



CITY OF MENDOTA

"Cantaloupe Center Of The World"

ROBERT SILVA
Mayor
SERGIO VALDEZ
Mayor Pro Tempore
JOSEPH AMADOR
ROLANDO CASTRO
JOSEPH RIOFRIO

AGENDA
MENDOTA CITY COUNCIL
Regular City Council Meeting
CITY COUNCIL CHAMBERS
643 QUINCE STREET
August 23, 2016
6:00 PM

VINCE DiMAGGIO
City Manager
JOHN KINSEY
City Attorney

The Mendota City Council welcomes you to its meetings, which are scheduled for the 2nd and 4th Tuesday of every month. Your interest and participation are encouraged and appreciated. Notice is hereby given that Council may discuss and/or take action on any or all of the items listed on this agenda. **Please turn your cell phones on vibrate/off while in the council chambers.**

Any public writings distributed by the City of Mendota to at least a majority of the City Council regarding any item on this regular meeting agenda will be made available at the front counter at City Hall located at 643 Quince Street Mendota, CA 93640, during normal business hours, 8 AM - 5 PM.

CALL TO ORDER

ROLL CALL

FLAG SALUTE

INVOCATION

FINALIZE THE AGENDA

1. Adjustments to Agenda.
2. Adoption of final Agenda

CITIZENS ORAL AND WRITTEN PRESENTATIONS

At this time members of the public may address the City Council on any matter not listed on the agenda involving matters within the jurisdiction of the City Council. Please complete a "request to speak" form and limit your comments to THREE (3) MINUTES. Please give the completed form to City Clerk prior to the start of the meeting. All speakers shall observe proper decorum. The Mendota Municipal Code prohibits the use of boisterous, slanderous, or profane language. All speakers must step to the podium, state their names and addresses for the record. Please watch the time.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the regular City Council meeting of August 9, 2016.
2. Notice of waiving of the reading of all resolutions and/or ordinances introduced and/or adopted under this agenda.

CONSENT CALENDAR

Matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Calendar and will be considered separately.

1. AUGUST 09, 2016 THROUGH AUGUST 17, 2016
WARRANT LIST CHECKS NO. 041325 THRU 041362
TOTAL FOR COUNCIL APPROVAL = \$201,072.84
2. Proposed adoption of **Resolution No. 16-56**, opposing the passage of Proposition 64, also known as the California Marijuana Legalization Initiative.

BUSINESS

1. Council discussion on the revision of the sign ordinance.
 - a. *Receive report from Economic Development Manager Flood*
 - b. *Inquiries from Council to staff*
 - c. *Mayor opens floor to receive any comment from the public*
 - d. *Council provide direction to staff on how to proceed*
2. Proposed adoption of **Resolution No. 16-57**, adopting a negative declaration prepared in conjunction with a proposed General Plan Amendment and Change of Zoning for the Warkentine and Tankersley Properties.
 - a. *Receive report from Planning & Public Works Director Gonzalez*
 - b. *Inquiries from Council to staff*
 - c. *Mayor opens floor to receive any comment from the public*
 - d. *Council adopt Resolution No. 16-57*
3. Proposed adoption of **Resolution No. 16-58**, adopting a general plan amendment to Change the Land Use Designation of Assessor's Parcel Number 013-152-27S and a portion of Assessor's Parcel Number 013-141-02S from Light Industrial to Heavy Industrial.
 - a. *Receive report from Planning & Public Works Director Gonzalez*
 - b. *Inquiries from Council to staff*
 - c. *Mayor opens floor to receive any comment from the public*
 - d. *Council adopt Resolution No. 16-58*

PUBLIC HEARING

1. Introduction of **Ordinance No. 16-07**: An ordinance amending the official zoning map of the City of Mendota to reflect a change of zone for a portion of Assessor's Parcel Number 013-141-02S from M-1 Light Manufacturing to M-2 Heavy Manufacturing, and Give First Reading, by Title only, with Second Reading waived.
 - a. *Receive report from Planning & Public Works Director Gonzalez*
 - b. *Inquiries from Council to staff*
 - c. *Mayor opens the public hearing, accepting comments from the public*
 - d. *Mayor closes the public hearing*
 - e. *Council provide any input*
 - f. *Motion to waive the first reading of Ordinance No. 16-07.*

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. Public Works
 - a) Monthly Report
2. City Attorney
 - a) Update
3. City Manager

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)
2. Mayor

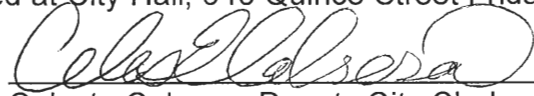
CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION
Pursuant to Paragraph (1) of subdivision (d) of Govt. Code Section 54956.9;
Lemus v. City of Mendota, Workers' Compensation Appeals Board, Case Nos.
ADJ9178080, ADJ9178149, ADJ9178159, and ADJ9563329.

ADJOURNMENT

CERTIFICATION OF POSTING

I, Celeste Cabrera, Deputy City Clerk of the City of Mendota, do hereby declare that the foregoing agenda for the Mendota City Council Regular Meeting of August 23, 2016, was posted on the outside bulletin board located at City Hall, 643 Quince Street Friday, August 19, 2016 at 2:50 p.m.



Celeste Cabrera, Deputy City Clerk



MINUTES OF MENDOTA REGULAR CITY COUNCIL MEETING

Regular Meeting

August 9, 2016

Meeting called to order by Mayor Silva at 6:01 p.m.

Roll Call

Council Members Present: Mayor Robert Silva, Mayor Pro Tem Sergio Valdez, Councilors Joseph Amador, Rolando Castro, and Joseph Riofrio.

Council Members Absent: None.

Flag salute led by Planning & Public Works Director Gonzalez.

Invocation led by Robert Lopez from the Mendota Pentecostal Church of God.

FINALIZE THE AGENDA

1. Adjustments to Agenda.
2. Adoption of final Agenda.

A motion was made by Councilor Riofrio to adopt the agenda, seconded by Councilor Amador; unanimously approved (5 ayes).

CITIZENS ORAL AND WRITTEN PRESENTATIONS

None offered.

APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING

1. Minutes of the regular City Council meeting of July 26, 2016.
2. Notice of waiving of the reading of all resolutions and/or ordinances introduced and/or adopted under this agenda.

A motion was made by Councilor Riofrio to approve items 1 and 2, seconded by Councilor Amador; unanimously approved (5 ayes).

CONSENT CALENDAR

1. JULY 26, 2016 THROUGH AUGUST 03, 2016
WARRANT LIST CHECKS NO. 041246 THRU 041322
TOTAL FOR COUNCIL APPROVAL = \$381,153.04
2. Council authorize the Mayor to execute a letter of support for the expansion of Migrant and Seasonal Head Start.

A motion was made to approve items 1 and 2 of the Consent Calendar by Councilor Riofrio, seconded by Councilor Amador; unanimously approved (5 ayes).

BUSINESS

1. Council discussion on residential overcrowding.

Mayor Silva introduced the item and reported on the increasing concern on residential overcrowding within the City and the complaints that he has received from the public.

Councilor Castro reported on the negative effects that residential overcrowding has on the community; individuals creating illegal living quarters; and inquired on what can be done about the issue.

Discussion was held on the issues that Code Enforcement can address; the excessive amount of individuals living in a single-family home; the various negative effects that residential overcrowding has on the community; having the City Attorney's office research the issue and determine how the City can address the issue; the current condition of the trailer park; the negative effects that alcoholism has on the community; various code violations throughout the City; and how to improve the conditions at the trailer park.

DEPARTMENT REPORTS AND INFORMATIONAL ITEMS

1. Code Enforcement
 - a) Monthly Report

Economic Development Manager Flood summarized the report including the officers focus for the month of July being vehicle code violations and public nuisances; reported on the Code Enforcement tip line that staff is working on; the ongoing enforcement of outdoor advertising; and having a discussion of the sign ordinance at a future Council meeting.

Discussion was held on what other cities are doing in regards to outdoor advertising; the

City being 'business friendly' in regards to outdoor advertising; illegal signs that exist within the City; the possibility of having business owners sponsor banners during the Christmas season that will be displayed along the downtown corridor to advertise their business; and the possibility of refurbishing the City's Christmas ornaments.

Antonio Gonzalez (Farmers Insurance) – stated that the sign ordinance is not enforced equally; letters that he has received from the Code Enforcement Department; and reported on the benefits of businesses having signs to advertise their business.

Discussion was held on discussing the sign ordinance at a future Council meeting and the importance of the public reporting suspicious activity.

2. Police Department
a) Update

Discussion was held on significant cases that occurred during the month of July; the need to make the collaboration between the police officers and community stronger; the benefits of Community-Oriented Policing; the participation of the Mendota Police Department in the Annual Backpack Giveaway event; and the success of the National Night Out event that was held recently.

Chief of Police Andreotti recognized Administrative Assistant Perez and Police Lieutenant Smith for their efforts in organizing the National Night Out event; reported on the new Mendota Police Department sign that will be installed at the property in the near future; reported that Officer Ayala would be the School Resource Officer for the school year; and requested that the Council provide direction to staff to create a resolution that opposes Proposition 64.

Discussion was held on the purpose of Proposition 47; the negative impacts that drugs and alcohol has on individuals and the community; and Council commended Chief Andreotti and the police officers for their hard work.

Council consensus was reached to direct staff to bring back a resolution that opposes Proposition 64 for the next City Council meeting.

3. City Attorney

Deputy City Attorney Helsley reported that City Attorney Kinsey would return the next City Council meeting.

4. City Manager

Nothing to report.

MAYOR AND COUNCIL REPORTS AND INFORMATIONAL ITEMS

1. Council Member(s)
Council reports

Mayor Pro Tem Valdez inquired on who owned the Mendota Community Center.

Discussion was held on meeting with the Mendota Unified School Board of Trustees to discuss the ownership of the Community Center and Code Enforcement Officers labeling the Gaia Movement clothes bins as a public nuisance.

Councilor Riofrio shared a childhood memory about the Los Amadores Malt Shop.

Councilor Amador provided an update on the 21st Annual Driver Awareness event and reported on a possible sinkhole near the intersection of 11th Street and Oller Street.

Councilor Castro thanked the Mendota police officers for enforcing speed limit regulations on state highways within the City.

2. Mayor

Mayor Silva reported on the Annual Backpack Giveaway event and thanked staff for their assistance with the event.

ADJOURNMENT

With no more business to be brought before the Council, a motion for adjournment was made at 7:14 p.m. by Mayor Pro Tem Valdez, seconded by Councilor Amador; unanimously approved (5 ayes).

Robert Silva, Mayor
ATTEST:

Matt Flood, City Clerk

**CITY OF MENDOTA
CASH DISBURSEMENTS
8/9/2016 - 8/17/2016
Check # 041325 - 041362**

Date	Check #	Amount	Vendor	Department	Description
August 9, 2016	41325	\$86,189.00	WESTAMERICA BANK	GENERAL	PAYROLL TRANSFER 7/25/2016 - 8/7/2016
August 11, 2016	41326	\$1,187.24	ALERT - O - LITE	WATER-SEWER	K RAIL 6' C 42" QTY:6 (BRIDGE) PAINT STRIPPER - AIR FILTER RECOIL STARTER, MASKS FOR ADULT OFFENDER CREW (RIGHT - A- WAY)
August 11, 2016	41327	\$2,320.32	BOGIE'S PUMP SYSTEMS	STREETS	IMPELLER, GASKET, OIL, SEAL, WEAR PLATE (STORM DRAIN)
August 11, 2016	41328	\$227.50	BSK ASSOCIATES	WATER-SEWER	WATER TREATMENT AND DISTRIBUTION - FILTER WEEKLY, WASTEWATER WEEKLY ANALYSES 8/2/2016
August 11, 2016	41329	\$414.66	COOK'S COMMUNICATION	GENERAL	PRO - GARD UNIVERSAL RACK (REIMBURSABLE USDA) - PD
August 11, 2016	41330	\$10,833.33	FIREBAUGH POLICE DEPT.	GENERAL	POLICE DISPATCH SERVICES 7/1/2016 - 7/31/2016
August 11, 2016	41331	\$93.00	DAVID A. FIKE ATTORNEY AT LAW	GENERAL	SPECIAL SERVICES JULY 2016 - LEGAL SERVICES
August 11, 2016	41332	\$57.00	KERWEST	WATER-SEWER	CLASSIFIED ADVERTISEMENT - MAINTENANCE WORKER
August 11, 2016	41333	\$4,000.00	MOUNTAIN VALLEY	SEWER	2016 CITY WASTEWATER TREATMENT & CPO SERVICE - SEPTEMBER 2016
August 11, 2016	41334	\$610.42	OFFICE DEPOT	GENERAL- WATER - SEWER	TISSUE, FOLDERS, COPY PAPER, DIVIDERS, FILE DRAWER, HIGHSIDE (POLICE DEPT) SPECIAL ORDER EMBOSSER (CITY CLERK)
August 11, 2016	41335	\$624.91	R&B COMPANY	WATER	4 REP CLAMP W ALLOY B & N 6 REP CLAMP (WATER DEPARTMENT)
August 11, 2016	41336	\$1,056.22	RAMON'S TIRE SERVICE	GENERAL-WATER-SEWER-STREETS	TUBE OF ULTRA BLACK GASKET MAKER, TIRE REPAIR INSIDE PATCH(CHEVY ASTRO VAN) TIRE MOUNT AND DISMOUNT UNIT #M80 (PD)
August 11, 2016	41337	\$1,131.62	SORENSEN MACHINE WORKS	GENERAL-WATER- SEWER	DURACELL AA 4 PACK, ALLIGATOR CLIPS, CEILING HOOKS, ROPE, 2 GALLON BUCKET, SINGLE CUT KEYS, CAR WASH SOAP, PINE SOL, OIL SOA
August 11, 2016	41338	\$195.30	TCM INVESTMENTS	GENERAL	MPC 3503 LEASE PAYMENT COPY MACHINE- POLICE DEPARTMENT
August 11, 2016	41339	\$803.03	VULCAN MATERIALS	STREETS	ST 1/2 IN THE HMA TYPE A ENVIROMENTAL FEE 11.17 TONS, ST 1/2 HMA TYPE A ENVIROMENTAL FEE 1.03 TONS
August 11, 2016	41340	\$371.55	CAPITAL ONE COMMERCIAL	GENERAL-WATER-SEWER	WATER FOR CC MEETINGS, PEDIGREE (6), PINE SOL, WINDEX, CLOROX, DISH DETERGENT, SCOTT'S PAPER TOWELS, BONA FLOOR CLEANER, GLADE 13 GAL
August 11, 2016	41341	\$12,023.98	GUTHRIE PETROLEUM INC.	GENERAL-WATER-SEWER-STREETS	DIESEL FUEL NO. 2 QTY 907 GALLONS, UNLEADED GASOLINE QTY: 5568 GALLONS
August 11, 2016	41342	\$1,200.00	LORIE ANN ADAMS	GENERAL	PORTFOLIO MANAGEMENT - JULY AND AUGUST 2016
August 11, 2016	41343	\$105.00	ADMINISTRATIVE SOLUTIONS INC.	GENERAL	HRA ADMINISTRATION FEE - AUGUST 2016
August 11, 2016	41344	\$380.14	AFLAC INSURANCE	GENERAL	AFLAC INSURANCE FOR AUGUST 2016
August 11, 2016	41345	\$27.23	AIRGAS USA LLC.	WATER	CYL CARBON DIOXIDE 20 LB ALUM RENTAL - JULY 2016
August 17, 2016	41346	\$2,460.55	ALLIED ELECTRIC	SEWER	20 HP ALLIED SHOCK TRFC MARATHON AERATORS
August 17, 2016	41347	\$702.48	AMERITAS GROUP	GENERAL	VISION INSURANCE FOR SEPTEMBER 2016
August 17, 2016	41348	\$527.30	AMERIPRIDE SERVICES INC.	WATER-SEWER	UNIFORMS PUBLIC WORKS/UTILITIES 7/7/16, 7/14/16, 7/21/16, 7/28/16, 8/11/16

CITY OF MENDOTA
 CASH DISBURSEMENTS
 8/9/2016 - 8/17/2016
 Check # 041325 - 041362

August 17, 2016	41349	\$116.88	CONSUMER CHOICE	WATER-SEWER	48 ROLL CASE OF RECEIPT PAPER (CITY HALL)
August 17, 2016	41350	\$88.82	CROWN SERVICES	GENERAL-SEWER	TOILET 1XWK FOR AUGUST 2016 (PD) TOILET W/ SINK 1XWK FOR AUGUST 2016 (WWTP)
August 17, 2016	41351	\$600.00	D&D DISPOSAL	GENERAL	FREEZER PICK UPS - 6/22/2016 (ANIMAL CONTROL)
August 17, 2016	41352	\$132.00	DEPARTMENT OF JUSTICE	GENERAL	(3) FINGERPRINT APPS (1) FINGERPRINT FBI JULY 2016 (PD)
August 17, 2016	41353	\$387.45	EXCEL SIGN CO.	GENERAL	3'X6' ALUMINUM PANEL SIGN W/ 3M CAST VINYL (PD)
August 17, 2016	41354	\$85.26	J.P. COOKE RABIES AND LICENSE TAGS	GENERAL	(100) BLUE AA DOG LICENSE FY 16/17
August 17, 2016	41355	\$59,967.18	MID VALLEY DISPOSAL	REFUSE	SANTITATION CONTRACT - SERVICES FOR JULY 2016
August 17, 2016	41356	\$1,354.73	NORTHSTAR CHEMICAL	WATER	SODIUM HYPOCHLORITE - 12.5 MILL MEETS NSF
August 17, 2016	41357	\$8,144.12	R&B COMPANY	WATER	PJ ADAPT, CTS&MIP PACK JOINT, FIBERLYTE BOX 12 HI FL30D, 1" SENSUS SRII WATER METER RDG USG, (15) ADAPT CTS P1541IN
August 17, 2016	41358	\$1,888.11	R.G. EQUIPMENT COMPANY	GENERAL	FRAME ASM, RING RETAINING, LIFT DECK, TUBE SP
August 17, 2016	41359	\$100.00	ELIAZAR RAMIREZ	GENERAL	PET ADOPTION CONTRACT - REFUND
August 17, 2016	41360	\$284.89	SMITH & WESSON	GENERAL	(4) SMITH AND WESSON SEMI AUTOMATIC-TAXES (PD)
August 17, 2016	41361	\$309.52	UNION PACIFIC RAILROAD COMPANY	STREETS	PUBLIC ENCROACHMENT ROADWAY 9/1-30/2016
August 17, 2016	41362	\$72.10	UNIFIRST CORPORATION	GENERAL-WATER-SEWER	MONTHLY SERVICE - MOPS/TOWELS/MATS AUGUST 2016
	TOTAL	\$201,072.84			

**BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO**

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA OPPOSING
PASSAGE OF PROPOSITION 64,
ALSO KNOWN AS THE CALIFORNIA
MARIJUANA INITIATIVE**

RESOLUTION NO. 16-56

WHEREAS, on November 8, 2016, the registered voters of the State of California will vote on Proposition 64, titled the Adult Use of Marijuana Act; and

WHEREAS, if passed, Proposition 64 would legalize recreational cannabis use such that adults will be legally permitted to consume marijuana; and

WHEREAS, the Federal Controlled Substances Act lists marijuana as a Schedule 1 narcotic, and provides criminal sanctions for various activities related to marijuana use, transportation, and sale; and

WHEREAS, Proposition 64 would usurp and infringe upon local government's zoning, regulatory, and public safety authority; and

WHEREAS, public safety is a core value and central purpose of city government; and

WHEREAS, the public safety risks associated with the proliferation of marijuana cultivation, possession, sale, and use outweigh any revenue-generating benefit potentially realized through the taxation of legal marijuana sales.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Mendota, that the interests of the City's constituents are best served through formal opposition to Proposition 64.

Robert Silva, Mayor

ATTEST:

I, Matt Flood, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said Council, held at the Mendota City Hall on the 23rd day of August, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Flood, City Clerk

AGENDA ITEM – STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: MATT FLOOD, ECONOMIC DEVELOPMENT MANAGER
VIA: VINCE DIMAGGIO, CITY MANAGER
SUBJECT: DIRECTION REGARDING THE MODIFICATION OF THE OUTDOOR
ADVERTISING ORDINANCE
DATE: AUGUST 23, 2016

ISSUE

What direction does the Council wish to take concerning the ordinance within the Mendota Municipal Code related to Outdoor Advertising?

BACKGROUND

The City of Mendota had lacked an effective and thorough enforcement of the ordinances related to outdoor advertising for a great number of years. This has spawned the posting of implements used for outdoor advertising (signs) without regard to the safety, security, and general beauty of the community. The Mendota Municipal Code (MMC) adopts the uniform sign code principally to ensure the structural safety of signs, with Title 17 of the MMC addressing the issues related to size, placement, content, etc.

In past years, the process required to have outdoor advertising has remained largely unchanged, with individuals needing to submit a “sign permit” application for anything on their outer walls they would like to have visible from the public right-of-way. However, there were two major problems with this approach: 1) a lack of personnel in Code Enforcement to enforce the sign ordinance. As a consequence, the planning department was not notified of violations related to individuals that posted outdoor advertising without submitting a permit and 2) in cases where a permit was applied for and approved, no follow-up was done to ensure that plan specifications were strictly complied with and that more signs were not illegally put up.

In 2015 the Council requested an analysis and report on measures that could be taken to accommodate the business sector with regards to the strict nature of the current sign ordinance. Various public hearings were held both before the Planning Commission and City Council, and, due to the absence of parties speaking in favor of a revision of the ordinance, the final decision was made to not effectuate changes. This resulted in a more effective enforcement and a consequent increase in the aesthetic appeal of our community.

However, approximately a year after that process had been completed, complaints have once again been received by officials and staff alike that the current ordinance is too strict.

ANALYSIS

No hard-line regulations exist on the state or federal level that dictate what cities should and should not allow relative to signs, with the only true measure being the constitutionality of the enforced ordinance. Therefore, the elements of a sign ordinance should be formulated based on the objectives of the individual community, the safety and security considerations of its residents, and experiences garnered from other municipalities' past and current practices.

Organizations that represent business interests (such as Chambers of Commerce, industry coalitions, or other business groups) are apt to oppose restrictions related to signs, in order to ensure that effective vehicles for advertising their products or services remain available, without taking into consideration the negative effects that unfettered advertising standards would have, such as the perception that the community is not policed properly, a lack of community pride is prevalent, it is dirty or disorganized, lacks uniformity and regional coordination, etc.

When companies that are interested in expanding to Mendota come into the city limits and survey the community, assumptions are made based on what is observed on the façade, the truthfulness of which is irrelevant (i.e. judging a book by its cover). This is only combated via enforcement of policy that demands cleanliness and order, as opposed to unrestricted advertising.

Staff recommends that during consideration of changes related to the sign ordinance, Council focus on what minor additions could be made so as to not necessitate a complete overhaul of the code, since the cost of doing so would outweigh the benefits. This is primarily due to the fact that any change made will inevitably not meet the needs of every business, and it would be disastrous to completely do away with all regulations relating to signage. One of the goals of this Council is to procure the funds to do a complete overhaul of the Mendota Municipal Code in the future, which would include any provisions related to signs.

Staff has suggestions for minor changes that could be made, and Council may bring up for discussion any other suggestions that may exist for staff to bring back to a future meeting:

- Allow no more than 25% of window space to be dedicated to additional product signs.
- Allow temporary signs to advertise a new business, new ownership, and other irregular and limited occasions.
- Allow free-standing signs in the C-3 district.

FISCAL IMPACT

None.

RECOMMENDATION

Staff recommends that Council discuss the elements of the sign ordinance they wish to see changed and provide direction to staff accordingly.

AGENDA ITEM

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: JEFFREY O'NEAL, AICP, CITY PLANNER
CRISTIAN GONZALEZ, DIRECTOR OF PLANNING & PUBLIC WORKS

VIA: VINCE DIMAGGIO, CITY MANAGER

SUBJECT: PUBLIC HEARING TO CONSIDER ADOPTION OF A NEGATIVE DECLARATION AND AN AMENDMENT TO THE CITY OF MENDOTA 2005-2025 GENERAL PLAN UPDATE AND TO INTRODUCE AND WAIVE THE FIRST READING OF ORDINANCE NO. 16-07 RELATED TO THE WARKENTINE AND TANKERSLEY PROPERTIES

DATE: AUGUST 23, 2016

ISSUES

1. Should the Council affirm the Planning Commission finding that amendment of the General Plan and rezoning of APN 013-152-27S and a portion of APN 013-141-02S will not have a significant effect on the environment?
2. Should the Council then affirm the recommendation of the Planning Commission to amend the City of Mendota General Plan and the Official Zoning Map?

BACKGROUND

On February 23, 2016, the City of Mendota entered into a Settlement Agreement and Mutual Release ("Agreement") with the owners of APNs 013-152-27S ("Overflow Yard Property") and 013-141-02S ("Warkentine Property"), collectively referred to as the "Subject Properties", under which the City agreed to consider changes to the zoning of the Subject Properties from M-1 Light Manufacturing to M-2 Heavy Manufacturing. In order to facilitate the change of zoning, staff noted that a corresponding amendment to the Land Use Element of the City of Mendota General Plan Update 2005-2025 ("General Plan") would also be required so that General Plan-Zoning consistency is maintained (Govt. Code Section 65860). On March 22, 2016, the City Council adopted Resolution No. 16-24 declaring its intention to amend the General Plan Land Use Map and the Zoning Map with respect to the Subject Properties.

After the resolution of intention was passed, staff began the process of amending the General Plan and the Zoning Map. Also pursuant to the Agreement, it initiated preparation of a tentative parcel map that would subdivide the Warkentine Property into two parcels: a smaller parcel containing the existing caretaker's residence ("Caretaker's Parcel") and a larger parcel

containing the ministorage facility and storage yard (“Storage Parcel”). The individual components, collectively the “Project”, consist of the following:

1. Overflow Yard Property. The General Plan Land Use designation would be changed from Light Industrial to Heavy Industrial. The zoning would be changed from M-1 Light Manufacturing to M-2 Heavy Manufacturing.
2. A tentative parcel map and parcel map to create the Storage Parcel and the Caretaker’s Parcel.
3. Storage Parcel. The General Plan Land Use designation would be changed from Light Industrial to Heavy Industrial. The zoning would be changed from M-1 Light Manufacturing to M-2 Heavy Manufacturing. Permits would be issued for the existing ministorage facility.
4. Caretaker’s Parcel. The parcel would retain its existing General Plan Land Use designation of Light Industrial and its zoning of M-1. A certificate of occupancy would be issued for the caretaker’s residence.

Staff determined that the Project constitutes a “project” as defined by the California Environmental Quality Act, Public Resources Code Section 21000, *et seq.* (“CEQA”) and the CEQA Guidelines, California Code of Regulations Section 15000, *et seq.* A “project” consists of the whole of an action (i.e. not the individual pieces or components) that may have a direct or reasonably foreseeable indirect effect on the environment. The second step is to determine whether the project is subject to or exempt from the statute. This proposal both qualifies as a project under CEQA and is subject to CEQA. It involves the issuance to a person of a “lease, permit, license, certificate, or other entitlement for use” and involves amendment to the General Plan and the Zoning Ordinance, all of which actions are expressly considered to be “projects” pursuant to CEQA Guidelines Section 15378.

Although there is an exemption from CEQA for “Minor Land Divisions” that applies to subdivisions resulting in four or fewer parcels, the minor land division must be within an “urbanized area”, essentially defined as a concentrated area of 50,000 or more persons. The CEQA Guidelines also contain a provision within Section 15061(b)(3) often referred to as the “General Rule” exemption, which may be used when it can be seen with certainty that there is no possibility that a project could have a significant effect on the environment. While it could be argued that changes to the Land Use and Zoning Maps and subdivision of the land without further development could not have any significant effect on the environment, a more comprehensive evaluation was performed because CEQA requires that an agency examine both direct and reasonably foreseeable indirect impacts from a project.

Accordingly, staff prepared an initial study to examine the potential environmental effects of the Project. The results of the initial study lead to the preliminary conclusion that the project would not have a significant effect on the environment and that it would be appropriate to adopt a negative declaration. The combined initial study/negative declaration (“IS/ND”) was subject to a public review and comment period starting May 4, 2016 and ending June 6, 2016. The City did not receive any comments on either the IS/ND or the Project itself.

Pursuant to Mendota Municipal Code (“MMC”) Section 17.08.040, staff had originally scheduled the IS/ND and the Project for Planning Commission consideration at its regular meeting of April 19, 2016. In order to allow time for completion of the CEQA review process and accommodate the provisions of Govt. Code Section 65352.3 (further described below), the Planning Commission first continued the hearing to June 21, 2016 and subsequently to July 19, 2016. At the July 19 meeting, the Planning Commission adopted Resolution No. PC 16-03, recommending that the City Council adopt the IS/ND and approve the general plan amendment and rezone. At its regular meeting on August 16, 2016, the Planning Commission adopted Resolution No. PC 16-04, recommending that the City Council affirm its adoption of the IS/ND and approve Tentative Parcel Map No. 16-02. To accommodate appeal period and noticing requirements, staff will ask the City Council to consider Tentative Parcel Map No. 16-02 at a future meeting.

ANALYSIS

The procedures by which a city can amend its general plan and its zoning map are similar, and are contained within Govt. Code Sections 65353-65358 and 65853-63857, respectively. The Planning Commission is required to conduct a noticed public hearing to consider the proposal, following which it may make a recommendation to the City Council. The City Council then conducts a noticed hearing and considers the proposal. As discussed, the Planning Commission made its recommendation to the City Council via adoption of Resolution No. PC 16-03.

For the rezoning component, as with other ordinances, the City Council is required to consider the proposal at two meetings, the first of which consists of introduction and first reading of the ordinance, and the second of which consists of the second reading and adoption. The City Council may choose to waive reading of the ordinance in full. The ordinance takes effect 30 days following its second reading and adoption. Per Govt. Code Section 65358(b), a city cannot amend a single element of its general plan more than four times per calendar year, although each amendment may include multiple changes to that element. Approval of the general plan amendments proposed herein would constitute the first amendment to the City’s Land Use Element for Calendar Year 2016.

Approval of the proposed general plan amendment and rezone are consistent with the City’s obligations pursuant to the Agreement.

Native American Consultation

Govt. Code Section 65352.3 requires that a city consult with Native American Tribes whenever it proposes to amend its general plan. The City requested and received a list of potentially affected Tribes from the California Native American Heritage Commission (NAHC). On May 23, 2016, the City sent consultation letters to the following Tribal Governments:

- Picayune Rancheria of Chukchansi Indians
- Tule River Indian Tribe
- Table Mountain Rancheria¹
- Santa Rosa Rancheria Tachi Yokut Tribe

A copy of the Picayune Rancheria letter is attached as an example. The statute provides that Tribes have 90 days to respond to the City's request for consultation, in this case ending on August 21, 2016. As of August 18, 2016, none of the Tribes has provided any comments or requested additional consultation.

Public Notice

Notice of this hearing was published in the August 10 edition of the *Firebaugh-Mendota Journal*, and notice was individually mailed to property owners within 300 feet of the Project site.

CEQA Process

As discussed, an initial study/negative declaration (IS/ND) has been prepared for the Project, determining that the Project will not have a significant impact on the environment. If the IS/ND is adopted and the project is approved, the City will need to file a notice of determination ("NoD") with the Fresno County Clerk within five business days. If the NoD is filed timely, it provides for a 30-day statute of limitations during which a party may challenge the Project approval on CEQA grounds. If the NoD is not filed timely, the statute of limitations is 180 days. There is a Department of Fish and Wildlife (DFW) fee of \$2,210.25 associated with filing the NoD with the County Clerk. A \$50 County Clerk fee also applies.

FISCAL IMPACT

Pursuant to the Agreement, the City is responsible for bearing most of the costs associated with the Project. These costs primarily involve preparation of application documents and hearing materials, including newspaper publication and mailings, along with costs related to preparation and review of the tentative and parcel maps and permit issuance. Approval of the Project components does not specifically require the City to obligate any funds now or in the immediate future; however, specific to the CEQA component of the proposal, the City will be responsible for payment of fees in the amount of \$2,210.25 and \$50.00 associated with filing the notice of determination.

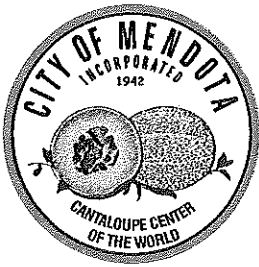
RECOMMENDATION

Staff recommends that the City Council takes the following actions:

1. Open a public hearing to take testimony regarding the Project.
2. Close the public hearing and consider any testimony received.
3. Adopt Resolution No. 16-57, adopting the IS/ND and determining that the Project does not have the potential to significantly affect the environment.

¹ NAHC provided two separate contacts for the Table Mountain Rancheria, so two letters were sent to that Tribe.

4. Adopt Resolution No. 16-58, amending the General Plan Land Use Map to indicate the land use designation of the Overflow Property and the Storage Parcel as Heavy Industrial.
5. Introduce and waive the first reading of Ordinance No. 16-07, which would amend the Official Zoning Map by changing the zone district of the Overflow Property and the Storage Parcel from M-1 Light Manufacturing to M-2 Heavy Manufacturing.



CITY OF MENDOTA

"Cantaloupe Center Of The World"

May 23, 2016

Picayune Rancheria of Chukchansi
Reggie Lewis, Chairperson
8080 Palm Avenue
Fresno, CA 93711

Subject: Native American Consultation (SB 18 Consultation) for Application No. 16-03, Warkentine Project, City of Mendota, Fresno County, CA

Dear Mr. Lewis:

The City of Mendota is processing an application for the above-referenced project and is requesting your review of the Warkentine Project to determine if formal consultation is appropriate pursuant to Government Code Section 65352.3 (Senate Bill 18). The project proposes the following activities:

1. **Project Description:** The actions contemplated under the proposed Project are being taken in response to the February 23, 2016, Settlement Agreement and Mutual Release between the City, Ed Warkentine, Dan Tankersley and others.

The Overflow Yard Property. The proposed Project includes changing the zoning of the Overflow Yard Property from M-1 Light Manufacturing to M-2 Heavy Manufacturing. To maintain consistency with the City's General Plan Update 2005-2025 (the "General Plan"), the proposed Project also contemplates a General Plan Amendment to change the land use designation of the Overflow Yard Property from Light Industrial to Heavy Industrial. The proposed Project also contemplates the construction of a six foot tall chain link fence with slats around the perimeter of the Overflow Yard Property.

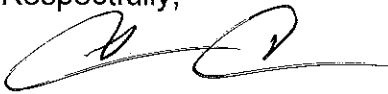
The Warkentine Property. The proposed Project also contemplates several actions with respect to the Warkentine Property. First, the Warkentine Property would be subdivided into two separate parcels, with the new boundary line shown on Exhibit "A." The remainder parcel (the "Caretaker's Parcel") to the southeast would include the caretaker's residence, and would retain the existing zoning and land use designations, which are M-1 Light Manufacturing and Light Industrial, respectively. The remainder parcel to the northwest would include the existing mini storage facility and the storage yard (the "Storage Parcel"). The proposed Project contemplates modifying the zoning of the Storage Parcel from M-1 Light Manufacturing to M-2 Heavy Manufacturing. To accommodate this change in zoning, the proposed Project also contemplates a General

Plan Amendment to change the land use designation of the Storage Parcel from Light Industrial to Heavy Industrial.

The proposed Project also contemplates the issuance of permits for the existing Mini Storage facility, which is located on the Storage Parcel, and the issuance of a certificate of occupancy for the Caretaker's residence, which is located on the Caretaker's Parcel.

A copy of the proposed tentative parcel map is attached for your reference. Please feel free to contact me with any questions at 559.655.3291 or at cristian@cityofmendota.com. Thank you.

Respectfully,

A handwritten signature in black ink, appearing to read 'Cristian Gonzalez', with a long horizontal flourish extending to the right.

Cristian Gonzalez
Public Works & Planning Director

**DRAFT INITIAL STUDY
AND PROPOSED NEGATIVE DECLARATION**

**Proposed Change of Zoning and Land Use Designation for
Warkentine & Tankersley Properties**

Prepared by:
City of Mendota
Planning & Economic Development Dept.

May 4, 2016

INITIAL STUDY

1. **Project Title: Change of Zoning and Land Use Designation for Warkentine & Tankersley Properties**
2. **Lead Agency & Address:** City of Mendota, 643 Quince Street, Mendota, CA 93640; Telephone: (559) 860-8882
3. **Lead Agency Contact Person:** Cristian Gonzalez, Director of Planning & Economic Development; City of Mendota, 643 Quince Street, Mendota, CA 93640; Telephone: (559) 860-8882; Email: cristian@cityofmendota.com.
4. **Project Location:** The City of Mendota is proposing that certain actions be taken with respect to certain properties located within the City. The properties include (i) Fresno County Assessor's Parcel No. ("APN") 013-152-27s (the "Overflow Yard Property"), and (ii) APN 013-141-2s (the "Warkentine Property"). The Overflow Yard Property comprises of approximately 2.15 acres, and is bounded by Ninth Street to the northwest, Naples Street to the southeast, the Tenth Street alignment to the southwest, and the Union Pacific Railroad right of way to the northeast. The Warkentine Property comprises of 4.79 acres, and is bounded by the Sixth Street alignment to the northwest, Naples Street and two properties to the southeast, the Ninth Street alignment to the southwest, and the Union Pacific Railroad right of way to the northeast. Both the Overflow Yard Property and the Warkentine Property are bounded by industrial land uses, with the exception of a small number of existing residences located on industrially-zoned parcels to the southwest on Naples Street.
5. **Project Sponsor & Address:** City of Mendota, 643 Quince Street, Mendota, CA 93640; Telephone: (559) 655-4298
6. **Existing General Plan Designation:** Both the Overflow Yard Property and the Warkentine Property have existing General Plan land use designations of Light Industrial.
7. **Existing Zoning:** Both the Overflow Yard Property and the Warkentine Property are located within the City's M-1 Light Manufacturing Zoning District.
8. **Project Description:** The actions contemplated under the proposed Project are being taken in response to the February 23, 2016, Settlement Agreement and Mutual Release between the City, Ed Warkentine, Dan Tankersley and others.

The Overflow Yard Property. The proposed Project includes changing the zoning of the Overflow Yard Property from M-1 Light Manufacturing to M-2 Heavy Manufacturing. To maintain consistency with the City's General Plan Update 2005-2025 (the "General

Plan”), the proposed Project also contemplates a General Plan Amendment to change the land use designation of the Overflow Yard Property from Light Industrial to Heavy Industrial. The proposed Project also contemplates the construction of a six foot tall chain link fence with slats around the perimeter of the Overflow Yard Property.

The Warkentine Property. The proposed Project also contemplates several actions with respect to the Warkentine Property. First, the Warkentine Property would be subdivided into two separate parcels, with the new boundary line shown on Exhibit “A.” The remainder parcel (the “Caretaker’s Parcel”) to the southeast would include the caretaker’s residence, and would retain the existing zoning and land use designations, which are M-1 Light Manufacturing and Light Industrial, respectively. The remainder parcel to the northwest would include the existing mini storage facility and the storage yard (the “Storage Parcel”). The proposed Project contemplates modifying the zoning of the Storage Parcel from M-1 Light Manufacturing to M-2 Heavy Manufacturing. To accommodate this change in zoning, the proposed Project also contemplates a General Plan Amendment to change the land use designation of the Storage Parcel from Light Industrial to Heavy Industrial.

The proposed Project also contemplates the issuance of permits for the existing Mini Storage facility, which is located on the Storage Parcel, and the issuance of a certificate of occupancy for the Caretaker’s residence, which is located on the Caretaker’s Parcel.

9. **Project Setting:** Both the Overflow Yard Property and the Warkentine Property are bounded by industrial land uses, with the exception of a small number of existing residences located on industrially-zoned parcels to the southwest on Naples Street.
10. **Other Public Agencies Requiring Approval:** The City is unaware of any other public agencies requiring approval of any aspect of the project.
11. **Other Documents Incorporated by Reference in this Review:** (i) City of Mendota General Plan Update 2005-2025, and (ii) February 23, 2016, Settlement Agreement and Mutual Release.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology/Soils
<input type="checkbox"/> Hazards & Hazardous	<input type="checkbox"/> Hydrology/Water Quality	<input type="checkbox"/> Land Use/Planning
<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise	<input type="checkbox"/> Population/Housing
<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation/Traffic
<input type="checkbox"/> Utilities/Service Systems	<input type="checkbox"/> Mandatory Findings of Significance	

DETERMINATION BY CITY OF MENDOTA

(To be completed by the Lead Agency) On the Basis of this initial evaluation)

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

Signed

Date

Printed Name

For

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (*e.g.*, the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (*e.g.*, the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All 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.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) *Earlier Analysis Used.* Identify and state where they are available for review.
 - b) *Impacts Adequately Addressed.* Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) *Mitigation Measures.* For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (*e.g.*, general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

ENVIRONMENTAL CHECKLIST

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
I. AESTHETICS – Would the project:				
a) Have a substantial adverse effect on a scenic vista?			√	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				√
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			√	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			√	
<p>Discussion</p> <p>Item a): Neither the Overflow Yard Property nor the Warkentine Property are located within a scenic vista. The surrounding area is characterized by existing industrial uses, and the Union Pacific Railroad. In addition, although the Overflow Storage Yard could be used to store used materials, the Proposed Project contemplates the construction of a fence with slats along the perimeter of the Overflow Yard Property, which will visually shield such storage activities from existing residential land uses. The Proposed Project would have a less than significant impact.</p> <p>Item b): Neither the Overflow Yard Property nor the Warkentine Property are located in the vicinity of scenic resources or historic buildings within a state scenic highway. The Proposed Project would have no impact.</p> <p>Item c): Neither the Overflow Yard Property nor the Warkentine Property are located in the vicinity of scenic resources. The surrounding area is characterized by existing industrial uses, and the Union Pacific Railroad. In addition, although the Overflow Storage Yard could be used to store used materials, the Proposed Project contemplates the construction of a fence with slats along the perimeter of the Overflow Yard Property, which will visually shield such storage activities</p>				

from existing residential land uses. The Proposed Project would have a **less than significant impact**.

Item d): The Proposed Project contemplates the issuance of permits for the existing Mini Storage Facility and the caretaker's residence on the Warkentine Property. Neither use, however, is expected to generate any new source of substantial light or glare that would adversely affect day or night time views. The Proposed Project would have a **less than significant impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<p>II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. .Would the project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non- agricultural use?				√
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				√
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), or timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				√
d) Result in the loss of forest land or conversion of forest land to non-forest use?				√
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of				√

Farmland, to non-agricultural use, or conversion of forest land to non-forest use?				
<p>Discussion</p> <p>Item a): The Proposed Project does not contemplate the conversion of any prime farmland, unique farmlands, or farmland of statewide importance to nonagricultural uses. The Proposed Project would have no impact.</p> <p>Item b): The Proposed Project does not propose to modify the zoning of any agriculturally-zoned property, or convert any prime farmlands, unique farmlands, or farmland of statewide importance to a nonagricultural use. The Proposed Project would have no impact.</p> <p>Items c), d):</p> <p>The Proposed Project does not contemplate the conversion of any forest land to non-forest use. The Proposed Project does not propose to modify the zoning of any forest land (as defined in Public Resources Code section 12220(g)), or timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)). The Proposed Project would have no impact.</p> <p>Item e): The Proposed Project does not contemplate the conversion of any prime farmland, unique farmlands, or farmland of statewide importance to nonagricultural uses. The Proposed Project would have no impact.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<p>III. AIR QUALITY: Where Available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</p>				
a) Conflict with or obstruct implementation of the applicable air quality plan?				√
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				√
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				√
d) Expose sensitive receptors to substantial pollutant concentrations?				√
e) Create objectionable odors affecting a substantial number of people?				√
<p>Discussion</p> <p>Items a) through d):</p> <p>The Proposed Project does not contemplate the construction of any new facilities or any land uses that are inconsistent with current operations on the Overflow Yard Property or the Warkentine Property. As a result, the Proposed Project would not result in any new construction-related emissions of pollutants, including criteria pollutants and greenhouse gases. The Proposed Project would have no impact.</p> <p>Item e): The Proposed Project would not emit any odors, and thus would not create objectionable odors affecting a substantial number of people. The Proposed Project would have no impact.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES: -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				√
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				√
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling hydrological interruption or other means?				√
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				√
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation				√

policy or ordinance?				
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				√

Discussion

Items a), b):

The two properties at issue under the Proposed Project are located on previously developed/improved sites within an urbanized area that is adjacent to the Union Pacific Railroad line. Because of the developed nature of the property and the existing land uses, the Proposed Project would not result in any habitat modifications, or effect any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service, or any riparian species or habitat. Therefore, the Proposed Project will have **no impact**.

Item c): The two properties at issue under the Proposed Project are located on previously developed/improved sites within an urbanized area that is adjacent to the Union Pacific Railroad line, and where there are no federally protected wetlands as defined by Section 404 of the Clean Water Act. The properties likewise do not contain any discernable drainage courses, inundated areas, wetland vegetation, hydric soils, and thus do not include any USACOE jurisdictional drainages or wetlands. The Proposed Project will have **no impact**.

Item d): The two properties at issue under the Proposed Project are located on previously developed/improved sites within an urbanized area that is adjacent to the Union Pacific Railroad line. The Proposed Project will not result in a barrier to the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. The Proposed Project will have **no impact**.

Item e): The two properties at issue under the Proposed Project do not contain any resources, such as trees, that would invoke any protection contemplated under any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. The Proposed Project will have **no impact**.

Item f): The two properties at issue under the Proposed Project are located on previously developed/improved sites within an urbanized area that is adjacent to the Union Pacific Railroad line. The Proposed Project does not implicate and thus will not impact an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The Proposed Project will have **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES: Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?				√
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?				√
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				√
d) Disturb any human remains, including those interred outside of formal cemeteries?				√
<p>Discussion</p> <p>Items a) through d):</p> <p>The two properties at issue under the Proposed Project are located on previously developed/improved sites within an urbanized area that is adjacent to the Union Pacific Railroad line. No known historical or archaeological resource, unique paleontological resource, unique geologic feature, or human remains in or out of formal cemeteries will be impacted. The Proposed Project would have no impact.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS: Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				√
1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				√
2) Strong seismic ground shaking?				√
3) Seismic-related ground failure, including liquefaction?				√
4) Landslides?				√
b) Results in substantial soil erosion or the loss of topsoil?				√
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				√
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				√
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal				√

systems where sewers are not available for the disposal of waste water?				
<p>Discussion</p> <p>Items a) through d):</p> <p style="padding-left: 40px;">The two properties at issue under the Proposed Project are located on previously developed/improved sites within an urbanized area that is adjacent to the Union Pacific Railroad line. The Proposed Project does not include any structures, ground disturbances, or other elements that could expose persons or property to geological hazards. There would be no risk of landslide or erosion of topsoil. The Proposed Project would have no impact.</p> <p>Item e): Any structures located on the two properties at issue under the Proposed Project either are served, or would be served by the City water system. As such, the Proposed Project does not contemplate any action that would result in any soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water. The Proposed Project would have no impact.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS: Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				√
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing greenhouse gas emissions?				√
<p>Discussion</p> <p>Items a), b):</p> <p>The Proposed Project does not contemplate the construction of any new facilities or any land uses that are inconsistent with current operations on the Overflow Yard Property or the Warkentine Property. As a result, the Proposed Project would not result in any new construction-related emissions of pollutants, including greenhouse gases. The Proposed Project would have no impact.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				√
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				√
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				√
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				√
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				√
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				√
g) Impair implementation of or physically interfere with an adopted emergency				√

response plan or emergency evacuation plan?				
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				√
<p>Discussion</p> <p>Items a) through h):</p> <p>The Proposed Project does not contemplate the construction of any new facilities or any land uses that are inconsistent with current operations on the Overflow Yard Property or the Warkentine Property. As such, compared to existing conditions, the Proposed Project would not result in any significant hazards to the public. The Proposed Project would have no impact.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY: Would the project:				
a) Violate any water quality standards or waste discharge requirements.				√
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			√	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				√
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				√
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			√	
f) Otherwise substantially degrade water quality?				√

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				√
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				√
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				√
j) Inundation by seiche, tsunami, or mudflow?				√
<p>Items a), e), f):</p> <p>The two properties at issue under the Proposed Project are located on previously developed/improved sites within an urbanized area that is adjacent to the Union Pacific Railroad line. Neither property is adjacent to any body of water that could potentially result in violation of water quality standards or waste discharge requirements, or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. The Proposed Project would have no impact.</p> <p>Item b): The two properties at issue under the Proposed Project are located on previously developed/improved sites within an urbanized area that is adjacent to the Union Pacific Railroad line. Both parcels are within the City’s service area, and the City in turn receives its water from several wells located in and around the City. The Proposed Project comprises of previously developed land, and would result in the issuance of permits for two existing uses that are presently connected to the City’s water system, the Caretaker’s Residence and the Mini Storage Facility. Implementation of the Proposed Project would therefore not create a substantial demand on groundwater sources and would not significantly change the amount of groundwater available and pumped from the City’s wells. The Proposed Project would have a less-than-significant impact.</p> <p>Items c), d):</p> <p>The Proposed Project does not contemplate the alteration of the course of a stream or river, or any other alteration of an existing drainage pattern. The Proposed Project would have no impact.</p> <p>Item e): The two properties at issue under the Proposed Project are located on previously</p>				

developed/improved sites within an urbanized area. Runoff from the Proposed Project would be collected by the City's existing stormwater drainage system, which has sufficient capacity to serve the existing land uses on the two properties at issue under the Proposed Project. The Proposed Project would have a **less-than-significant impact**.

Item g): The Proposed Project does not contemplate the construction of housing, or the modification of any 100-year flood hazard area, federal Flood Hazard Boundary, Flood Insurance Rate Map or other flood hazard delineation map. The Proposed Project would have **no impact**.

Item h): The Proposed Project does not contemplate the placement of any within a 100-year flood hazard area structures which would impede or redirect flood flows. The Proposed Project would have **no impact**.

Item j): The project will not expose people, structures, or land to hazards such as seiches, tsunamis, or mudflows. The Proposed Project contemplates the issuance of permits for two existing land uses on the properties at issue: the Caretaker's Residence and the Mini Storage Facility. The use of these existing structures could not contribute to the kinds of seismic activities that would cause tsunamis or contribute to mudflows. The Proposed Project would have **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING: Would the project:				
a) Physically divide an established community?				√
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			√	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				√
<p>Discussion</p> <p>Item a): The Proposed Project contemplates the issuance of permits for existing structures that have not divided any established community. The Proposed Project would not result in any division of an established community. The Proposed Project would have no impact.</p> <p>Item b): The two properties at issue under the Proposed Project are located on previously developed/improved sites within an urbanized area that is adjacent to the Union Pacific Railroad line. The Proposed Project contemplates the issuance of permits for existing structures. The Proposed Project also contemplates a General Plan Amendment from Light Industrial to Heavy Industrial to authorize the rezoning of the Overflow Yard Property and the Storage Parcel from the M-1 [Light Manufacturing] zoning district to M-2 [Heavy Manufacturing]. The properties at issue are surrounded by industrially-zoned properties designated as industrial in the City's General Plan Update 2005-2025. The two properties are also located in previously developed/improved sites, and are thus consistent with General Plan Update 2005-2025 Policy LU-1.4, which encourages infill and intensification of land uses through the reuse and redevelopment of vacant or underutilized industrial sites where infrastructure support such development. All present and future land uses are required to comply with both the criteria and development standards in the City's General Plan Update 2005-2025 and Zoning Ordinance, which will ensure any future development resulting from the Proposed Project would not have a detrimental impact on adjacent land uses, as required under Policy LU-1.5. Based on the above information, the proposed use would not result in significant adverse environmental</p>				

impacts. The Proposed Project would have a **less-than-significant impact**.

Item c): Refer to Section 3.4, item f). The Proposed Project would have **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XI. MINERAL RESOURCES: Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				√
b) Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				√
<p>Discussion</p> <p>Item a) and b):</p> <p>The two properties at issue under the Proposed Project are located on previously developed/improved sites within an urbanized area that is adjacent to the Union Pacific Railroad line. The Proposed Project does not contemplate any structures or facilities that would in any way impact the availability of any known mineral resource recovery site. The Proposed Project would have no impact.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XII. NOISE: Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			√	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			√	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			√	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			√	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			√	
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			√	

Discussion

Items a) through f):

The two properties at issue under the Proposed Project are located on previously developed/improved sites within an urbanized area that is adjacent to the Union Pacific Railroad line. The Proposed Project contemplates the issuance of permits for a residential unit (the Caretaker's Residence), a self-storage facility (the Mini Storage Facility), and a storage yard. None of these land uses are expected to generate noise that would exceed ambient levels, cause a substantial temporary or periodic increase in ambient noise levels, or cause groundbourne vibration. In addition, the City's restrictions on the generation of noise would apply to any noise generated by any land use authorized by the Proposed Project. The Proposed Project would have a **less than significant impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XIII. POPULATION AND HOUSING: Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			√	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				√
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				√
<p>Discussion</p> <p>Items a), b):</p> <p>The two properties at issue under the Proposed Project are located on previously developed/improved sites within an urbanized area that is adjacent to the Union Pacific Railroad line. The Proposed Project contemplates the issuance of permits for a residential unit (the Caretaker’s Residence), a self-storage facility (the Mini Storage Facility), and a storage yard. Other than these land uses, the Proposed Project does not contemplate any new homes, roads, or other infrastructure. The Proposed Project would have a less than significant impact.</p> <p>Item c): No person or housing will be displaced by the Proposed Project. The Proposed Project would have no impact.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, responses times or other performance objectives for any of the public services:				√
Fire protection?				√
Police protection?				√
Schools?				√
Parks?				√
Other public facilities?				√
Discussion				
Item a): The project will not alter or require the construction of new schools, parks, or other public facilities, nor will it increase the need for police and fire services beyond existing conditions. The Proposed Project would have no impact .				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XV. RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				√
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				√
<p>Discussion</p> <p>Items a) and b):</p> <p>The two properties at issue under the Proposed Project are located on previously developed/improved sites within an urbanized area that is adjacent to the Union Pacific Railroad line. The Proposed Project does not contemplate any new use that would result in the increase of use of existing neighborhood parks or other recreation facilities, or the construction or expansion of recreational facilities. The Proposed Project would have no impact.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC: Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing a measure of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				√
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				√
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?				√
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				√
e) Result in inadequate emergency access?				√
f) Result in inadequate parking capacity?				√
g) Conflict with adopted policies, plans, or programs regarding public transit, bikeways, or pedestrian facilities, or otherwise substantially decrease the				√

performance or safety of such facilities?				
<p>Discussion</p> <p>Items a) , b), f):</p> <p style="padding-left: 40px;">The Proposed Project does not contemplate the construction of any new facilities or any land uses that are inconsistent with current operations on the Overflow Yard Property or the Warkentine Property. As a result, the Proposed Project does not contemplate any increase in vehicle trips, trip lengths, vehicle miles traveled, or parking compared to existing conditions. The Proposed Project would have no impact.</p> <p>Item c): The Proposed Project does not contemplate any improvements or modifications, including any improvements to land that could affect air traffic, including air traffic patterns and safety. The Proposed Project would have no impact.</p> <p>Items d), e), g):</p> <p style="padding-left: 40px;">The Proposed Project does not contemplate the modification of any roadway facilities or design features. Nor does the Proposed Project contemplate any new structures or facilities different from existing land uses. As a result, the Proposed Project would not result in any hazards relating to any design features or incompatible uses, inadequate emergency access, or decrease the performance or safety of existing public transit, bikeways, or pedestrian facility. The Proposed Project would have no impact.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS: Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			√	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			√	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			√	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			√	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			√	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				√
g) Comply with federal, state, and local statutes and regulations related to solid waste?				√
Discussion				

Item a): The City's wastewater system complies with all Regional Water Quality Control Board requirements, and the City is aware of no facts to suggest the Proposed Project would result in any new land uses that would cause the City to exceed those requirements. The Proposed Project would have a **less than significant impact**.

Items b through e):

The two properties at issue under the Proposed Project are located on previously developed/improved sites within an urbanized area that is adjacent to the Union Pacific Railroad line. The Proposed Project does not contemplate the construction or expansion of any water or wastewater treatment facilities or storm water facilities. Although the Proposed Project contemplates the issuance of permits for existing uses, including a residential unit (the Caretaker's Residence), a self-storage facility (the Mini Storage Facility), and a storage yard, those uses have not impacted, and are not anticipated in the future to significantly impact, the need for additional facilities or water supplies. The Proposed Project would have a **less than significant impact**.

Items f), g):

The Proposed Project contemplates the issuance of permits for a residential unit (the Caretaker's Residence), a self-storage facility (the Mini Storage Facility), and a storage yard. These facilities generate, and will continue to generate, small amounts of solid waste, and will continue to contribute fees associated with services associated with the collection of such wastes. The Proposed Project would have **no impact**.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			√	
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			√	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? Note: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.3, 21093, 21094, 21151, Public Resources Code; Sundstrom v. County of Mendocino, 202 Cal.App.3d 296 (1988); Leonoff v. Monterey Board of Supervisors, 222 Cal.App.3d 1337 (1990).			√	

Discussion

- Item a): The two properties at issue under the Proposed Project are located on previously developed/improved sites within an urbanized area that is adjacent to the Union Pacific Railroad line. The Proposed Project contemplates the issuance of permits for a residential unit (the Caretaker's Residence), a self-storage facility (the Mini Storage Facility), and a storage yard. Therefore, the Proposed Project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory, and no impacts related to these topics would occur with project implementation.
- Item b): The two properties at issue under the Proposed Project are located on previously developed/improved sites within an urbanized area that is adjacent to the Union Pacific Railroad line. The Proposed Project contemplates the issuance of permits for a residential unit (the Caretaker's Residence), a self-storage facility (the Mini Storage Facility), and a storage yard. The Proposed Project is not considered growth inducing and will not alter planned development patterns in the region. Also, no expansion of supporting infrastructure would be required to accommodate the Proposed Project. Therefore, no impacts related to this project are individually limited, but cumulatively considerable.
- Item c): The two properties at issue under the Proposed Project are located on previously developed/improved sites within an urbanized area that is adjacent to the Union Pacific Railroad line. The Proposed Project contemplates the issuance of permits for a residential unit (the Caretaker's Residence), a self-storage facility (the Mini Storage Facility), and a storage yard. The limited activities contemplated by the Proposed Project would not result in substantial adverse impacts to humans.

**BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO**

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA ADOPTING
A NEGATIVE DECLARATION PREPARED
IN CONJUNCTION WITH A PROPOSED
GENERAL PLAN AMENDMENT AND
CHANGE OF ZONING FOR THE
WARKENTINE AND TANKERSLEY
PROPERTIES**

RESOLUTION NO. 16-57

WHEREAS, pursuant to a Settlement Agreement and Mutual Release entered into between the City of Mendota and Ed Warkentine and Dan Tankersley on February 23, 2016, the City of Mendota is required to change the zoning of certain properties from M-1 Light Manufacturing to M-2 Heavy Manufacturing; and

WHEREAS, in order to maintain the required consistency between the Official Zoning Map and the City of Mendota General Plan Update 2005-2025 pursuant to Government Code Section 65860, the General Plan Land Use designation of said properties must be amended from Light Industrial to Heavy Industrial; and

WHEREAS, amendment of a General Plan and/or amendment of the Zoning Ordinance, including the Official Zoning Map, constitute a “project” pursuant to the California Environmental Quality Act, Public Resources Code Section 21000, *et seq.* (“CEQA”) and the CEQA Guidelines, California Code of Regulations Section 15000, *et seq.*; and

WHEREAS, as the agency primarily responsible for carrying out said project, the City of Mendota assumes the role of lead agency pursuant to CEQA; and

WHEREAS, an initial study and environmental checklist were prepared for the project in accordance with CEQA and City of Mendota staff made a preliminary determination that the project could not result in significant impacts to the environment and that adoption of a negative declaration would be appropriate for the project; and

WHEREAS, the City made the initial study/negative declaration (“IS/ND”) available for public review between May 3, 2016, and June 6, 2016, and provided copies of the IS/ND to various entities directly, and no comments were received; and

WHEREAS, at a regular meeting on July 19, 2016, the Mendota Planning Commission adopted Resolution No. PC 16-03, recommending that the City Council adopt said IS/ND; and

WHEREAS, the City of Mendota is the custodian of the documents and other materials that constitute the record of proceedings upon which the City Council’s decision is based, and Mendota City Hall at 643 Quince Street, Mendota, CA 93640 is the location of this record; and

WHEREAS, the City Council finds that it cannot be fairly argued, nor is there any substantial evidence in the record, that the project will have a significant impact on the environment, either directly or indirectly; and

WHEREAS, based upon the initial study/environmental checklist and the record, the project will not individually or cumulatively have an adverse impact on environmental resources.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1) The City Council of the City of Mendota hereby determines that the proposed project does not have the potential to result in significant adverse effects to the environment; and
- 2) The City Council of City of Mendota finds: (1) that it has independently reviewed and analyzed the Initial Study and Negative Declaration for the Project, and has considered the information contained therein and in the record before it, prior to acting on the Project; (2) that the Initial Study and Negative Declaration for the Project have been completed in compliance with CEQA and consistent with the CEQA Guidelines; (3) based on the whole record before it, including but not limited to the Initial Study and Negative Declaration for the Project, that there is no substantial evidence that the Project will have a significant effect on the environment; and (4) the Initial Study and Negative Declaration for the Project represents the independent judgment and analysis of the City Council.
- 3) Therefore, the City Council of the City of Mendota hereby affirms the preliminary determination of staff and the recommendation of the Mendota Planning Commission, and adopts the negative declaration as attached hereto, with the initial study and environmental checklist remaining a part of the City's records; and
- 4) The City Council of the City of Mendota hereby directs the City Manager to file a notice of determination with the County Clerk of the County of Fresno.

Robert Silva, Mayor

ATTEST:

I, Matt Flood, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said Council, held at Mendota City Hall on the 23rd day of August 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Flood, City Clerk

NEGATIVE DECLARATION

LEAD AGENCY: City of Mendota
643 Quince Street
Mendota, CA 93640

PROJECT TITLE: Change of Zoning and Land Use Designation and Tentative Parcel Map for the Warkentine & Tankersley Properties

STATE CLEARINGHOUSE: n/a

ADDRESS/LOCATION: Northwest and southeast sides of 9th Street between Naples Street and the UPRR corridor; APNs 013-152-27S and 013-141-02S

PROJECT APPLICANT: City of Mendota, 643 Quince Street, Mendota, CA 559.655.3291

PROJECT DESCRIPTION: The Project proposes to amend the General Plan Land Use designation of APN 013-152-27S and a portion of APN 013-141-02S from Light Industrial to Heavy Industrial, rezone APN 013-152-27S and a portion of APN 013-141-02S from M-1 to M-2, and subdivide APN 013-141-02S into two smaller parcels.

CONTACT PERSON: Cristian Gonzalez, Director of Planning & Public Works; 559.655.3291

The City Council of the City of Mendota has reviewed the proposed Project described herein along with the initial study prepared pursuant to the California Environmental Quality Act (CEQA), and has found that this Project will have no significant impact on the environment for the following reasons:

1. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.
2. The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
3. The project does not have possible environmental effects which are individually limited but cumulatively considerable; "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 probable future projects.
4. The environmental effects of a project will not cause substantial adverse effects on human beings, either directly or indirectly.
5. Mitigation measures were, were not made a condition of the approval of the project.

On August 23, 2016, based upon a recommendation from the Mendota Planning Commission, the Mendota City Council adopted Resolution No. 16-57, determining that the above Project would have no significant effect on the environment. Interested parties may examine copies of Project documents at Mendota City Hall, 643 Quince Street, Mendota, CA 93640.

Dated: August 23, 2015

Attest: _____
Hon. Robert Silva, Mayor

**BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO**

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA IN THE
MATTER OF ADOPTION OF A GENERAL
PLAN AMENDMENT TO CHANGE THE
LAND USE DESIGNATION OF ASSESSOR'S
PARCEL NUMBER 013-152-27S AND
A PORTION OF ASSESSOR'S PARCEL
NUMBER 013-141-02S FROM LIGHT
INDUSTRIAL TO HEAVY INDUSTRIAL**

RESOLUTION NO. 16-58

WHEREAS, pursuant to a Settlement Agreement and Mutual Release entered into between the City of Mendota and Ed Warkentine and Dan Tankersley on February 23, 2016, the City of Mendota is required to change the zoning of certain properties from M-1 Light Manufacturing to M-2 Heavy Manufacturing; and

WHEREAS, in order to maintain the required consistency between the Official Zoning Map and the City of Mendota General Plan Update 2005-2025 pursuant to Government Code Section 65860, the Land Use designation of said properties must be amended from Light Industrial to Heavy Industrial; and

WHEREAS, amendment of a General Plan expressly constitutes a "project" pursuant to the California Environmental Quality Act, Public Resources Code Section 21000, *et seq.* ("CEQA") and the CEQA Guidelines, California Code of Regulations Section 15000, *et seq.*; and

WHEREAS, via adoption of Resolution No. 16-57, the City Council has determined that the proposed amendment to the General Plan does not have the potential to result in significant adverse effects to the environment; and

WHEREAS, pursuant to California Government Code Section 65352.3, the City of Mendota has engaged Native American Tribes identified by the California Native American Heritage Commission as being potentially affected by the proposed General Plan amendment; and

WHEREAS, the City of Mendota did not receive any comments or requests for additional consultation from any of said Tribes during the mandatory 90-day consultation period; and

WHEREAS, at a regular meeting on July 19, 2016, the Mendota Planning Commission adopted Resolution No. PC 16-03, recommending that the City Council approve the proposed amendment to the General Plan; and

WHEREAS, on August 10, 2016, a notice was published in the *Firebaugh-Mendota Journal*, announcing the intent of the City to amend the General Plan related to the subject

properties and notices were individually mailed to property owners within 300 feet of the Project site; and

WHEREAS, pursuant to Government Code Section 65358(b), a city may not amend any one element of its general plan more than four times per year and each amendment may contain multiple changes to that element.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1) The City Council of the City of Mendota hereby amends the Land Use Map of the Land Use Element of the City of Mendota General Plan Update 2005-2025 to reflect the Land Use designation of Fresno Assessor's Parcel No. 013-152-27S as Heavy Industrial as illustrated in Attachment A hereto; and
- 2) The City Council of the City of Mendota hereby amends the Land Use Map of the Land Use Element of the City of Mendota General Plan Update 2005-2025 to reflect the Land Use designation of the northwestern portion of Fresno Assessor's Parcel No. 013-152-27S as Heavy Industrial as illustrated in Attachment B hereto; and
- 3) The amendments to the City of Mendota General Plan Update 2005-2025 approved herein constitute the first amendment to the Land Use Element for Calendar Year 2016.

Robert Silva, Mayor

ATTEST:

I, Matt Flood, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said Council, held at Mendota City Hall on the 23rd day of August 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

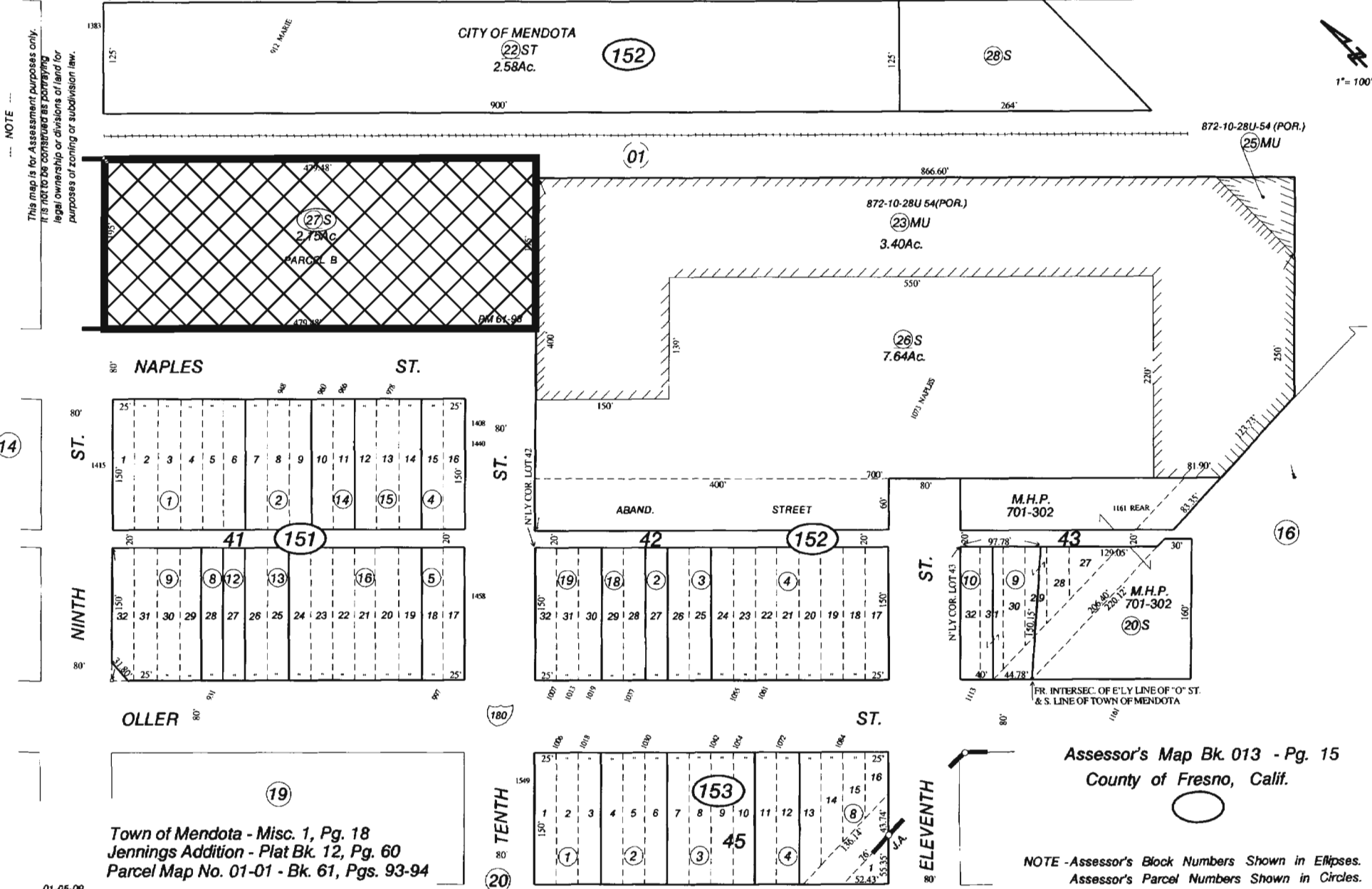
Matt Flood, City Clerk

S'LY LINE OF "M" ST.

11 SUBDIVIDED LAND IN POR. SEC. 31, T.13S., R.15E., M.D.B. & M.

ST. Tax Rate Area 12-010

013-15



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



Town of Mendota - Misc. 1, Pg. 18
Jennings Addition - Plat Bk. 12, Pg. 60
Parcel Map No. 01-01 - Bk. 61, Pgs. 93-94

Assessor's Map Bk. 013 - Pg. 15
County of Fresno, Calif.

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

01-05-09

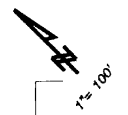
--- NOTE ---

This map is for Assessment purposes only.
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SUBDIVIDED LAND IN POR. SEC. 31, T. 13 S., R. 15 E., M. D. B. & M.

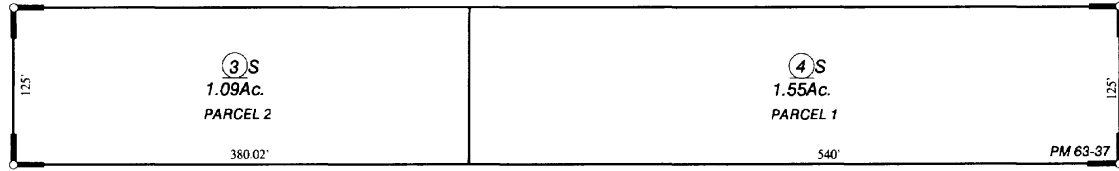
Tax Rate Area
12-010

013-14

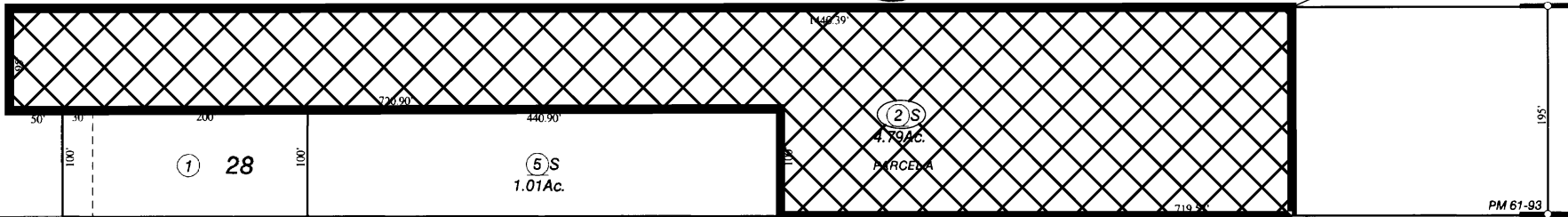


Attachment "B"

01

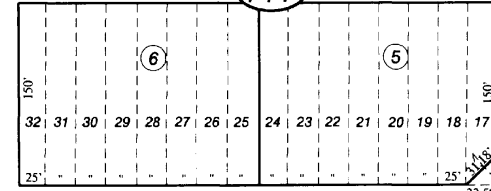
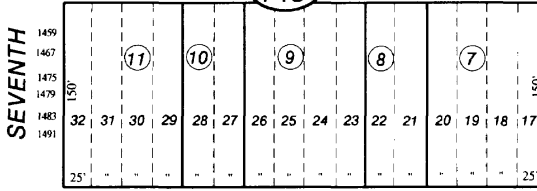
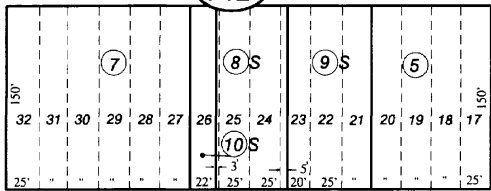
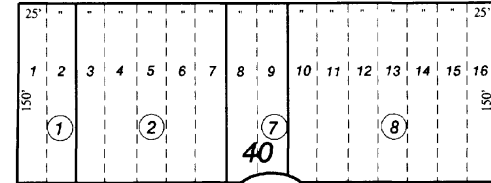
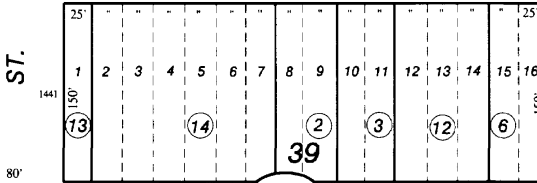
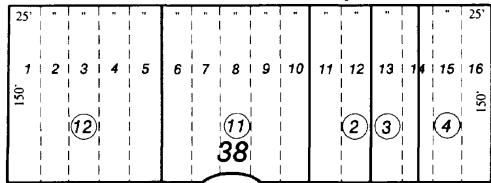


141



NAPLES

ST.



OLLER

ST.

Town of Mendota - Misc. 1, Pg. 18
Parcel Map No. 01-01 - Bk. 61, Pgs. 93 & 94
Parcel Map No. 03-01 - Bk. 63, Pgs. 37 & 38

Assessor's Map Bk. 013 - Pg. 14
County of Fresno, Calif.

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

**BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO**

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MENDOTA AMENDING
THE OFFICIAL ZONING MAP OF THE CITY
OF MENDOTA TO REFLECT A CHANGE OF
ZONE FOR ASSESSOR'S PARCEL NUMBER
013-152-37S AND A PORTION OF ASSESSOR'S
PARCEL NUMBER 013-141-02S FROM M-1
LIGHT MANUFACTURING TO M-2 HEAVY
MANUFACTURING**

ORDINANCE NO. 16-07

The City Council of the City of Mendota does hereby ordain as follows:

Section 1. The Official Zoning Map of the City of Mendota is hereby amended to reflect as M-2 Heavy Manufacturing:

- a. Fresno County Assessor's Parcel No. 013-152-27S, more particularly described as Parcel B of Parcel Map No. 01-01, recorded in Book 61 of Parcel Maps at pages 93 & 94, Fresno County Records and as illustrated in Attachment "A" to this Ordinance; and
- b. A portion of Fresno County Assessor's Parcel No. 013-141-02S, more particularly described as follows and as illustrated within Attachment "B" to this Ordinance:

"Beginning at a point on the southwesterly line of Parcel A of Parcel Map No. 01-01, recorded in Book 61 of Parcel Maps at pages 93 & 94, Fresno County Records, said point lying North 43° 15' 30" West, a distance of 239.81 feet from the most southerly corner of said Parcel A; thence along the southwesterly line of said Parcel A courses 1) through 3) below:

- 1) North 43° 15' 30" West, a distance of 480.15 feet; thence
- 2) North 46° 43' 52" East, a distance of 99.81 feet; thence
- 3) North 43° 17' 26" West, a distance of 720.63 feet to the most northwesterly corner of said Parcel A; thence
- 4) North 46° 57' 15" East, along the northwesterly line of said Parcel A, a distance of 94.91 feet to the most northerly corner of said Parcel A; thence
- 5) South 43° 17' 03" East, along the northeasterly line of said Parcel A, a distance of 1200.45 feet; thence
- 6) South 46° 44' 35" West, a distance of 194.85 to the Point of Beginning."

Section 2. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Mendota City Council hereby declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional.

Section 3. Within fifteen (15) days of the adoption of this Ordinance, a summary thereof, including the names of the City Council Members voting for and against it, shall be prepared by the City Attorney for publication in the *Firebaugh-Mendota Journal*, and a certified copy of the Ordinance shall be posted in the office of the City Clerk.

Section 4. This ordinance shall become effective and in full force at 12:00 midnight on the 31st day following its adoption.

* * * * *

The foregoing ordinance was introduced on the 23rd day of August 2016 and duly passed and adopted by the City Council of the City of Mendota at a regular meeting thereof held on the 13th day of September 2016 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Robert Silva, Mayor

ATTEST:

Matt Flood, City Clerk

APPROVED AS TO FORM:

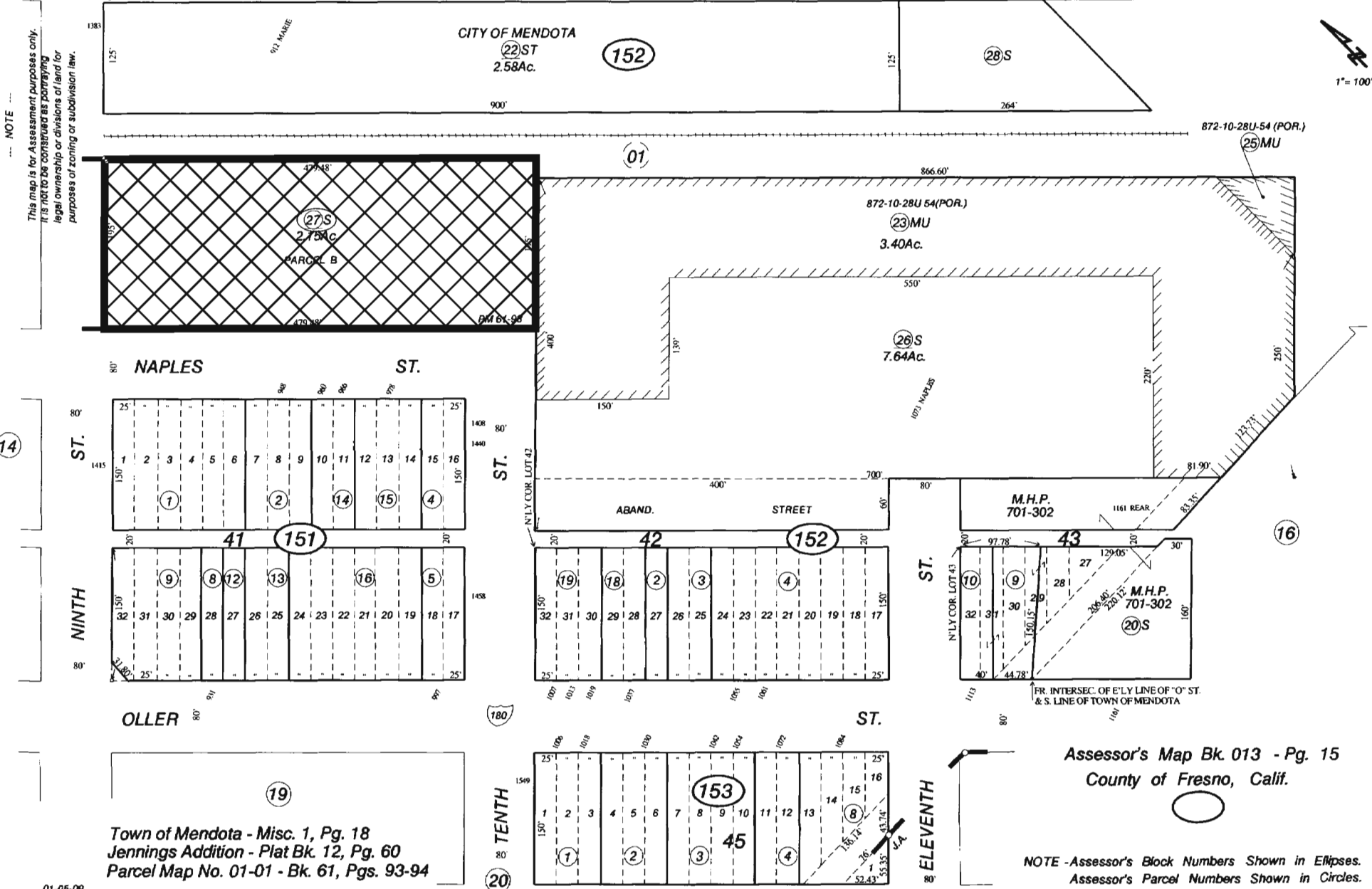
John P. Kinsey, City Attorney

S'LY LINE OF "M" ST.

11 SUBDIVIDED LAND IN POR. SEC. 31, T.13S., R.15E., M.D.B. & M.

ST. Tax Rate Area 12-010

013-15



Town of Mendota - Misc. 1, Pg. 18
 Jennings Addition - Plat Bk. 12, Pg. 60
 Parcel Map No. 01-01 - Bk. 61, Pgs. 93-94

01-05-09

Assessor's Map Bk. 013 - Pg. 15
 County of Fresno, Calif.

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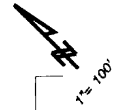
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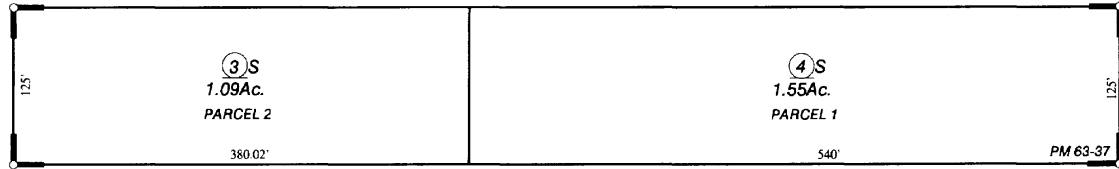
Tax Rate Area 12-010

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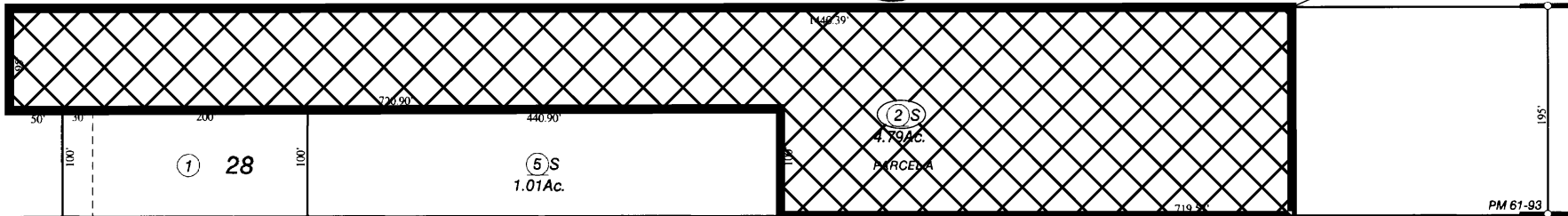


Attachment "B"

01

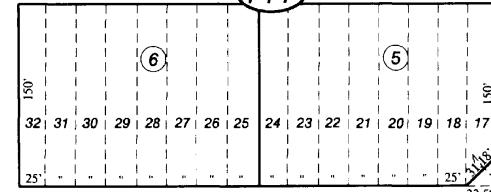
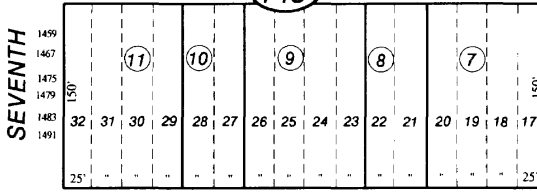
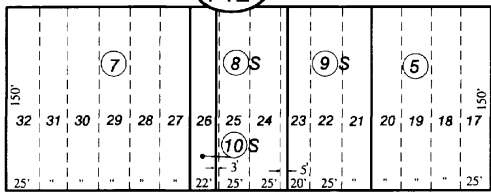
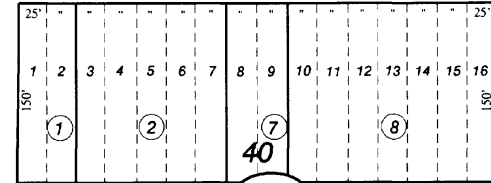
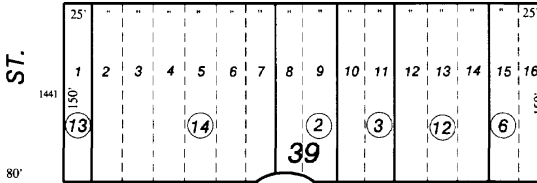
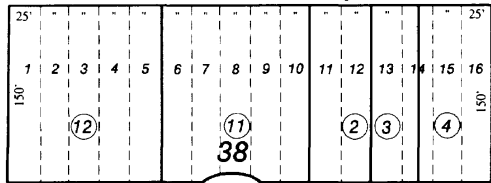


141



NAPLES

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Town of Mendota - Misc. 1, Pg. 18
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Assessor's Map Bk. 013 - Pg. 14
County of Fresno, Calif.

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PUBLIC WORKS REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: CRISTIAN GONZALEZ, PUBLIC WORKS DIRECTOR
VIA: VINCE DIMAGGIO, CITY MANAGER
SUBJECT: PUBLIC WORKS MONTHLY REPORT
DATE: AUGUST 23, 2016

STREETS AND ROADS

- The City's street sweeper was out of operation on a couple of occasions for maintenance and for a safety recall scheduled service. It is back in service and continues to operate on its normal schedule, Mondays, Wednesdays and Fridays.
- Crews completed street striping around our local schools. Striping in residential areas will continue.
- Marie/Divisadero street reconstruction plans will be complete this month. Bidding is scheduled for early to mid September.

PARKS AND PUBLIC BUILDINGS

- Public Works continues to maintain the parks for the community.

DRINKING WATER

- Water usage has increased this month 23% compared to last year. We are required to save 25% of water compared to 2013 calendar year.
- The water plant structure project is out for re-bid and bids are scheduled to be submitted on September the 6th.
- Meter reads are complete.
- The water treatment's SCADA system is being upgraded. This will help avoid glitches in communication between wells, booster pumps and the filter systems.

WASTE WATER

- Engineering for the upgrade to the Lozano lift station is near completion. Staff reviewed the plans with the engineer and provided comments. Bidding will follow.
- Monthly samples have been submitted.
- Pump #3 at the waste water lift station burned out. Staff is working to replace it. Currently there are two pumps working that can handle operations while pump 3 is brought back online.

ANIMAL CONTROL

- Animals impounded: 25
- Animals euthanized: 22
- Animals redeemed by owner: 3
- Graffiti abated: 5
- Citations issued: 4

ADULT OFFENDER WORK PROGRAM

- AOWP working on public right of way and alley weed abatement including all tree-wells and City owned lots.
- The program also assists with maintenance of the Pool Park.

BUILDING PERMITS ISSUED

- A list of new permits is attached to the report.

PLANNING

- No new major projects

STAFFING FOR PUBLIC WORKS

- 13 full time employees
- 5 part time employees
- 1 full time/part time (Proteus)

FUEL STOCK

- Unleaded: 5,109 gallons
- Diesel: 3,772 gallons

Permits Issued

Report Date Range : 07/15/2016 to 08/31/2016

Permit #	Type of Permit	Date Issued	Job Address
20160206	101 1027 SQFT CARETAKERS UNIT (PRE-FAB HOME)	7/15/2016	295 Naples St
20160207	329(b) INSTALL A 8.21 KW SOLAR SYSTEM WITH PANEL UPGRADES	7/15/2016	695 Lozano St
20160208	329(b) ROOFTOP P.V INSTALLATION COMP SHINGLE	7/28/2016	960 7th St
20160209	437(a) SIGN ADVERTISING INSTALLATION 76 SQ FT TOTAL	7/29/2016	1458 4th St
20160210	437(a) NEW SERVICE PANEL 200 AMP	8/2/2016	904 MARIE
20160211	434(a) PANEL UPGRADE 100 AMPS	8/2/2016	250 Fleming Ave
20160212	437(b) RREPLACING HOT WATER HEATER	8/2/2016	647 Perez St
20160213	437(b) RREPLACING HOT WATER HEATER	8/2/2016	647 Perez St
20160214	437(b) RREPLACING HOT WATER HEATER	8/2/2016	647 Perez St
20160215	437(a) REPLACING MAIN PANEL FOR RESTAURANT	8/4/2016	997 Oller St
20160216	434(a) MAIN PANEL UPGRADE TO 125 AMPS	8/9/2016	162 Elm Ave
20160217	434(a) MAIN PANEL UPGRADE TO 125 AMPS	8/9/2016	267 I St
20160218	434(a) RE-ROOF TEAR OFF	8/10/2016	317 J St
20160219	437(a) SIGN PERMIT PER APPROVED DRAWINGS	8/18/2016	200 Derrick Ave
20160220	101 NEW CONSTRUCTION- SINGLE FAMILY 1435 SQFT; GARAGE 400 SQFT LOT #506	8/18/2016	545 BARAJAS CT
20160221	101 NEW CONSTRUCTION- SINGLE FAMILY 1420 SQFT; GARAGE 400 SQFT LOT #511	8/18/2016	540 BARAJAS CT
20160222	101 NEW CONSTRUCTION- SINGLE FAMILY 1420 SQFT; GARAGE 400 SQFT LOT #515	8/18/2016	502 BARAJAS CT
20160223	101 NEW CONSTRUCTION- SINGLE FAMILY 1095 SQFT; GARAGE 400 SQFT LOT #514	8/18/2016	512 BARAJAS CT
Report Run Date: 8/19/2016		Report Run By: CRISTIAN	

Permits Issued

Report Date Range : 07/15/2016 to 08/31/2016

Permit #	Type of Permit	Date Issued	Job Address
20160224	101 NEW CONSTRUCTION- SINGLE FAMILY 1420 SQFT; GARAGE 400 SQFT LOT #503	8/18/2016	515 BARAJAS CT
20160225	101 NEW CONSTRUCTION- SINGLE FAMILY 1715 SQFT; GARAGE 400 SQFT LOT #265	8/18/2016	523 SILVA
20160226	101 NEW CONSTRUCTION- SINGLE FAMILY 1095 SQFT; GARAGE 400 SQFT LOT #264	8/18/2016	513 SILVA
20160227	101 NEW CONSTRUCTION- SINGLE FAMILY 1275 SQFT; GARAGE 400 SQFT LOT #271	8/18/2016	570 SILVA
Total Number of Permits List		22	