including domestic, irrigation, commercial, and industrial demands; and
 - c. The applicant shall include a Fire Protection Water Demand of 1,500 gallons per minute (gpm) in the water demand forecast.
 - d. The Peak Hour Water Demands plus Fire Protection Water Demands shall represent the peak instantaneous water demands required for the project.
7. To provide a reliable and redundant water supply for the applicant's project, the applicant shall be required to construct two independent connections to the City's water system, capable of accommodating the peak instantaneous water demands of the project, inclusive of fire protection water demands.

MEMORANDUM

Phillip Siegrist, Planner II

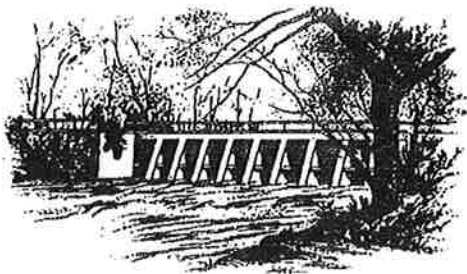
Water Requirements for Development Permit Application D-17-109

Page 3 of 3

April 18, 2017

8. The project applicant shall not be reimbursed for water supply facilities constructed by the applicant that only provide benefit and water supply capacity for structures and facilities located within the project boundary.
9. The project applicant shall be reimbursed for water supply facilities constructed by the applicant that provide benefit and capacity to properties located outside of the project boundary. Such reimbursements shall be in accordance with the City's Master Fee Schedule and Municipal Code.
10. If desired, the project applicant may request a cost estimate from the City to provide the necessary water system improvements and enhancements to accommodate the forecasted peak instantaneous water demands for the project. The City's cost estimate to provide the water system improvements and enhancements to accommodate the project's water demands shall be based on the number of water meters, and size of water meters required for the applicant's project. The fee schedule is presented below:

Meter Size	Water Capacity Charge Per Meter
Up to ¾-inch	\$2,624
1"	\$4,246
1-1/2"	\$5,308
2"	\$10,615
3"	\$16,984
4"	\$26,538
6"	\$53,076
8"	\$254,763



YOUR MOST VALUABLE RESOURCE - WATER



TELEPHONE (559) 233-7181
FAX (559) 233-8227
2907 S. MAPLE AVENUE
FRESNO, CALIFORNIA 93725-2208

April 18, 2017

Phillip Siegrist
Department and Resource Management
City of Fresno
2600 Fresno Street, Third Floor
Fresno, CA 93721

RE: Development Permit Application No. D-16-109
N/W Central and Cedar avenues

Dear Mr. Siegrist:

The Fresno Irrigation District (FID) has reviewed the Development Permit Application No. D-16-109 for which the applicant proposes development of an industrial park with seven reinforced concrete buildings, the buildings are for heavy industrial use and will range in size from 124,200 square feet to 1,000,000 square feet with a total building square footage to be 2,069,820, APN's: 330-0321-02, 09, 10, 16, 18T, 30 and 55. FID has the following comments:

Area of Concern

1. FID's Central No. 23 canal runs westerly, traverses the southern portion of the subject property, and crosses Cedar Avenue and Orange Avenue approximately 40 feet south of the subject property as shown on the attached FID exhibit map and will be impacted by the future development. Records do not show a recorded easement, however, FID does own an easement and the width is as shown on FID's attached Standards Detail Page No. 10. Should this project include any street and/or utility improvements along Central Avenue, Cedar Avenue, Orange Avenue or in the vicinity of this canal, FID requires it review and approve all plans.
2. FID requires that, within the limits of the proposed project [and its remainder], the landowner grant an exclusive easement for the land underlying the canal and associated area along the canal required for maintenance pursuant to Water Code Section 22425 and FID policy. FID's District Canal Right-of-Way Requirements sheet is enclosed for your reference. The proposed easement (width) will depend on several factors including: 1) Width of canal, 2) height of

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BOARD OF DIRECTORS President RYAN JACOBSEN, Vice-President JERRY PRIETO, JR.
CHRISTOPHER WOOLF, GEORGE PORTER, GREGORY BEBERIAN, General Manager GARY R. SERRATO

canal banks, 3) final alignment of canal, 4) additional space needed where roads/avenues intersect canal, etc.

3. FID requires that the Engineer/Land Surveyor use the inside top hinge of the canal to define the edge of FID's right-of-way such that FID has a minimum of 20 feet wide right-of-way along the top of bank to be clear of obstructions, structures, vegetation, etc. to provide clear passage and full width at all points along the canal bank. There are no minimum or suggested numbers of survey shots to take but, there must be enough survey points such that the top inside hinge of the canal bank is properly identified. Before finalizing the Final Map/Plans(s), the Engineer/Land Surveyor will need to stake both the inside top hinge and the right-of-way/property for FID Staff to field evaluate an adequate width. FID staff must field verify the right-of-way/property boundary and the hinge line edge before signing plans to ensure that there are enough survey points to properly define the canal.
4. Canal Access – FID will continue to access the Central No. 23 Canal along Central Avenue, Cedar Avenue, and Orange Avenue. In order to access the maintenance road with our larger equipment, FID requires a drive approach wide enough to accommodate the equipment. FID does not currently have adequate room to maintain this canal from the north bank due to Central Avenue. Every road and canal intersection is different and therefore each access will be different. The major factors affecting the width will be the angle of the road intersecting the Canal, grade of canal bank vs. City road, median vs. no median, etc.
5. Typically, for any type of development that impacts a large open canal or is adjacent to one such as the Central Canal, FID requires the Developer/Applicant to improve the canal with either concrete lining, encasing the canal in a box culvert, or other approved means to protect the canal's integrity for an urban setting. FID does not have sufficient information to determine what kind of improvements will ultimately be required as part of the development. The engineers working on the project and FID's engineering staff must meet to discuss specific requirements as discussed below. In order to meet the "urban" standards for the canal, FID will require the following minimum conditions:
 - a. Channel Stabilization: The proposed plan does not indicate any improvements to the Canal. If the Developer is not willing to concrete line the Canal or place it underground within a box culvert, they must come up with another means acceptable to and approved by FID to protect the Canal's integrity. On similar projects, Developers typically propose the following:
 - i. Surrounding Development – All proposed building pad elevations must be a minimum of 12-inches above the canal's high water.

- ii. Freeboard – FID typically requires between 1.0 to 1.5 feet of freeboard. Because the Canal is used to route stormwaters, and is one of the larger canals used to convey the stormwater, FID will require a minimum of 1.5 feet of freeboard and a maximum of 2.0 feet. The Developer will be required to either import or export material to match FID's standards.
 - iii. Maintenance – This reach of Canal has large volumes of trash, debris, shopping carts that are deposited into the Canal. FID's crews will typically remove the trash and another crew will come by to remove the trash. The hauling off of this material may occur several weeks after the trash has been placed on the side of the canal, and the trash may be considered a nuisance (sight and smell). If the Developer and/or City require a different level of maintenance effort, they will need to enter into an agreement for that purpose. The City and/or Developer will be responsible to fund the "higher level" of maintenance.
- b. Drive banks/maintenance roads and encroachments (both banks):
- i. One or both of the drive banks must be sloped a minimum of 2% (not to exceed 5%) away from the canal with provisions made for rainfall. Drainage will not be accepted into the Canal and must be routed away from FID property/drive banks. Runoff must be conveyed to nearby public streets or drainage system by drainage swales or other FID acceptable alternatives.
 - ii. One or both of the drive banks shall be overlaid with 3 inches of Class II aggregate base for all-weather access and for dust suppression.
 - iii. Encroachments - All existing trees, bushes, debris, fencing, and other structures must be removed within FID's property/easement.
6. Central Avenue will not be able to be expanded to the south because of the Central No. 23 Canal. FID requires a 20 feet wide right-of-way for operations and maintenance on both sides of the canal (which currently FID does not fully have). As the area develops under the City of Fresno and the traffic increases, it will be significantly more difficult and hazardous for FID to maintain and operate the Central Canal without road closures and/or traffic control unless the canal right-of-way is in place. The City needs to consider these issues in development, traffic and road improvements, need for any turn lanes, etc. for the future growth in the area and the expansion of Central Avenue. All right-of-way and easements necessary for the full build-out of the area should be acquired and reserved now

reserved now by the City as a part of this development as all expansions of the road must be planned to the north side of the existing Central Avenue.

General Comments

1. FID requires the Developer/Applicant to submit for FID's approval a grading and drainage plan which shows that the proposed development will not endanger the structural integrity of the Canal, or result in drainage patterns that could adversely affect FID.
2. FID requires its review and approval of all improvement plans which affect its property/easements and canal/pipeline facilities including but not limited to Sewer, Water, Fresno Metropolitan Flood Control District (FMFCD), Street, Landscaping, Dry Utilities, and all other utilities.
3. FID requires the Developer and or the Developer's engineer contact FID at their earliest convenience to discuss specific requirements.
4. FID requires its easements be shown on all maps/plans with proper recording information, and that FID be made a party to signing the final map/plans.
5. Footings of retaining walls shall not encroach onto FID property/easement areas.
6. As with developer projects, there will be considerable time and effort required of FID's staff to plan, coordinate, engineer, review plans, prepare agreements, and inspect the project. FID's cost for associated plan review will vary and will be determined at the time of the plan review.
7. FID is concerned that the proposed development may negatively impact local groundwater supplies including those areas adjacent to or neighboring the proposed development area. The area was historically open ground with minimal to no water use. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. Should the proposed development result in a significant increase in dependence on groundwater, this deficit will increase. FID recommends the City of Fresno require the proposed development balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft problem.
8. California enacted landmark legislation in 2014 known as the Sustainable Groundwater Management Act (SGMA). The act requires the formation of local groundwater sustainability agencies (GSAs) that must assess conditions in their local water basins and adopt locally-based management plans. FID and the City of Fresno are members of the North Kings Groundwater Sustainability Agency which will manage the groundwater basin within the FID service area. This area is reliant on groundwater pumping and SGMA will impact all users of

groundwater and those who rely on it. The City of Fresno should consider the impacts of the development on the City's ability to comply with requirements of SGMA.

9. For informational purposes, FID's North Central runs westerly and crosses Cedar Avenue approximately 1,100 feet north of the subject property and crosses Orange Avenue approximately 700 north of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Cedar Avenue, Orange Avenue or in the vicinity of this pipeline, FID requires it review and approve all plans.
10. For informational purposes, FID's American Colony runs southwesterly and crosses Cedar Avenue approximately 700 feet south of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Cedar Avenue or in the vicinity of this canal, FID requires it review and approval of all plans.
11. The above comments are not to be construed as the only requests FID will have regarding this project. FID will make additional comments and requests as necessary as the project progresses and more detail becomes available.

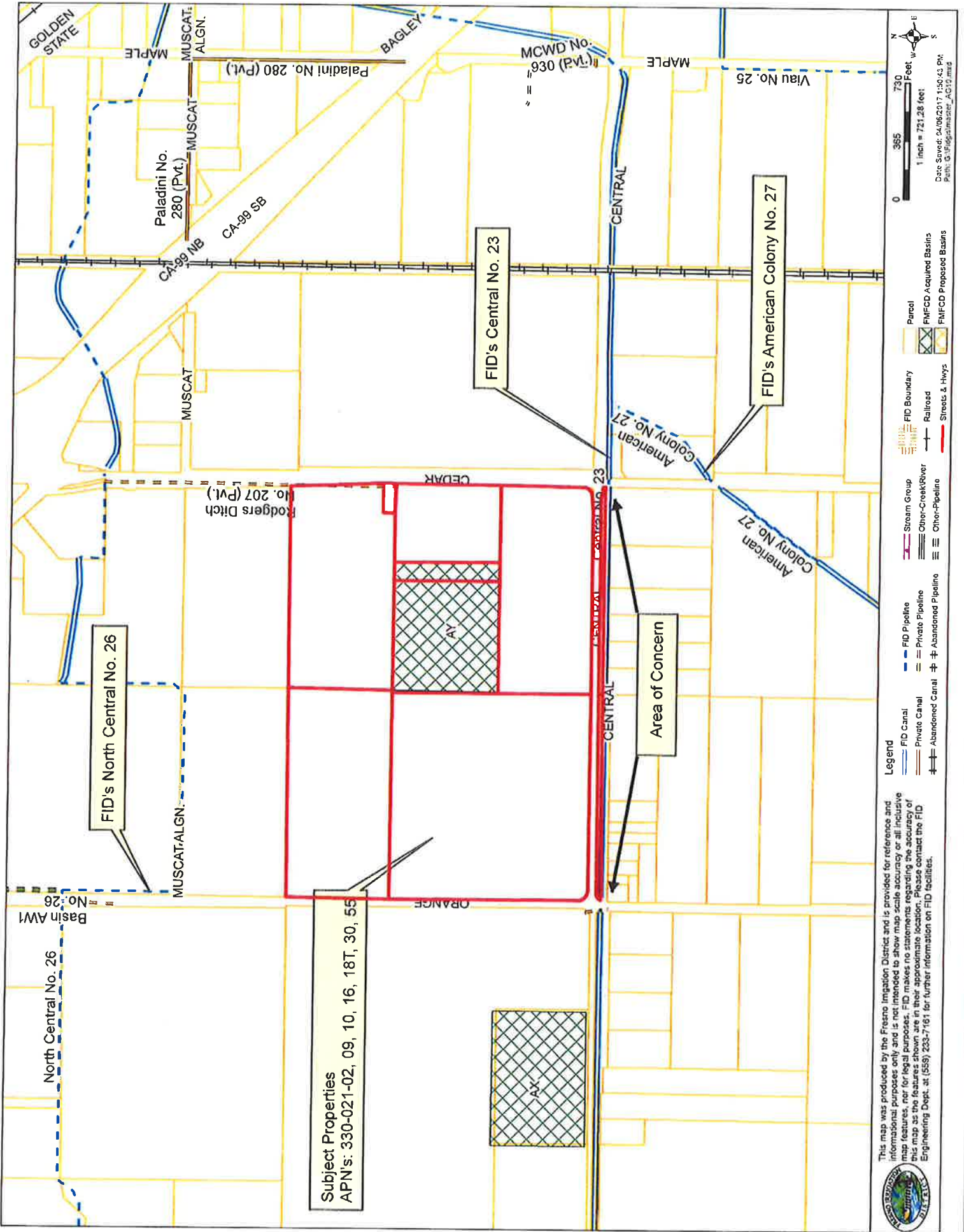
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact Jeremy Landrith at (559) 233-7161 extension 7407 or JLandrith@fresnoirrigation.com.

Sincerely,

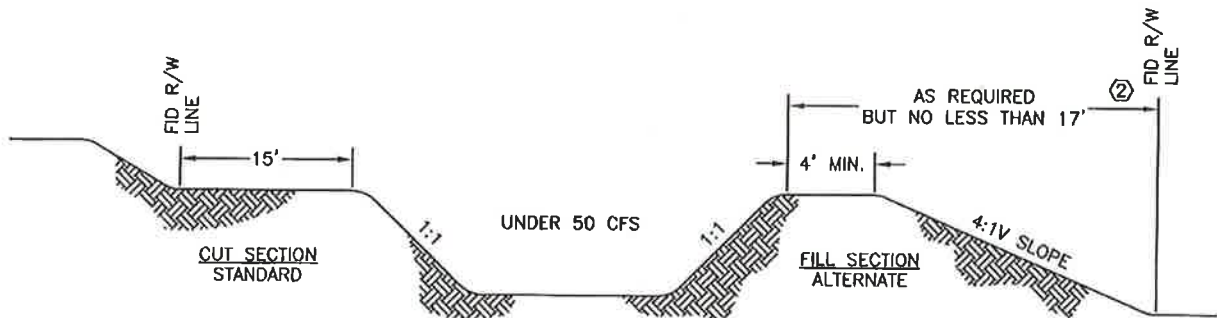
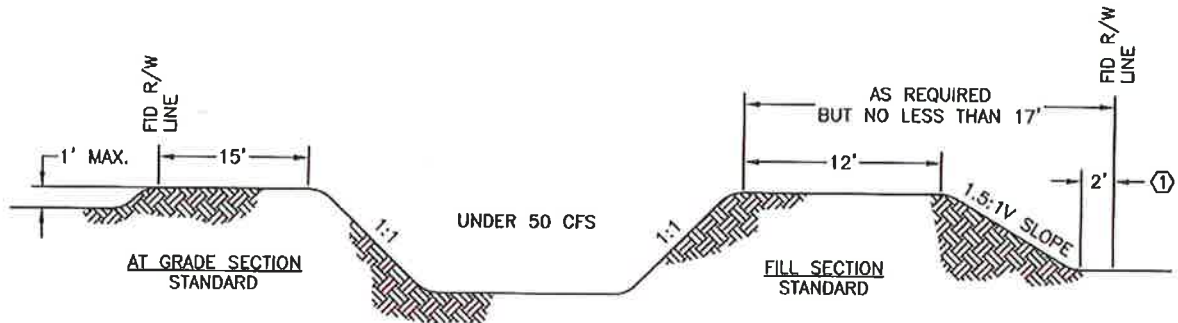
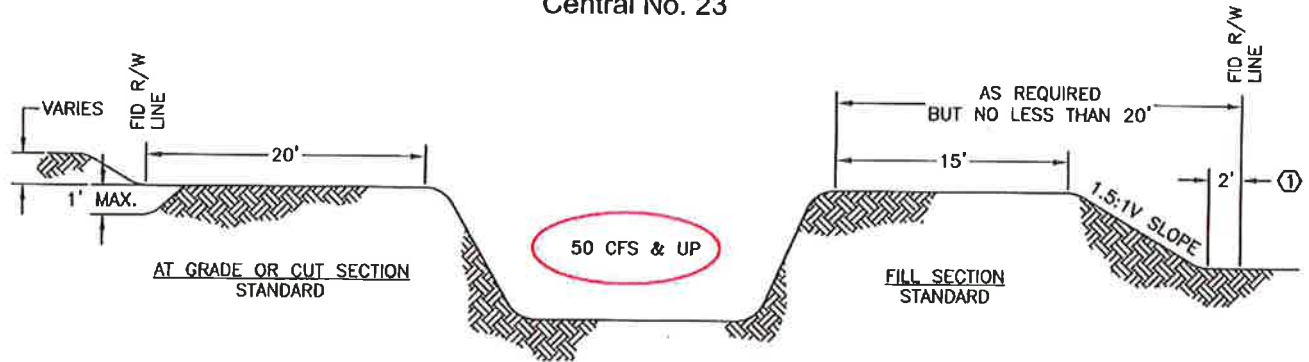


Laurence Kimura, P.E.
Chief Engineer

Attachment



Central No. 23



NOTES:

ALL PRIVATE FACILITIES TO BE LOCATED OUTSIDE FID RIGHT-OF-WAY.

- ① ADD 2 FEET TO EMBANKMENT WIDTH TO ESTABLISH OVERALL RIGHT-OF-WAY WIDTH TO ACCOMMODATE GRADER BLADE CLEARANCE.

- ② THE ALTERNATE SECTION CAN NOT BE USED IF THE OVERALL WIDTH EXCEEDS THE STANDARD WIDTH AND IS PERMITTED ONLY WHEN DISTRICT OPERATIONS AND MAINTENANCE FUNCTIONS DO NOT REQUIRE A STANDARD ROADWAY.

DISTRICT CANAL RIGHT-OF-WAY REQUIREMENTS

**CITY OF FRESNO - DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
REQUEST FOR COMMENTS, CONDITIONS, ENVIRONMENTAL ASSESSMENT,
AND ENTITLEMENT APPLICATION REVIEW OF
DEVELOPMENT PERMIT APPLICATION NO. D-16-109**

Return Completed Form to:

Phillip Siegrist, Development Services/Planning

Email: Phillip.Siegrist@fresno.gov and

Joann.Zuniga@fresno.gov

Development and Resource Management

2600 Fresno Street, Third Floor

Fresno CA 93721-3604

PROJECT DESCRIPTION AND LOCATION:

Development Permit Application No. D-16-109 was filed by Ken Vang of Precision Civil Engineering, on behalf of Richard Caglia of Caglia Environmental, and pertains to ± 110.81 acres of property located on the northwest corner of East Central and South Cedar Avenues. The applicant proposes development of an industrial business park with up to 7 reinforced concrete buildings. The buildings are proposed for heavy industrial use and will range in size from 124,200 square feet to 1,000,000 square feet, with the total building square footage at $\pm 2,069,820$. The property is zoned IH/UGM (*Heavy Industrial/Urban Growth Management*).

APNs: 330-021-02, 09, 10, 16, 18T, 30, 55 ZONING: IH/UGM

SITE ADDRESS: 3571 South Cedar Avenue

DATE ROUTED: April 3, 2017

COMMENT DEADLINE: April 21, 2017

WILL THIS PROJECT AFFECT YOUR AGENCY/JURISDICTION? (If yes, specify.)

SUGGESTION(S) TO REDUCE IMPACTS/ADDRESS CONCERNS:

REQUIRED CONDITIONS OF APPROVAL:

IS ANY ADDITIONAL INFORMATION NEEDED FOR YOU TO COMPLETE YOUR REVIEW? (Be specific):

REVIEWED BY: _____

Name and Title

Telephone Number

Date

Master Application Form #: D-16-109

Check all that apply:

☐ Plan Amendment	☒ Site Plan Review	☐ Amendment	☐ Major	☐ Minor
☐ Rezone	☐ Variance	☐ Revised Exhibit	☐ Major	☐ Minor
☐ Conditional Use Permit	☐ Minor Deviation	☐ Easement Encroachment		
☐ Tentative Tract Map	☐ Tentative Parcel Map	☐ Lot Line Adjustment		
☐ Voluntary Parcel Merger	☐ Fresno Green Project	☐ Public Art Project		
☐ Annexation	☐ Other:			

Project Name: CAGLIA - FRESNO 3571 South Cedar Avenue (site address) APN: 330-021-02, 09, 10, 16, 30,
Project Address: 3503 SOUTH CEDAR AVENUE A.P.N.: 330-021-102, 109, 110, 116, 118, 130, & 155 18, 55
Size of Site: 4,826,948 Sq. Ft. 110.81 Ac. Historical Project? (Building on registry and/or over 50 yrs. old) NO
Project Description (attach additional pages if necessary): DESIGN OF INDUSTRIAL BUILDINGS

Zoning Designation: HEAVY INDUSTRIAL General Plan Designation: HEAVY INDUSTRIAL
List all previously approved and/or pending entitlements, associated with this project/site (provide application number(s), if available):

Please read carefully before signing or filing.

Submission of this application does not imply approval of this permit by the Planning and Development Department. Application approval will become null and void if it is determined that approval was based on omissions or inaccurate information submitted by the applicant.

PRIMARY CONTACT, check all that apply ☒ Applicant ☒ Owner ☐ Other
Name: RICHARD CAGLIA Signature: _____
Company/Organization: CAGLIA ENVIRONMENTAL
Address: 3457 SOUTH CEDAR AVENUE City: FRESNO Zip: 93725
Email: _____ Phone: 559-233-1158

Check all that apply ☐ Applicant ☐ Owner ☒ Other CONSULTANT
Name: KEN VANG Signature: _____
Company/Organization: PRECISION CIVIL ENGINEERING
Address: 1234 O STREET City: FRESNO Zip: 93721
Email: KVANG@PRECISIONENG.NET Phone: 559-449-4500

Check all that apply ☐ Applicant ☐ Owner ☐ Other
Name: _____ Signature: _____
Company/Organization: _____
Address: _____ City: _____ Zip: _____
Email: _____ Phone: _____

Note: This application will not be accepted for processing without the mandatory attachments. Please see the corresponding **Application Submittal Requirements** for the checklist(s) of required documents.

FOR INTERNAL USE ONLY

DEVELOPMENT PARTNERSHIP CENTER			
Received By:	<u>[Signature]</u>	Date:	<u>9/30/16</u> <u>3-30-17</u>
Verification By:	<u>[Signature]</u>	Date:	<u>7/30/16</u>
Application Fee:	<u>26,271.00</u>	EA Fee:	<u>13,634.00</u> <u>DPC 11-3-15</u>
PZ No:	<u>16-90000109</u>	Zone District:	<u>1850</u>

OPERATIONAL STATEMENT

D-16-109

Caglia – Fresno is being submitted by Ken Vang of Precision Civil Engineering on behalf of Richard Caglia and pertains to 110.81 acres of property located at 3503 S. Cedar Ave. consisting of five existing parcels identified as APN: 330-021-02, 09, 30, 55 and 57. The existing project site is planned for Heavy Industrial land use of and is requesting authorization to: develop up to seven buildings for industrial purposes. The proposed development will consist of: a heavy industrial park with up to seven reinforced concrete buildings.

The 2035 General Plan identifies the project site as heavy industrial usage. The proposed project conforms to the 2035 General Plan. The project site currently is vacant open space and has three single family residential dwellings. The project is anticipated to generate 839 AM peak hour and 873 PM peak hour, and 6,260 average daily vehicle trips.

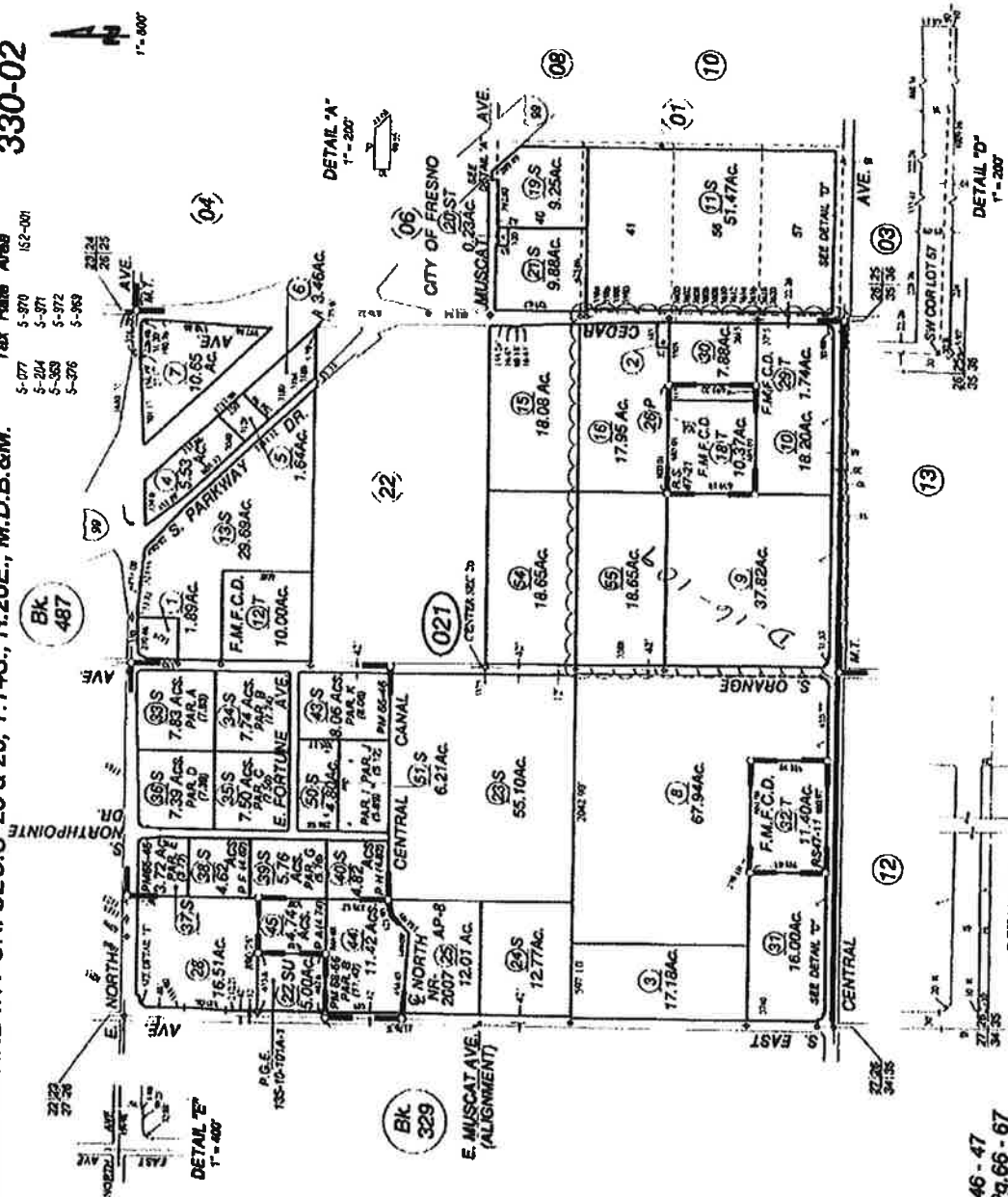
The proposed hours of operation are anticipated to be 24 hours a day seven days a week. Other facts pertinent to this project are as follows: a total of 1842 auto parking stalls, 359 dock – high doors, and 38 grade – level doors. The proposed buildings ranges from 124,200 SF to 1,000,000 SF, with a total of 2,069,820 SF.

... NOTE ...
This map is for Assessment purposes only.
It is not to be construed as portraying
legal boundaries or divisions of land for
purposes of zoning or subdivision law.

SUBDIVIDED LAND IN POR. SEC. S' 25 & 26, T. 14S., R. 20E., M.D.B.&M.

330-02

Tax Rate Area	152-001
5-077	5-370
5-204	5-371
5-363	5-372
5-376	5-393



Agricultural Preserve
Malaga Tract, Plat Bk. 2, Pg. 17
Parcel Map No. 96-22 - Bk. 66, Pg. 46 - 47
Parcel Map No. 2005-19 - Bk. 68, Pg. 66 - 67
Record of Survey - Bk. 42, Pg. 17
Record of Survey - Bk. 47, Pg. 11
Record of Survey - Bk. 47, Pg. 21

Assessor's Map Bk. 330 - Pg. 02
County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

E. CENTRAL AVE. BETWEEN S. ORANGE AVE & S. CHESTNUT AVE.
FRESNO, CALIFORNIA

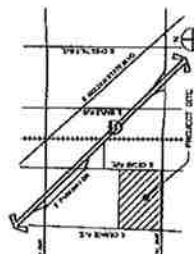
ABBREVIATIONS

SYMBOLS

PROJECT TEAM

SHEET INDEX

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	5
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LEGAL DESCRIPTIONS

[illegible][illegible]

APPROPRIATELY CHARGED	APPROPRIATELY TYPED	APPROPRIATELY SIGNED	APPROPRIATELY DATED	APPROPRIATELY FILED
APPROPRIATELY INDEXED	APPROPRIATELY SERIALIZED	APPROPRIATELY FILED	APPROPRIATELY INDEXED	APPROPRIATELY SERIALIZED

OWNER	CASLIA ENVIRONMENTAL 1000 N. GARDEN AVENUE PUEBLO, CO 81001
GENERAL CONTRACTOR	TSO
ARCHITECT	WARE MALCOMB 1000 CHERRY STREET, SUITE 200 PUEBLO, CO 81001
OWNER'S CONSULTANTS	PERKINS+POWELL, LLP PO BOX 10000 PUEBLO, CO 81001

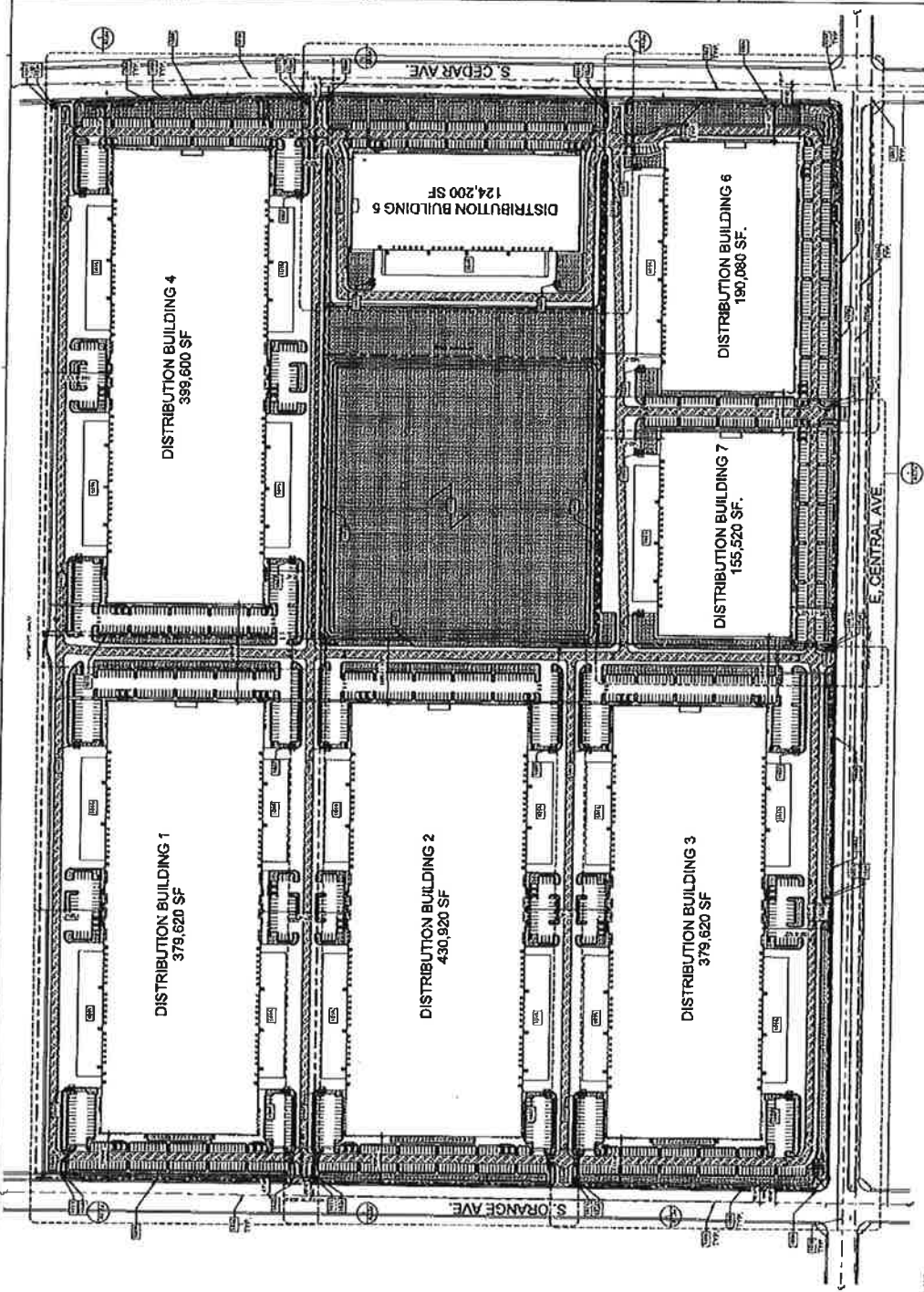
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99	6:30	THE ARREST
100	7:00	THE ARREST

CPWL

Caglia - Fresno
Enter address here

WARE MALCOMB

AO.1



OVERALL SITE PLAN

GENERAL NOTES 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE, THE CALIFORNIA ELECTRICAL CODE, AND THE CALIFORNIA MECHANICAL CODE.	FIRE NOTES 1. ALL BUILDINGS SHALL BE CONSTRUCTED OF NON-COMBUSTIBLE MATERIALS.	FUTURE FENCES AND WALLS 1. FENCES AND WALLS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE.	CITY OF FRESNO GENERAL NOTES 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE.	DEVELOPER / PROPERTY OWNER WARE MALCOMB	ARCHITECT / APPLICANT WARE MALCOMB	CONSULTANTS CIVIL ENGINEERS
LEGAL DESCRIPTION 1. THE LEGAL DESCRIPTION OF THE PROPERTY IS AS FOLLOWS:	VICINITY MAP 1. THE VICINITY MAP SHOWS THE LOCATION OF THE PROPERTY WITHIN THE CITY OF FRESNO.	SITE LEGEND 1. THE SITE LEGEND DEFINES THE SYMBOLS USED ON THE SITE PLAN.	PROJECT DATA 1. THE PROJECT DATA PROVIDES INFORMATION ABOUT THE PROJECT.	SITE NOTES 1. THE SITE NOTES PROVIDE ADDITIONAL INFORMATION ABOUT THE SITE.	OVERALL SITE PLAN 1. THE OVERALL SITE PLAN SHOWS THE LAYOUT OF THE PROPERTY.	WARE MALCOMB 1. WARE MALCOMB IS THE ARCHITECT FOR THIS PROJECT.

WARE MALCOMB
Leading Design for Commercial Real Estate

Agilia - Fresno
Enter address here

A1.0

LEGAL DESCRIPTION

1. THE LEGAL DESCRIPTION OF THE PROPERTY IS AS FOLLOWS:

VICINITY MAP

1. THE VICINITY MAP SHOWS THE LOCATION OF THE PROPERTY WITHIN THE CITY OF FRESNO.

SITE LEGEND

1. THE SITE LEGEND DEFINES THE SYMBOLS USED ON THE SITE PLAN.

PROJECT DATA

1. THE PROJECT DATA PROVIDES INFORMATION ABOUT THE PROJECT.

SITE NOTES

1. THE SITE NOTES PROVIDE ADDITIONAL INFORMATION ABOUT THE SITE.

OVERALL SITE PLAN

1. THE OVERALL SITE PLAN SHOWS THE LAYOUT OF THE PROPERTY.



FIRE DEPARTMENT

DATE: May 4, 2017

TO: PHILLIP SIEGRIST, Planner II
Development and Resource Management Department

FROM: BYRON BEAGLES, Fire Protection Engineer
Prevention and Technical Services Division

SUBJECT: 3571 S CEDAR, D-16-109

Applicant proposes development of an industrial business park with up to 7 reinforced concrete buildings. The buildings are proposed for heavy industrial use and will range in size from 124,000 square feet to 1,000,000 square feet with total building square footage at 2,069,820.

The following is required for Fire approval:

General:

- Show existing public hydrants on S. Cedar and proposed public hydrants on Central and Orange. Both those water jobs are at the City for review but I don't have access to them right now but I have indicated where I think they will end up as indicated on Sheet A1.0
- Add keynote "1041" for all private hydrants on sheet A1.0 (see "Specific Buildings" for additional fire hydrants required or to be relocated).
- Designate the curb areas I highlighted on Sheet A1.0 as fire lanes and show them on Sheet A1.0 and each Overall Building Plan sheets A1.1a through A1.7a. The hatched "FIRE LANE" path of travel on the drawing can be eliminated as it is the street width and curbs that are relevant to what gets marked once the path of travel is determined.
- Show **all** exterior man doors require for compliance with the 100' linear feet building access requirement for high piled storage buildings on sheet A1.0 and each overall building plan sheets A1.1a through A1.7a
- Show the location of the fire pump rooms for each building. These rooms must be on an exterior wall with exterior access door.

Specific Buildings (see individual plans for markups):

- Building 5: Relocate east side hydrant 60 feet north of its current location.
- Building 6: Relocate the hydrant on the south side of the building to the opposite side of the drive aisle. Add a fire hydrant on the north side of the building
- Building 7: Relocate the hydrant on the south side of the building to the opposite side of the drive aisle. Relocate the hydrant shown off the northwest corner of the building 70 feet west.

This project was reviewed by the Fire Department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building and Safety Section of DARM when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building.

LEGAL DESCRIPTION

[illegible]

Chang, T. H. 1997. *Phylogenetic relationships among the genera of the subfamily Liliinae (Liliaceae) based on morphological and molecular data*. Ph.D. dissertation, University of California, San Diego.

1. *What is the purpose of the study?* The purpose of the study is to investigate the effect of a new teaching method on student learning outcomes in a mathematics course.

2. *What are the research questions?* The research questions are: (a) Does the new teaching method significantly improve student learning outcomes compared to the traditional method? (b) Are there any differences in student engagement and motivation between the two methods?

3. *What is the significance of the study?* The study is significant because it aims to evaluate the effectiveness of a new teaching method, which could potentially improve student learning outcomes and engagement in mathematics education.

4. *What are the limitations of the study?* The limitations of the study include a small sample size, a short duration of the intervention, and the lack of control over external factors that may influence student learning outcomes.

5. *What are the conclusions of the study?* The conclusions of the study are that the new teaching method significantly improved student learning outcomes and engagement compared to the traditional method, but further research is needed to confirm these findings and explore the long-term effects of the intervention.

DISTRIBUTION BUILDING - 2

430,920 SF

APPL. NO. D-16-109 **EXHIBIT A.3** **DATE 3-30-17**
PROJ. ENG. **DATE**
TRAFIC ENG. **DATE**
COND. APPROVED BY Not Approved **DATE 10-24-17**
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

SITE PLAN GENERAL NOTES

1. THE SITE PLAN IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE CITY OF FRESNO PLANNING & DEVELOPMENT DEPARTMENT.
2. THE SITE PLAN IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE CITY OF FRESNO PLANNING & DEVELOPMENT DEPARTMENT.
3. THE SITE PLAN IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE CITY OF FRESNO PLANNING & DEVELOPMENT DEPARTMENT.
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5. THE SITE PLAN IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE CITY OF FRESNO PLANNING & DEVELOPMENT DEPARTMENT.
6. THE SITE PLAN IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE CITY OF FRESNO PLANNING & DEVELOPMENT DEPARTMENT.
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FIRE NOTES

1. THE FIRE NOTES ARE A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE CITY OF FRESNO PLANNING & DEVELOPMENT DEPARTMENT.
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SITE LEGEND

Legend symbols and descriptions for the site plan.

KEY PLAN

Overview map showing the location of the site within the city of Fresno.

PROJECT DATA

Project name, address, and other relevant information.

LEGAL DESCRIPTION

Legal description of the property, including lot numbers and area.

SITE NOTES

Additional notes and specifications for the site plan.

OVERALL BUILDING SITE PLAN - BUILDING 2

Overall site plan showing the building footprint and surrounding areas.

Caglia - Fresno

Enter address here

A1.2a

WARE MALCOMB

Ware Malcomb logo and contact information.

WARE MALCOMB

Ware Malcomb logo and contact information.

A1.3a

WARE MALCOMB
Leading design for Commercial Real Estate

Caglia - Fresno
Enter address here

OVERALL BUILDING SITE PLAN - BUILDING 4

A1.4a

SITE NOTES

1. SITE PLAN SHALL BE SUBMITTED TO THE CITY OF FRESNO FOR REVIEW AND APPROVAL. THE CITY OF FRESNO SHALL HAVE THE FINAL SAY IN THE MATTER OF THE SITE PLAN. THE CITY OF FRESNO SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF THE SITE PLAN. THE CITY OF FRESNO SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF THE SITE PLAN. THE CITY OF FRESNO SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF THE SITE PLAN.

PROJECT DATA

APPROXIMATE TOTAL AREA: 399,600 SF
EXISTING ZONE: INDUSTRIAL
PROPOSED ZONE: INDUSTRIAL
BUILDING TYPE: INDUSTRIAL
CONSTRUCTION TYPE: INDUSTRIAL
BUILDING MATERIALS: CONCRETE, STEEL
BUILDING COLOR: WHITE
BUILDING ACCESS: 10' WIDE
BUILDING ELEVATION: 10' HIGH
BUILDING FOOTPRINT: 10' X 10'

SITE LEGEND

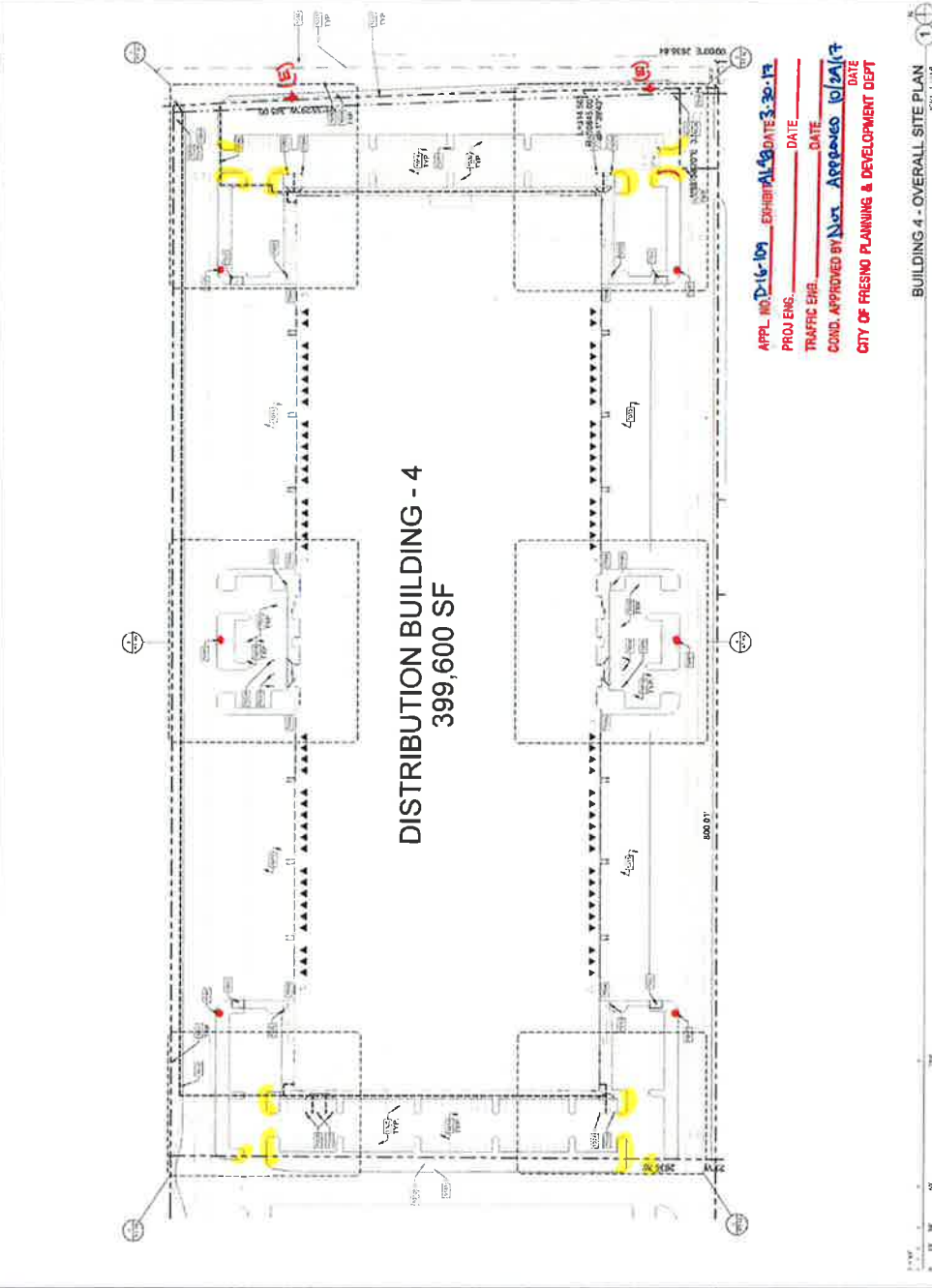
1. EXISTING BUILDING
2. PROPOSED BUILDING
3. EXISTING DRIVEWAY
4. PROPOSED DRIVEWAY
5. EXISTING PARKING
6. PROPOSED PARKING
7. EXISTING FENCE
8. PROPOSED FENCE
9. EXISTING LANDSCAPE
10. PROPOSED LANDSCAPE

KEY PLAN

1. BUILDING 1
2. BUILDING 2
3. BUILDING 3
4. BUILDING 4
5. BUILDING 5
6. BUILDING 6
7. BUILDING 7
8. BUILDING 8
9. BUILDING 9
10. BUILDING 10

LEGAL DESCRIPTION

1. BUILDING 1
2. BUILDING 2
3. BUILDING 3
4. BUILDING 4
5. BUILDING 5
6. BUILDING 6
7. BUILDING 7
8. BUILDING 8
9. BUILDING 9
10. BUILDING 10



DEVELOPER / PROPERTY OWNER CAGLIA ENVIRONMENTAL	
ARCHITECT / APPLICANT WARE MALCOMB	
CONSULTANTS CIVIL ENGINEER DATE: 11/15/2017	
SITE PLAN GENERAL NOTES	
FIRE NOTES	



APPL. NO. D-16-109 EXHIBIT ALL DATE 3-28-17
 PROJ. ENG. _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 COND. APPROVED BY Sheri Acunato Ward DATE _____
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

DEVELOPER / PROPERTY OWNER

DEVELOPER / PROPERTY OWNER CAGLIA ENVIRONMENTAL 1400 S. 21ST ST. SUITE 100 AUSTIN, TEXAS 78741-1008 TEL: 512-325-1000 FAX: 512-325-1008	ARCHITECT / APPLICANT WATKINS MALCOLM 10000 N. CENTRAL EXP. SUITE 100 DALLAS, TEXAS 75243 TEL: 214-343-4444 FAX: 214-343-4447	CONSULTANTS CIVIL ENGINEER 10000 N. CENTRAL EXP. SUITE 100 DALLAS, TEXAS 75243 TEL: 214-343-4444 FAX: 214-343-4447
GENERAL CONTRACTOR 10000 N. CENTRAL EXP. SUITE 100 DALLAS, TEXAS 75243 TEL: 214-343-4444 FAX: 214-343-4447	MECHANICAL CONTRACTOR 10000 N. CENTRAL EXP. SUITE 100 DALLAS, TEXAS 75243 TEL: 214-343-4444 FAX: 214-343-4447	ELECTRICAL CONTRACTOR 10000 N. CENTRAL EXP. SUITE 100 DALLAS, TEXAS 75243 TEL: 214-343-4444 FAX: 214-343-4447

LETTERS TO THE EDITOR

1. The first step in the process is to identify the problem. This involves gathering information about the situation and determining what needs to be done.

2. Once the problem is identified, the next step is to develop a plan. This involves setting goals and determining the steps that need to be taken to achieve those goals.

3. The third step is to implement the plan. This involves putting the plan into action and monitoring progress.

4. The final step is to evaluate the results. This involves assessing the effectiveness of the plan and making adjustments as needed.

the process are controlled. The handling of patients' body fluids may be done in a way that is comparable to a typical set of control procedures, and patients must be kept clean and dry. The use of protective clothing and masks by the staff and the use of the water in the

[illegible]

1. **NAME OF THE COMPANY** _____
2. **ADDRESS** _____
3. **CITY** _____
4. **STATE** _____
5. **ZIP** _____
6. **PHONE** _____
7. **FAX** _____
8. **E-MAIL** _____
9. **WEBSITE** _____
10. **INDUSTRY** _____
11. **PRODUCTS** _____
12. **SERVICE** _____
13. **MARKET** _____
14. **COMPETITION** _____
15. **FINANCIAL** _____
16. **MANAGEMENT** _____
17. **TECHNOLOGY** _____
18. **ENVIRONMENT** _____
19. **REGULATION** _____
20. **OTHER** _____

[illegible]

1. ANY SUPPLY MOVEMENTS WITHIN THE AREA OF CONSTRUCTION SHALL PROHIBIT OR REDUCE A DESIGN INCURRED TO AFFECTED AND SUPPLY SITES OR CALIFORNIA

[illegible][illegible]

1

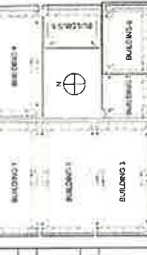
EXISTING PLANNED LAND USE
EXISTING ZONE DISTRICT
PROPOSED ZONE DISTRICT:
TOTAL BUILDING AREA
BUILDING #
BUILDING COVER AGE
PAVED AREA
LANDSCAPE
OCCUPANCY
CONSTRUCTION TYPE

PARKING
BUILDINGS
DUCK-HIGH DOORS
CRAKE-LEVEL DOORS
AUTO PARKING
**(N% Y/H, IN GATED-DOE ME
REG ACCESSIBLE**

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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[illegible]

12	12
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LEGAL DESCRIPTION

Cagnia - Flesno

6. JOURNAL OF THE
FEDERAL BUREAU OF INVESTIGATION

A1.6a

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

File No. 210.412

Page 1 of 6

PUBLIC AGENCY

PHILLIP SIEGRIST
DEVELOPMENT AND RESOURCE MANAGEMENT
CITY OF FRESNO
2600 FRESNO STREET, THIRD FLOOR
FRESNO, CA 93721-3604

DEVELOPER

KEN VANG, PRECISION CIVIL ENGINEERING,
INC.
1234 "O" STREET
FRESNO, CA 93721

PROJECT NO: **2016-109**

ADDRESS: **3571 S. CEDAR AVE.**

APN: **330-021-02, 16, 30, 56T**

SENT: **5/1/17**

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)
AX	\$691,097.00	NOR Review	\$3,681.00 To be paid prior to release of District comments to Public Agency and Developer.
AY	\$488,274.00	Grading Plan Review	\$18,720.00 Amount to be submitted with first grading plan submittal.
		Storm Drain Plan Review	For amount of fee, refer to www.fresnofloodcontrol.org for form to fill out and submit with first storm drain plan submittal (blank copy attached).
Total Drainage Fee: \$1,179,371.00		Total Service Charge:	\$22,401.00

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.

Pursuant to the District's Development Review Fee Policy, the subject project shall pay review fees for issuance of this Notice of Requirements (NOR) and any plan submittals requiring the District's reviews. The NOR fee shall be paid to the District by Developer before the Notice of Requirement will be submitted to the City. The Grading Plan fee shall be paid upon first submittal. The Storm Drain Plan fee shall be paid prior to return/pick up of first submittal.

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 2/28/18 based on the site plan submitted to the District on 4/04/17 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.

**FR
DPA
No. 2016-109**

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

Page 2 of 6

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

1. ___ a. Drainage from the site shall
 X b. Grading and drainage patterns shall be as identified on Exhibit No. 1
 ___ 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:
 X 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 and information shall be submitted to the District for review prior to final development approval:
 X Grading Plan
 X Street Plan
 X Storm Drain Plan
 X Water & Sewer Plan
 ___ Final Map
 X Drainage Report (to be submitted with tentative 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.
 X d. See Exhibit No. 2.
5. The proposed development:
 X 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.

FR DPA No. 2016-109

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

Page 3 of 6

FR DPA No. 2016-109

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, effective July 1, 2010, as amended. 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 and Permit Registration Documents 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, 2014 (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.


Peter Sanchez
District Engineer


Gary W. Chapman
Project Engineer

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

Page 4 of 6

CC:

RICHARD CAGLIA, ORANGE AVENUE DISPOSAL COMPANY

P.O. BOX 446

FRESNO, CA 93709

FR DPA No. 2016-109

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

Page 5 of 6

Pursuant to the District's Development Review Fee Policy, the subject project shall pay review fees in the amount identified below for Storm Drain Review. The fee shall be paid to the District by Developer with first plan submittal. Checks shall be made out to Fresno Metropolitan Flood Control District.

Application No. FR DPA 2016-109

Name / Business KEN VANG, PRECISION CIVIL ENGINEERING, INC.

Project Address 3571 S. CEDAR AVE.

Project APN(s) 330-021-02, 16, 30, 56T

Project Acres (gross) 105.17

Please fill in the table below of proposed storm drain facilities to be constructed with this development and return completed form with first plan submittal. If you have any questions or concerns regarding the construction of facilities list, you can contact the Fresno Metropolitan Flood Control District at 559-456-3292.

Description	Qty	Unit	Price	Amount
-------------	-----	------	-------	--------

Estimated Construction Cost _____

Fee equals lesser of

\$375.00 plus 3% of the estimated construction costs _____ Total (\$300.00 gross per acre) **\$31,551.00**

Amount Due

**Storm Drain Facilities
Cost Sheet**

15" Concrete Pipes \$64.00 LF

18" Concrete Pipes \$68.00 LF

34" Concrete Pipes \$76.00 LF

30" Concrete Pipes \$90.00 LF

36" Concrete Pipes \$106.00 LF

42" Concrete Pipes \$123.00 LF

48" Concrete Pipes \$144.00 LF

54" Concrete Pipes \$175.00 LF

60" Concrete Pipes \$205.00 LF

66" Concrete Pipes \$243.00 LF

72" Concrete Pipes \$280.00 LF

84" Concrete Pipes \$313.00 LF

96" Concrete Pipes \$338.00 LF

15" Jacked Pipes \$555.00 LF

18" Jacked Pipes \$608.00 LF

24" Jacked Pipes \$687.00 LF

30" Jacked Pipes \$766.00 LF

36" Jacked Pipes \$846.00 LF

42" Jacked Pipes \$898.00 LF

48" Jacked Pipes \$951.00 LF

54" Jacked Pipes \$1,031.00 LF

60" Jacked Pipes \$1,110.00 LF

66" Jacked Pipes \$1,216.00 LF

72" Jacked Pipes \$1,374.00 LF

84" Jacked Pipes \$1,533.00 LF

Manholes \$4,000.00 EA

Inlets & Laterals \$4,450.00 EA

Outfalls \$8,500.00 EA

Canal Outfalls \$15,000.00 EA

Basin Excavation \$0.75 CY

**IMPROVEMENTS ADJACENT
TO BASIN**

Fence, Pad, and Gate \$20.00 LF

Mowstrip \$17.50 LF

Arterial Paving \$70.00 LF

Local Paving \$45.00 LF

Curb and Gutter \$18.25 LF

Sidewalk \$36.00 LF

Sewer Line \$21.00 LF

Water Line \$24.00 LF

Street Lights \$65.00 LF

Pump Station/Intake \$375,000.00 EA

FR DPA No. 2016-109

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

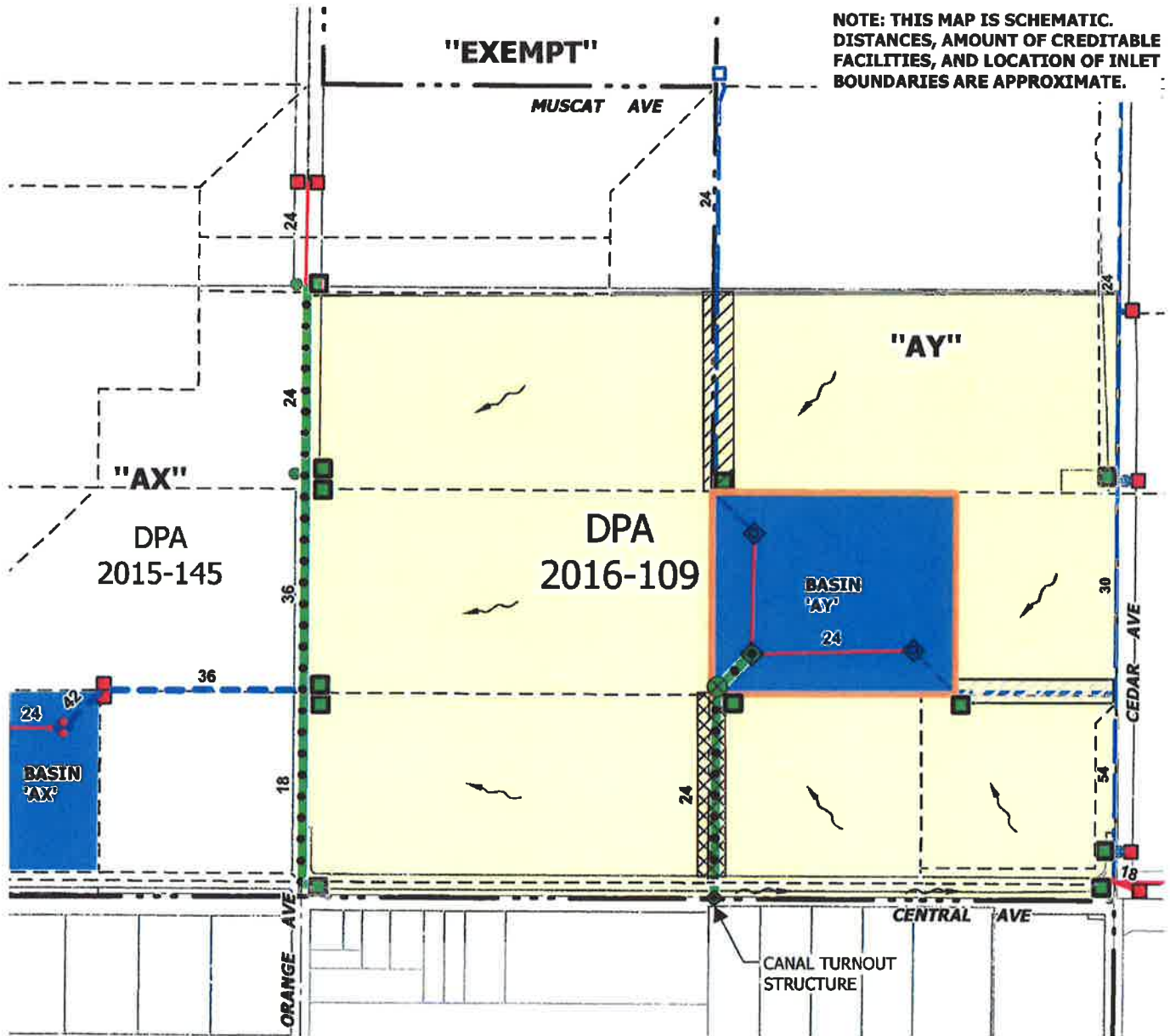
Page 6 of 6

POLICY MANUAL	Date Adopted: September 11, 1981
Classification: FLOOD PLAIN MANAGEMENT	Date Last Amended: August 10, 2005
	Subject: Flood Plain Policy
	Approved By: 

Because of the relatively high velocities and volumes of flood flow associated with primary flood plains, and because the primary flood plain is responsible for passing the greatest percentage of the flood event, development located in such flood plains is subject to substantial risk, both to itself and to others as a result of the potential for blockage and diversion of flood waters. In view of these factors:

Policy:

- (1) All proposed development activity shall reference the Flood Insurance Rate Map to determine if it is located in a 100-year flood plain (special flood hazard areas inundated by a 100-year flood) "Primary Flood Plain". Any project not located within a FIRM or located in any area where the FIRM is determined to be inaccurate shall be the subject of a detailed hydrological flood hazard investigation to determine the relationship of the proposed development to the primary flood plain; and, further, to identify the calculated water surface elevation of the 100-year flood event.
- (2) The development must be properly flood proofed below the calculated water surface elevation of the 100-year flood event.
- (3) All development and/or permanent improvement activity which, if located within the primary floodway, may unduly impede, retard or change the direction of flow of water either, by itself, or by the catching or collecting of other debris or is placed where the flow of water would carry such obstruction downstream to the damage or detriment of either life or property, should not be permitted.
- (4) The development shall not cause displacement of any and all floodwaters from that portion of the flood plain to be developed.



LEGEND

- | | | | |
|--|--|--|---|
| | Existing Master Plan Facilities | | 20' Wide Storm Drain Easement Required |
| | Future Master Plan Facilities | | Existing 20' Wide Storm Drain Easement |
| | Creditable Facilities (Master Plan Facilities To Be Constructed By Developer) - Pipeline (Size Shown), Inlets & Pump Stand | | Existing 20' Wide Access/Storm Drain Easement |
| | Optional Master Plan Facilities To Be Constructed By Developer - Pipeline (Size Shown) & Inlet. | | |
| | Mowstrip To Be Constructed By Developer | | |
| | Inlet Boundary | | |
| | Drainage Area Boundary | | |
| | Limits Of DPA 2016-109 | | |



1" = 500'

EXHIBIT NO. 1

DPA 2016-109
DRAINAGE AREAS "AX" & "AY"



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

Prepared by: keithr
Date: 5/1/2017

Path: K:\Autocad\DWGS\0EXHIBIT\CITYDPA\2016-109.mxd

OTHER REQUIREMENTS
EXHIBIT NO. 2

The cost of construction of Master Plan facilities, excluding dedication of storm drainage easements, is eligible for credit against the drainage fee of the drainage area served by the facilities. A Development Agreement shall be executed with the District to effect such credit. Reimbursement provisions, in accordance with the Drainage Fee Ordinance, will be included to the extent that Developer's Master Plan costs for an individual drainage area exceed the fee of said area. Should the facilities cost for such individual area total less than the fee of said area, the difference shall be paid upon demand to the City or District.

The required Master Plan pipe in Orange Avenue has also been required of the developer of DPA 2016-145. If those facilities are completed prior to development of this site, the construction requirement will be dropped.

There is an existing twenty-foot (20') wide storm drain/access easement along the east side of DPA 2016-109 as shown on Exhibit No. 1. No encroachments into the easement shall be permitted including, but not limited to, foundations, roof overhangs, swimming pools, and trees. If pavement is placed over the access easement, it shall be constructed with the structural strength to carry heavy truck traffic and equipment utilized for work within the District's basin. Any additional costs associated with increasing the structural pavement section above that being constructed on the site is eligible for drainage fee credit. The access easement must remain open for District access to the District basin. If the access is gated, or locks are placed, standard FMFCD locks shall be used.

There is an existing twenty-foot (20') wide storm drain easement along the north side of DPA 2016-109 as shown on Exhibit No. 1. No encroachments into the easement shall be permitted including, but not limited to, foundations, roof overhangs, swimming pools, and trees.

The developer shall dedicate a twenty-foot (20') wide storm drain easement as shown on Exhibit No. 1 as a condition of the project. No encroachments into the easement shall be permitted including, but not limited to, foundations, roof overhangs, swimming pools, and trees.

Development No. DPA 2016-109

OTHER REQUIREMENTS
EXHIBIT NO. 2

The District plans future improvements in its adjacent basin including the construction of a pump station and basin landscaping. These improvements will require water and power utilities. The water utilities need to be conveyed through DPA 2016-109 in order to reach the District's basin. As such, the Developer shall be required to include the installation of a 2-inch water line to the southwest corner of the District's basin and the installation of an empty water meter box. The electrical utilities also need to be conveyed through DPA 2016-109 in order to reach the southwest corner of the District's basin. As of the date of this notice the District does not know the location of the power source for its future pump station. Please contact the District prior to preparing improvement plans for DPA 2016-109 in order to locate an empty conduit for future power lines to be installed with DPA 2016-109. The installation of the water line, meter box, and empty conduit is eligible for drainage fee credit.

The developer is required to provide storage in Basin "AX" and Basin "AY" by excavating an amount of cubic yards based on development and as directed by the District in an excavation permit obtained from the District. The District reserves the right to delete this work prior to the developer initiating work.

DPA 2016-109 is located in Drainage Areas "AX" and "AY". The drainage area boundary may be modified as long as the acreages for each drainage area are not affected.

No surface run-off shall be directed towards the FMFCD basin. The District requests that the grading Engineer contact the District as early as possible to review the proposed site grading for verification and acceptance of grades at our mutual property line prior to preparing a grading plan.

In an effort to improve storm 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.

Development No. DPA 2016-109

OTHER REQUIREMENTS
EXHIBIT NO. 2

Runoff from areas where industrial activities, product, or merchandise come into contact with and may contaminate storm water must be 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 shall not be connected to the District's system. 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 is available on the District's website at: www.fresnofloodcontrol.org or contact the District's Environmental Department, Daniel Rourke, for further information regarding these policies related to industrial site requirements.

Development No. DPA 2016-109

210.412

CITY OF FRESNO - DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
REQUEST FOR COMMENTS, CONDITIONS, ENVIRONMENTAL ASSESSMENT,
AND ENTITLEMENT APPLICATION REVIEW OF
DEVELOPMENT PERMIT APPLICATION NO. D-16-109

FMFCD

Return Completed Form to:

Phillip Siegrist, Development Services/Planning

Email: Phillip.Siegrist@fresno.gov and

Joann.Zuniga@fresno.gov

Development and Resource Management

2600 Fresno Street, Third Floor

Fresno CA 93721-3604

PROJECT DESCRIPTION AND LOCATION:

Development Permit Application No. D-16-109 was filed by Ken Vang of Precision Civil Engineering, on behalf of Richard Caglia of Caglia Environmental, and pertains to ± 110.81 acres of property located on the northwest corner of East Central and South Cedar Avenues. The applicant proposes development of an industrial business park with up to 7 reinforced concrete buildings. The buildings are proposed for heavy industrial use and will range in size from 124,200 square feet to 1,000,000 square feet, with the total building square footage at $\pm 2,069,820$. The property is zoned IH/UGM (Heavy Industrial/Urban Growth Management).

APNs: 330-021-02, 09, 10, 16, 18T, 30, 55 ZONING: IH/UGM

SITE ADDRESS: 3571 South Cedar Avenue

DATE ROUTED: April 3, 2017

COMMENT DEADLINE: April 21, 2017

WILL THIS PROJECT AFFECT YOUR AGENCY/JURISDICTION? (If yes, specify.)

REFER TO FMFCD NOTICE OF REQUIREMENTS FOR
DPA 2016-109.

SUGGESTION(S) TO REDUCE IMPACTS/ADDRESS CONCERNS:

SAME AS ABOVE

REQUIRED CONDITIONS OF APPROVAL:

SAME AS ABOVE

IS ANY ADDITIONAL INFORMATION NEEDED FOR YOU TO COMPLETE YOUR REVIEW? (Be specific):

NO

REVIEWED BY:

GARY CHAPMAN ENG. TECH. III 456-3292

5/1/17

Name and Title

Telephone Number

Date

**CITY OF FRESNO - DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
REQUEST FOR COMMENTS, CONDITIONS, ENVIRONMENTAL ASSESSMENT,
AND ENTITLEMENT APPLICATION REVIEW OF
DEVELOPMENT PERMIT APPLICATION NO. D-16-109**

Building & Safety Services

Return Completed Form to:

Phillip Siegrist, Development Services/Planning

Email: Phillip.Siegrist@fresno.gov and
Joann.Zuniga@fresno.gov

Development and Resource Management
2600 Fresno Street, Third Floor
Fresno CA 93721-3604

PROJECT DESCRIPTION AND LOCATION:

Development Permit Application No. D-16-109 was filed by Ken Vang of Precision Civil Engineering, on behalf of Richard Caglia of Caglia Environmental, and pertains to ± 110.81 acres of property located on the northwest corner of East Central and South Cedar Avenues. The applicant proposes development of an industrial business park with up to 7 reinforced concrete buildings. The buildings are proposed for heavy industrial use and will range in size from 124,200 square feet to 1,000,000 square feet, with the total building square footage at $\pm 2,069,820$. The property is zoned IH/UGM (*Heavy Industrial/Urban Growth Management*).

APNs: 330-021-02, 09, 10, 16, 18T, 30, 55 ZONING: IH/UGM

SITE ADDRESS: 3571 South Cedar Avenue

DATE ROUTED: April 3, 2017

COMMENT DEADLINE: April 21, 2017

WILL THIS PROJECT AFFECT YOUR AGENCY/JURISDICTION? (If yes, specify.)

SUGGESTION(S) TO REDUCE IMPACTS/ADDRESS CONCERNS:

- 1) Demo permit for existing structures.
- 2) Separate grading Application
- 3) Plans/permits req'd
- provide 60' side yards/R
So for unlimited area
71492.

REQUIRED CONDITIONS OF APPROVAL:

IS ANY ADDITIONAL INFORMATION NEEDED FOR YOU TO COMPLETE YOUR REVIEW? (Be specific):

REVIEWED BY:


Name and Title

8856
Telephone Number

4/14/17
Date

April 24, 2017

Phillip Siegrist
City of Fresno
Development and resource Management
2600 Fresno Street, Third Floor
Fresno, CA 93721

Project: Development Permit Application No. D-16-109

District CEQA Reference No: 20170379

Dear Mr. Siegrist:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Development Permit Application for the proposed project consists of the development of an industrial business park with up to 7 reinforced concrete building for heavy industrial use and will range in size from 124,200 square feet to 1,000,000 square feet, with the total building square footage at $\pm 2,069,820$ (Project). The Project is located on the northwest corner of East Central and South Cedar Avenues. The District offers the following comments:

District Comments

- 1) The District's initial review of the project concludes that emissions resulting from construction and/or operation of the project may exceed the following thresholds of significance: 10 tons per year of oxides of nitrogen (NO_x), 10 tons per year of reactive organic gases (ROG), or 15 tons per year particulate matter of 10 microns or less in size (PM₁₀). The District recommends that a more detailed preliminary review of the project be conducted. The additional environmental review of the project's potential impact on air quality should consider the following:
 - 1a) Project Emissions should be identified and quantified.
 - i) Permitted (stationary sources) and non-permitted (mobile sources) sources should be analyzed separately. Preparation of an Environmental Impact Report (EIR) is recommend should emissions from either source exceed the following amounts: 10 tons per year of oxides of nitrogen (NO_x), 10 tons per

Sayed 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

year of reactive organic gases (ROG), or 15 tons per year particulate matter of 10 microns or less in size (PM10).

ii) Pre- and post-project emissions should be identified.

1b) Nuisance Odors should be discussed as to whether the project would create objectionable odors affecting a substantial number of people.

Toxic Air Contaminants (TACs) –are defined as air pollutants that which may cause or contribute to an increase in mortality or serious illness, or which may pose a hazard to human health. The most common source of TACs can be attributed to diesel exhaust fumes that are emitted from both stationary and mobile sources. If the project is located near residential/ sensitive receptors, the proposed project should be evaluated to determine the health impact of TACs to the near-by receptors. If the analysis indicates that TACs are a concern, the District recommends that a Health Risk Assessment (HRA) be performed. If an HRA is to be performed, it is recommended that the project proponent contact the District to review the proposed modeling approach. More information on TACs, prioritizations and HRAs can be obtained by:

- E-mailing inquiries to: hramodeler@valleyair.org; or
- Visiting the District's website at:
http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm.

2) If preliminary review indicates that a Mitigated Negative Declaration should be prepared, in addition to the effects identified above, the document should include:

2a) Mitigation Measures – If preliminary review indicates that with mitigation, the project would have a less than significant adverse impact on air quality, the effectiveness of each mitigation measure incorporated into the project should be discussed.

2b) District's attainment status – The document should include a discussion of whether the project would result in a cumulatively considerable net increase of any criteria pollutant or precursor for which the San Joaquin Valley Air Basin is in non-attainment. Information on the District's attainment status can be found online by visiting the District's website at <http://valleyair.org/aqinfo/attainment.htm>.

3) If preliminary review indicates that an Environmental Impact Report (EIR) should be prepared, in addition to the effects identified above, the document should also include the following:

- 3a) A discussion of the methodology, model assumptions, inputs and results used in characterizing the project's impact on air quality.
- 3b) A discussion of the components and phases of the project and the associated emission projections, (including ongoing emissions from each previous phase).
- 4) Based on information provided to the District, the proposed project would equal or exceed 100,000 square feet of heavy industrial space. Therefore, the District concludes that the proposed project is subject to District Rule 9510 (Indirect Source Review).

District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

- 5) The proposed project may require District permits. Prior to the start of construction the project proponent should contact the District's Small Business Assistance Office at (559) 230-5888 to determine if an Authority to Construct (ATC) is required.
- 6) The proposed project may be subject to the following District rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
- 7) The District recommends that a copy of the District's comments be provided to the project proponent.

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

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Michael Corder at (559) 230- 5818.

Sincerely,

Arnaud Marjollet
Director of Permit Services

A handwritten signature in cursive script that reads "Michael Corder".

For: Brian Clements
Program Manager

AM: mc

City Hall
2600 Fresno Street, 4th Floor
Fresno, California 93721
Ph. (559) 621-8800
www.fresno.gov

Scott L. Mozier, P.E.
Public Works Director

September 12, 2017

Phillip Siegrist, Planner II
Development and Resources Management Department
2600 Fresno Street, 3rd Floor
Fresno, CA 93721

**SUBJECT: REVIEW OF THE TRAFFIC IMPACT STUDY (TIS) DATED AUGUST 21, 2017
FOR THE PROPOSED ORANGE AVENUE INDUSTRIAL PARK
DEVELOPMENT ON THE NORTHWEST CORNER OF CENTRAL AND
ORANGE AVENUES
TIS 17-005, D-16-109**

PROJECT OVERVIEW

Traffic Engineering staff has completed the fourth review of the Traffic Impact Study (TIS) prepared by Precision Civil Engineering, Inc. for the proposed Orange Avenue Industrial development, "project", which plans to develop approximately 2,145,420 square feet of industrial uses on the approximately 102.33 acre site on the northwest corner of the intersection of Central and Orange Avenues. The site is designation Heavy Industrial and is currently vacant.

The TIS evaluated the impacts of the project by analyzing 10 intersections, nine (9) project driveways and three (3) segments in the vicinity of the project during the AM and PM peak hours. Vehicle trips projected to be generated by the project were calculated using the ITE Trip Generation Manual, 9th Edition. The following table includes the daily (ADT), AM and PM peak hour trips projected to be generated by the project as shown in the TIS:

Land Use	Size	ADT	Weekday					
			AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Industrial Park (ITE Code 130)	102.33 acres	6,260	696	143	839	183	690	873

Based on the analyses included in the TIS, the study intersections are currently operating above the TIZ IV LOS E standard. With the addition of the project, the intersection of the State Route (SR) 99 southbound off-ramp/Parkway at North Avenue is projected to operate below the TIZ IV LOS E standard. With the addition of the approved/pending projects the SR 99 southbound off-ramp/Parkway at North Avenue intersection is projected to continue to operate at an unacceptable level. All intersections are projected to operate acceptable in the 2035 cumulative scenarios with improvements projected to occur with build-out of the General Plan.

GENERAL COMMENTS and CONDITIONS

1. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee per the Master Fee Schedule at the time of building permit. Based on the project information analyzed in the TIS, the TSMI fee would be calculated using the following unit rates:

Industrial - \$348/square foot

The TSMI fee facilitates project impact mitigation to the City of Fresno Traffic Signal infrastructure so that costs are applied to each new project/building based on the generated ADT. The TSMI fee is credited against traffic signal installation/modifications and/or Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) that plan to build out the 2035 General Plan circulation element and are included in the Nexus Study for the TSMI fee. The TSMI fee is regularly updated as new traffic signals are added, new grant funds offset developer improvement costs, and/or construction costs increase/decrease. If the project is conditioned with traffic signal improvements in excess of their TSMI fee amount, the applicant may apply for fee credits (security/bonding and/or developer agreement required) and/or reimbursement for work in excess of their fee as long as the infrastructure is in place at the ultimate location. The applicant should work with the Public Works Department and identify, with a Professional Engineers estimate, the costs associated with the improvements prior to paying the TSMI fee to determine any applicable fee credits and/or reimbursements.

For project specific impacts that are not consistent with the 2035 General Plan, Public Works Standards, and/or are not incorporated into the TSMI fees, the infrastructure costs will not be eligible for reimbursement unless the City Engineer and City Traffic Engineer include the new traffic signal and/or ITS infrastructure in the next TSMI fee update and the applicant agrees to pay the new 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.

2. This project shall pay its Fresno Major Street Impact (FMSI) Fee, which will be determined at time of building permit. This FMSI fee is creditable towards major street roadway improvements included in the nexus study for the FMSI fee.
3. The project shall pay the Regional Transportation Mitigation Fee (RTMF). Pay the RTMF fee to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148, ext. 200; www.fresnocog.org. Provide proof of payment or exemption, based on vesting rights, prior to issuance of building permits.
4. The proposed project shall pay the \$576 Traffic Impact Study review fee for the review of the document. Proof of payment shall be provided to the Traffic & Engineering Services Division.

5. The proposed project has identified a project impact at the intersection of SR 99 southbound off-ramp/Parkway at North Avenue. Ultimate plans at this location include the reconstruction of the interchange. The project shall coordinate with Caltrans to determine the appropriate interim improvements to be implemented at this location.
6. The proposed project shall make necessary improvements and right-of-way and public easement dedications along adjacent public street(s) and within the site boundaries per City of Fresno standards/requirements.
7. The proposed site plan shall be reviewed and approved by the City of Fresno Traffic & Engineering Services Division, Traffic Planning Section.

If you have any further questions regarding this matter, please contact me at (559) 621-8792 or jill.gormley@fresno.gov.

Sincerely,



Jill Gormley, TE
City Traffic Engineer / Traffic Engineering Manager
Public Works Department, Traffic & Engineering Services

C: Copy filed with Traffic Impact Study
Louise Gilio, Traffic Planning Supervisor
David Schwegel, Precision Civil Engineering, Inc.