

Exhibit G

APPL. NO.	P23-03993	EXHIBIT	O	DATE	03/28/2025
PLANNING REVIEW BY				DATE	
TRAFFIC ENG.				DATE	
APPROVED BY				DATE	
CITY OF FRESNO DARM DEPT					

**OPERATIONAL STATEMENT
MULTI-FAMILY AND COMMERCIAL DEVELOPMENT AT THE SOUTHEAST
CORNER OF HERNDON AND HAYES**

SUMMARY

Bella Vita, Inc, Inc (applicant), is submitting a request to entitle the subject properties via the Conditional Use Permit, Development Permit, and Planned Development process for the development of a comprehensive commercial and multiple-family project that when completed, will comply with the intent and purpose of the City of Fresno's General Plan guiding principles. The proposed project will provide general consistency with existing land use classifications and does not require modification to the commercial and residential components.

The proposed Project requires three (3) separate entitlement submittals for consideration and action:

- **Conditional Use Permit:** One comprehensive entitlement that addresses the drive-through and any modification to the development standards.
- **Development Permit:** For the by-right multi-family development, retail shell building, and commercial pads.
- **Planned Development Permit:** To address the proposed distance of the intercom system for the drive-thru use being less than 100 feet away from a residential district and for reduction to the landscape separation. Also included is the reduction in the 75-foot setback requirement for Herndon Avenue due to existing physical constraints of the parcel configuration due to Herndon Avenue widening and onsite overhead utility lines and respective easements.

COMMERCIAL AND RESIDENTIAL GENERAL PLAN ZONING CONFORMANCE

The Office designated portion of property runs parallel to Hayes Avenue and is comprised of approximately two acres directly at the southeast corner of Herndon and Hayes Avenues. The remainder of the project is designated for High Density Residential. The development will not affect the current zoning classifications and will be developed according to the prescribed General Plan.

SITE ACCESS POINTS

The proposed project will include several access points for residential and commercial ingress and egress. The residential development will include two gated access points along Hayes Avenue and Herndon Avenue will include a centralized Emergency Vehicle Access point (EVA), to provide the Fire Department with additional access to Herndon Avenue as needed for safety.

The Commercial development includes two Hayes Avenue access points that provide adequate separation from the proposed residential development. It is understood that typical development along an intersection requires 300 feet of separation from the intersection; however, due to the unique configuration of the parcel and the requirement for a median along Hayes Avenue, providing for the proposed access would not be detrimental to circulation. Per the City's current circulation plan element, Herndon Avenue is classified as an Expressway with limited access; therefore, this development proposal will not impede or detract from the City's current policy and will utilize the current Arterial streets for access. The newly completed City Road improvements on the south, west, and east side of the project redirects traffic southeasterly as a traffic calming measure and connection to Veterans Boulevard. Subsequently, eastbound Herndon traffic reengages at Polk Avenue. This new roadway configuration creates an opportunity for residential and commercial access points at Hayes Avenue and Veteran's Boulevard.

RETAIL COMMERCIAL / DRIVE-THRU'S

Overall site development includes three planned commercial buildings inclusive of the following:

- One approximate 5,000 sf commercial building (Pad 1), with an ancillary drive through lane.
- One approximate 12,750 sf strip commercial retail building. This building will have the option of being partitioned into smaller retail suites depending on future tenant programming requirements.
- One approximate 4,900 sf commercial building (Pad 2), for future retail use.

PLANNED DEVELOPMENT REQUIREMENT

The City's Development Code requires a minimum of a 100-foot separation between a drive-thru use intercom system and a Residential District. Additionally, the City's Code establishes a minimum of a Type 2 (15-foot) landscape buffer between commercial and residential property lines, a reduction in the required interior side yard setback for the RM-2 Zone District standard from 5 feet to 0 feet (FMC Table 15-1003), and lastly, a reduction in the front yard setback for the O (Office) Zone District of 15 feet (FMC Table 15-1303-2). However, these development standards can be deviated with demonstration that If findings can be made, and as part of the Planned Development, the applicant /developer can request a reduction of the respective widths and setbacks.

Although the separation restrictions are implemented to avoid internal traffic congestion, visual blight, and internal circulation conflict, this commercial proposal has been carefully crafted to eliminate the aforementioned areas of concern. Consequently, the City's Code provides exceptions if the planned use(s) can provide site design elements that address these specific concerns. The drive aisle has been strategically placed to avoid direct vehicular interaction from other uses within the commercial development. The proposed Quick Service Restaurant (QSR) building will provide its public entrance on the south, with the drive-thru entering from the east and primarily focused towards Herndon and

Hayes Avenues to avoid any visual or circulation conflict with the other retail buildings over 100 feet away. In actuality, the drive-thru use placement removes most of the que lane from the direct line of sight of the overall commercial development.

Subsequently, to assist in the visual separation of the QSR building and the commercial and residential components of the Project, the site design includes placement of the QSR building at approximately 150 feet from the nearest Commercial building. The proposed QSR is proposed at the northwest corner of the Project to further block direct line of sight from other retail uses. As added measures for screening, the Project includes placement of several trees and shrubs within the centralized parking field that at maturity, will completely screen out the drive-thru lanes. Additionally, the developer intends on providing a 3-foot landscape screen along the perimeter of the drive aisle to prevent headlights from the que lane to create distraction to other commercial buildings and for vehicles driving along Herndon and Hayes Avenue.

Wall

As a concession to the separation requirement from the Residential development, the developer has included a 6-foot/8-inch masonry wall that will completely screen the commercial development from the Residential development. This wall also provides additional sound attenuation. Subsequently, the developer has purposely placed the multi-family carports and residential drive aisles adjacent to the west property line to further buffer the two different zoning uses.

Eight-Foot Wall at Expressway

An 8-foot masonry wall is proposed adjacent to the Herndon Avenue Expressway. The purpose of the wall is to mitigate the 75-foot setback requirement for residential structures adjacent to a designated expressway. The Development Code has provisions permitting encroachment with acceptable barriers such as the proposed 8-foot wall to achieve acceptable noise levels between residential properties and the expressway. The proposed wall will be placed along the Herndon Avenue property line and will generally provide a 50-foot separation from the right of way centerline and buildings. The Code also states that residential buildings must be located outside of the 30-foot right-of-way. Proposed buildings will meet the requirement. It is the intent to utilize the Planned Development Permit process for approval of this component of the Project. The Project has detrimental physical constraints that warrant deviation from the typical setback requirements. Primarily, recent modification to Herndon Avenue reduced the available frontage which constrained the width of the property; secondarily, existing large scale electrical transformers and respective easements further restricted residential buildable areas. The Planned Development Permit process provides a mechanism for this specific reduction.

OPERATIONS

The commercial/retail developments are proposed to have typical retail type uses and will include typical daily operational hours and employment numbers:

- 7 Days a Week
- 65-70 employees employed across all commercial tenants with both full and part-time shifts.

RESIDENTIAL

The residential parcels comprise approximately 16.36 net acres of High-Density housing units. Based on the allowable density, the Project includes the development of 396 dwelling units within multiple three-story buildings. Within the development, the Project will include an array of one-two-and three-bedroom units to meet the housing demands of the Fresno housing market.

PHASES

The Project will develop in phases. Additionally, with the specific placement of structures throughout the Project, the Project will require Lot Line Adjustments to match \project configurations which will not increase parcel count but will provide opportunity to develop the project in phases.

NEIGHBORHOOD MEETING

Prior to application submittal, the City's Development Code requires neighborhood outreach with any proposed land use change. The applicant mailed out 650 notices to area property owners within the designated noticing radius for a neighborhood meeting to be held on May 4th, 2023. The applicant's representative facilitated the meeting at River Bluff Elementary School. Twelve area residents attended the meeting to learn more about the proposed Project. The primary areas of concern discussed were noise, traffic, and the density of the residential component. It was explained to the residents that the only anticipated noise was going to be typical construction noise during the construction phase, and that the City's General Plan addressed temporary and project noise under its adopted Noise standards. It was also understood that an increase in traffic would be inevitable with the permitted residential use and that this was also considered under the City's current adopted noise standards. Subsequently, the majority of traffic would typically utilize Palo Alto, Hayes and Herndon Avenues which would minimize any significant traffic impacts to existing interior neighborhoods. Residents indicated that it was understood that development was inevitable, but the primary concern was the increase in traffic and that Herndon Avenue would be eliminated at Hayes Avenue, and that traffic would be directed south onto Veterans Boulevard which is adjacent to their homes. Additionally, it was expressed that at a minimum, could the applicant work on providing safe pedestrian crossing at Hayes and Veterans Boulevard for future neighborhood children attending the River Bluff Elementary. Subsequently, if the applicant could assure the placement of additional lighting along its sidewalk frontage as an added measure of security for children/students crossing Hayes Avenue, they would find this comforting.

The applicant has heard the concerns and has made it clear that it wants to be a positive part of the neighborhood. The applicant has taken note of these concerns and has assured residents that our project requires cooperation with City staff and will implement development standards that will mitigate any potential negative impacts. The applicant has made a verbal commitment to work with the city to ensure that lighting is adequate in isolated areas yet be sensitive to light spillage onto private areas. Additionally, as an alternative solution, the applicant discussed the potential placement of pedestrian height decorative bollard lighting along the Project's Hayes Avenue frontage. Subsequently, the summary of the applicant's discussion with the School District is presented below.

OUTREACH-CENTRAL UNIFIED SCHOOL DISTRICT (CUSD)

At the May 4th neighborhood outreach, area residents expressed concern that the proposed multi-family development and newly developed circulation patterns to the area, could present a concern to children from the Project trying to cross Hayes Avenue to get to school. The applicant understood these concerns, expressing that in developing the Project, there is a responsibility as good neighbors to take these concerns seriously. The applicant's representative indicated that they would certainly reach out to Central Unified School District Representatives to review the School District's future plans for pedestrian access to and from school at the east of the school.

On July 7th, 2023, the applicant's representative met with CUSD's Director of Facilities Planning, Construction Manager, and Facilities Technician. The meeting was positive in that all involved were set on working towards a solution that benefits all parties for the safety of children. The group collectively agreed to continue discussions over the course of the next few months and that CUSD facilities staff would reach out to the applicant's team on viable and feasible solutions that address safe crossings at the intersection of Hayes and Palo Alto Avenues.

Planned Development Application Supplemental Information

The following items must be submitted in order to process your application. Please submit this on a separate document if additional space is needed. Indicate what standards are being requested to be modified and the findings to support the modification.

Code Section or Plan Policy #	Description of standard of requirement	Requested Modification	Describe how proposed modification is demonstratively superior and will achieve superior community design, environmental preservation, and/or substantial public benefit
SEC. 15-2728 B. 1.	intercoms for the drive-thru use being less than 100 feet away from a residential district.	Allow for placement of drive-thru system as presented on site plan.	See Operational Statement Included in application submittal.
SEC. 15-1204 TABLE 15-2305-C-1	Type 2 15-foot landscape buffer between the commercial and MFR Uses	Accept masonry wall and carports as adequate screening to reduce buffer.	See Attached Operational Statement.
EA (Expressway Area Overlay) zone district	In no case shall the minimum building setback be less than 75 feet from the center line of the nearest moving traffic lane of the abutting roadway.	Allow reduced setback due to site constraints and implementation of 8' CMU wall	See attached Operational Statement

On a separate piece of paper please provide sufficient information to support the following findings:

- ☐ The proposed development is consistent with the General Plan, any applicable operative plan, and adopted policies, including the density and intensity limitations that apply;
- ☐ The subject site is physically suitable for the type and intensity of the land use being proposed;
- ☐ The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation, and/or substantial public benefit.
- ☐ The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation, and/or substantial public benefit. In making this determination, the following factors should be considered:
 - (1) Appropriateness of the use(s) at the proposed location;
 - (2) The mix of uses, housing types, and housing price levels;
 - (3) Provision of infrastructure improvements;
 - (4) Provision of open space. For example, a greater amount of open space than would otherwise be provided under the strict application of this code;
 - (5) Connectivity to public trails, schools, etc.;
 - (6) Compatibility of uses within the development area;
 - (7) Creativity in design and use of land;
 - (8) Quality of design, and adequacy of light and air to the interior spaces of the buildings; and,
 - (9) Overall contribution to the enhancement of neighborhood character and to the built and natural environment of Fresno in the long term.

1. The proposed development is consistent with the General Plan, any applicable operative plan, and adopted policies, including the density and intensity limitations that apply;

Proposed development is consistent with the General Plan and zoning designations. Applicant will be applying for subsequent Conditional Use Permits and Planned Development Applications to slightly modify development standards in a way that meets the overall land use intent while allowing flexibility on site design characteristics. Due to the unique configuration of the site, coupled with easements that bisect the property diagonally, the request for a reduction in specific side yard and front yard setbacks is necessary for the development, enjoyment and use by tenants of both the Commercial and residential developments.

2. The subject site is physically suitable for the type and intensity of the land use being proposed;

The subject site has adequate access, infrastructure, and space to provide parking that meets all City development standards. This commercial component proposed several quick-service type retail and general retail uses which are an appropriate fit for this site as it exists on the hard corner of a commercial intersection. Site circulation and porosity has been carefully examined to create a project that will provide a safe and secure environment for members of the public to utilize.

Physical site constraints and the need to provide adequate open space and parking requirements, warrants a deviation from the development standards of FMC Table 15-1003 and Table 15-1303-2 respectively.

3. The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation, and/or substantial public benefit. In making this determination, the following factors should be considered:

(1) Appropriateness of the use(s) at the proposed location; (2) The mix of uses, housing types, and housing price levels; (3) Provision of infrastructure improvements; (4) Provision of open space. For example, a greater amount of open space than would otherwise be provided under the strict application of this code; (5) Connectivity to public trails, schools, etc.; (6) Compatibility of uses within the development area; (7) Creativity in design and use of land; (8) Quality of design, and adequacy of light and air to the interior spaces of the buildings; and, (9) Overall contribution to the enhancement of neighborhood character and to the built and natural environment of Fresno in the long term.

As a result of increased market demand for commercial drive-thru's increased by the COVID-19 pandemic, the proposed plan would cater directly to the surrounding area's needs. The additional housing opportunities planned for the residential parcels will make this commercial element an added amenity. The proposed design provides screening using building orientation, landscaping and additional physical buffers in order to minimize any impacts from drive-thru lane(s). The speaker box and ordering board will be implemented in a manner that reduces issues of noise and/or glare for motorists and neighboring residents. The proposed uses adjacent to this commercial development are intended to be a mix of medium-high density multi-family units. This type of project is compatible with the housing proposed by serving future residents with retail options that fit in with an active urban lifestyle. The development as a whole provides several opportunities for open space by the implementation of passive parks and paseos to break up a significant amount of space that would otherwise be hardscape. Overall, the project produces a well-balanced Mixed Use on a challenging parcel that is bisected by utility easements. Even with these constraints, the Project has the ability to develop with a significant amount of open space that includes passive and active outdoor amenities. Lastly, the Project at completion will have a direct path of travel to the newly developed trail along Veteran's Blvd and will contribute towards said access/use.