



# CITY OF MENDOTA

*"Cantaloupe Center Of The World"*

JOSHUA GARCIA  
Chair  
EDITH NOLAN  
Vice-Chair  
ALBERT ESCOBEDO  
MARTIN GAMEZ  
CARLOS QUINTANAR

## CITY OF MENDOTA PLANNING COMMISSION AGENDA

City Council Chambers  
Mendota, CA 93640  
REGULAR MEETING  
January 20, 2015  
6:30 P.M.

VINCE DiMAGGIO  
City Manager  
MATT FLOOD  
Planning & Economic  
Development Manager  
JEFF O'NEAL  
City Planner

The Mendota City Planning Commission welcomes you to its meetings, which are scheduled for the 3rd Tuesday every month. Your interest and participation are encouraged and appreciated. Notice is hereby given that Planning Commissioners may discuss and/or take action on any or all of the items listed on this agenda. **Please turn your cell phone off. Thank you for your respect and consideration.**

Any public writings distributed by the City of Mendota to at least a majority of the Planning Commission 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.

### **CALL TO ORDER**

### **ROLL CALL**

### **FLAG SALUTE**

### **FINALIZE THE AGENDA**

1. Adoption of final Agenda.

### **SWEARING OF NEW COMMISSIONERS**

1. Swearing in of Planning Commissioners Albert Escobedo and Martin Gamez.

### **NOTICE OF WAIVING READING**

1. Approval of the Minutes of the Regular Meeting of June 17, 2014.
2. Notice of waiving the reading of all resolutions introduced and/or adopted under this agenda.

## **PUBLIC HEARING**

1. Public Hearing to adopt **Resolution No. PC 15-01**, forwarding a recommendation to the City Council to approve Application No. 14-09, consisting of Tentative Parcel Map No. 14-01 and a Mitigated Negative Declaration.
  - a. *Receive report from City Planner O'Neal*
  - b. *Inquiries from Commissioners to staff*
  - c. *Chair Garcia opens the public hearing*
  - d. *Once all comment has been received, Chair Garcia closes the public hearing*
  - d. *Planning Commission considers adopting Resolution No. 15-01*

## **PUBLIC COMMENT ON ITEMS THAT ARE NOT ON THE AGENDA**

The public is invited to speak to the Planning Commission at this time about any item that is not on the Agenda. Please limit your comments to five (5) minutes. Please note that the Planning Commission cannot take action on any item not listed on the agenda.

## **PLANNING DIRECTOR UPDATE**

## **PLANNING COMMISSIONERS' REPORTS**

## **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 Planning Commission Regular Meeting of Tuesday, January 20, 2015 was posted on the outside bulletin board of City Hall, 643 Quince Street on Friday, January 16, 2015 at 4:00 p.m.

  
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Celeste Cabrera, Deputy City Clerk



## CITY OF MENDOTA PLANNING COMMISSION MINUTES

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**Regular Meeting**

**Tuesday, June 17, 2014**

**6:30 p.m.**

**Meeting called to order by Chairperson Garcia at 6:31 PM.**

### **Roll Call**

**Commissioners Present:** Chairperson Joshua Garcia, Vice-Chairperson Edith Nolan, and Carlos Quintanar.

**Commissioners Absent:** Commissioner Castaneda.

**Staff Present:** Vince DiMaggio, City Manager; Jeff O'Neal, City Planner; and Matt Flood, City Clerk.

**Flag Salute led by Commissioner Quintanar.**

### **FINALIZE THE AGENDA**

1. Adoption of final Agenda.

Staff requested to modify the agenda by having the planning workshop before the business. A motion was made by Commissioner Quintanar to adopt the agenda as modified, seconded by Chair Garcia; unanimously approved (3 ayes; absent: Castaneda).

### **NOTICE OF WAIVING READING**

1. Approval of the Minutes of the Regular Meeting of May 20, 2014.
2. Notice of waiving the reading of all resolutions introduced and/or adopted under this agenda.

A motion to approve items 1 and 2 was made by Commissioner Quintanar, seconded by Vice-Chair Nolan; unanimously approved (3 ayes; absent: Castaneda).

### **PUBLIC COMMENT ON ITEMS THAT ARE NOT ON THE AGENDA**

None offered

## **PLANNING WORKSHOP**

1. City staff to give brief presentations on the role of the Planning Commission and various planning policies, processes, and functions.

City Clerk Flood presented on the basic formation and operation of the Planning Commission, including its duties and those of every commissioner, the terms of commissioners and officers, and how state and local applies to it.

City Manager DiMaggio provided his background as a planner; the nature and individual elements of a General Plan including how often they are reviewed and revised; the importance of it remaining general as opposed to specific; the difference between a zoning ordinance and the General Plan; permitted, unpermitted, and conditional uses; and some examples of regulations related to zoning ordinances.

City Planer O'Neal presented on taxes, fees, and other charges, including broad and specific assessments; the definition and scope of fees; provided examples of taxes, such as Proposition 13 and Proposition 62, fees, such as development impact fees and water/sewer fees, and other examples.

Discussion was held on development impact fees that were charged to a recent applicant.

## **BUSINESS**

1. Commission discussion and consideration to adopt **Resolution No. PC 14-03**, forwarding a recommendation that the City Council approve zoning text amendments to modify regulations related to swimming pools. [City Planner, O'Neal]

Chair Garcia introduced the item and City Planner O'Neal reported that staff received a request to build a pool; that he looked into the code and encountered problems with it including issues related to zoning and setbacks; staff's inability to make a finding based on a unique hardship; how pools are defined as accessory structures; reviewed the proposed changes to the text; compliance with CEQA requirements due to a legislative change; and that staff recommends the commission to conduct a public hearing and approve the resolution.

Discussion was held on the specific situation related to an applicant that was recently interested in building a pool.

At 7:27 p.m. Chair Garcia opened the hearing to the public and seeing no one present wishing to comment on the issue, closed it in that same minute.

A motion was made by Commissioner Quintanar to adopt Resolution No. PC 14-03, seconded by Vice-Chair Nolan; unanimously approved (3 ayes; absent: Castaneda).

## **PLANNING COMMISSIONERS' REPORTS**

No reports.

## **ADJOURNMENT**

At the hour of 7:29 p.m. with no more business to be brought before the Planning Commission, a motion for adjournment was made by Commissioner Quintanar, seconded by Vice-Chair Nolan; unanimously approved (3 ayes; absent: Castaneda).

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Joshua Garcia, Chairperson

ATTEST:

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Matt Flood, City Clerk

**DATE:** January 20, 2015  
**TO:** City of Mendota Planning Commission  
**FROM:** Jeffrey O’Neal, AICP  
City Planner  
**SUBJECT:** A public hearing to consider Application No. 14-09, an Initial Study/Mitigated Negative Declaration and Tentative Parcel Map No. 14-01 and forwarding a recommendation to the City Council

**Executive Summary**

The applicant proposes to subdivide two existing legal lots at the northwest corner of Derrick and Belmont Avenues into six smaller lots for future commercial development. No development proposals have been received at this time. An initial study/mitigated negative declaration (IS/MND) was prepared pursuant to the California Environmental Quality Act based on the maximum potential buildout of the six parcels under the C-2 zone district regulations. The IS/MND identified possible impacts to biological resources that can be mitigated via preconstruction surveys and avoidance procedures and possible impacts to hydrology/water quality that can be mitigated via construction of an onsite stormwater basin. Staff believes that the required findings can be made for map approval, and recommends that the Planning Commission adopt Resolution No. PC 15-01, forwarding recommendations of approval for the CEQA document and the tentative parcel map to the City Council.

**Background**

**Owner:** Ashmark Limited Partnership  
250 Gregg Court South  
Mendota, CA 93640  
**Applicant:** GC Mendota, LLC  
Chris Shane, Managing Partner  
500 South Sepulveda Boulevard, Suite 304  
Manhattan Beach, CA 90266  
**Location:** Northwest corner of Derrick and Belmont Avenues (no address), APNs 012-190-21 and 62  
See attached map and photo  
**Site Size:** 8.03± acres  
**Zoning:** C-2, Community Shopping Center District  
**General Plan:** Community Commercial  
**Existing Use:** Vacant  
**Adjacent Uses:** North – Commercial uses (some abandoned); C-2  
South – Commercial uses, vacant land; C-2, AE-20 (Fresno County)  
East – Commercial uses; C-3  
West – Single-family residential, R-1  
**Street Access:** Derrick Avenue (State Route 33), Belmont Avenue

**Project Proposal & Discussion**

Application No. 14-09 consists of Parcel Map No. 14-01, which proposes to subdivide approximately 8.03 acres into six smaller parcels for eventual commercial development, along with an associated California Environmental Quality Act document. The resultant parcels would range in size from 1.02 acres to 2.06

acres. The proposed parcel sizes are consistent with the standards of the C-2 zone, which require that C-2 properties comprise at least 10 acres of aggregate area, with a minimum parcel size of one acre. The project site is situated at the northwest corner of Derrick Avenue (State Route 33) and Belmont Avenue to the north and west of the existing Family Dollar store. The project does not propose any particular development at this time. Future commercial development would be subject to site plan review and/or a conditional use permit as circumstances dictate for the individual projects that come forward.

The California Subdivision Map Act (CA Govt. Code §66410 et seq.) establishes much of the procedure for subdivision of land. Other components are contained within Title 16 (Subdivision Ordinance) of the Mendota Municipal Code. Generally speaking, subdivision into more than four parcels requires a tentative and final map (sometimes referred to as a tract map or subdivision map) as opposed to a parcel map. However, the Map Act contains a provision (§66426(c)) that allows use of a parcel map to create more than four lots if *“[t]he land consists of a parcel or parcels of land having approved access to a public street or highway, which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths.”*

In this instance, the land is zoned for commercial use (C-2), and the parcels have access to Derrick Avenue and Belmont Avenue, both of which have established alignments (as existing) and widths (84 feet for Belmont; 118 feet for Derrick). Because the statute is not clear about whether the parcels must have approved access to streets before or after subdivision of the land, the project will be required to include cross-access agreements or covenants ensuring that all parcels have access to a public street, even if it is through another parcel. For example, proposed Parcel 4 does not abut either Derrick Avenue or Belmont Avenue, and as such one will need to go across another parcel to get to one of those streets. Currently, both existing drive approaches utilized by Family Dollar (located on APN 012-190-63) are actually situated on APN 012-190-62, and Family Dollar has permission from the abutting owner to cross APN 62 to get to Derrick and Belmont Avenues. As proposed, both of the existing drive approaches would be situated on Parcel 1. At this time, it is unknown whether there will be additional drive approaches on either Derrick or Belmont; this will be determined during review of any subsequent development applications that are received. As a result of the parcel configuration and the requirement for cross access, the layout of future commercial sites within the project area will need to ensure adequate circulation between facilities to prevent traffic problems.

Note also the distinction of a “tentative parcel map” versus simply a “parcel map”. As indicated in the Map Act, a parcel map is immediately recordable following its approval, while approval of a tentative map is only the first step in a two-step process. The Subdivision Ordinance provides applicants the option of submitting a parcel map or a tentative parcel map. This allows a city flexibility in applying conditions of approval while granting the subdivider an additional year (two instead of one) during which to record a final map or parcel map. Although the Subdivision Ordinance indicates that tentative parcel maps are valid for one year following approval, the Map Act indicates that they are valid for two years, and is the controlling law.

Future development would connect to the existing water and sewer lines in Derrick and Belmont Avenues. Depending upon the specific development proposals that are submitted, installation of short lengths of water and/or sewer main may be required. Development of the site would increase the amount of impervious surface as vacant land is converted to pavement and buildings. The first three parcels within this project area will be allowed to develop and utilize the existing storm drain pipeline in Belmont Avenue on a temporary basis. At the time that the fourth parcel is developed, a private onsite stormwater detention basin will be constructed. This basin will be designed to accommodate storm

runoff from the entire project area (8.03± acres) and regulate its release into the City's system. Any site plans for the first three parcels will be required to include engineering to accommodate future connection to the basin.

The intersection of Derrick and Belmont was recently improved, including the addition of travel lanes, striping, corner ramps, and traffic signals. A sidewalk and adjacent stamped concrete strip were installed on Belmont Avenue. With the development of Family Dollar, two drive approaches were installed, one on each frontage, along with landscaping between the parking areas and the public rights-of-way. While future development will not likely be required to replace existing sidewalk, curb, and gutter, landscaping requirements will ensure continuation of a pleasant streetscape. Any future drive approaches will be constructed to City and/or Caltrans standards, depending upon their location along the street frontage. Similar to the existing Belmont Avenue drive approach and sidewalk, in the event that one or more additional drive approaches are eventually permitted, future development may be required to reconfigure and reconstruct curb, gutter, and/or sidewalk and potentially dedicate a pedestrian easement.

The Subdivision Ordinance lays out the process for tentative parcel maps as follows: the Planning Commission must conduct a public hearing and make a recommendation to the City Council. The City Council must then conduct a public hearing and make a decision on the tentative parcel map. If the City Council approves the tentative parcel map, the applicant may then file a final parcel map (technically just referred to as a "parcel map") within 24 months. Although approval of final and parcel maps is typically vested with the City Council, the Subdivision Map Act provides that a City may, by ordinance, delegate the responsibility to another entity. In Mendota's case, the authority to approve a parcel map based on a tentative parcel map has been delegated to the City Clerk. The authority to accept or reject dedications remains with the City Council; however, this particular map does not propose, nor is it conditioned with, any dedications. Although the map itself includes no dedications, the City reserves the right to require that future development make dedications as necessitated by project-specific circumstances.

Future development will be responsible for payment of development impact fees.

The proposal, with conditions, is consistent with the C-2 zoning district.

### **Environmental Assessment**

The first step in complying with the California Environment Quality Act is to determine whether the activity in question constitutes a "project" as defined in CEQA. The second step is to determine whether the project is subject to or exempt from the statute. This proposal does qualify as a project under CEQA, as it requires a discretionary action on the part of the City. Although there is an exemption from CEQA for "Minor Land Divisions", that exemption expressly states that it applies only to subdivisions resulting in four or fewer parcels. Further, the minor land division must be within an "urbanized area", essentially defined as a concentrated area of 50,000 of more persons.

The CEQA Guidelines contain a provision within §15061(b)(3) often referred to as the "Common Sense" exemption. This exemption 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 subdivision of the land itself could not have any significant effect on the environment, a more comprehensive evaluation was performed as described below for two reasons: First, CEQA requires that an agency examine both direct and reasonably foreseeable indirect impacts from a project; future



development of the project site to some level as constrained by C-2 zoning requirements is “reasonably foreseeable”. Second, by establishing a maximum level of impacts based on C-2 zoning during review of the tentative parcel map, staff hopes to reduce the need for heightened environmental review as development proposals are received.

An initial study was prepared to examine the potential for significant environmental impacts that could occur as a result of the project. On December 26, 2014, the Community Development Department made a preliminary finding that the project, with incorporation of mitigation measures, would not have a significant impact on the environment, and that a mitigated negative declaration would be prepared. On December 29, 2014, a notice of intent to adopt an initial study/mitigated negative declaration (IS/MND) was filed with the Fresno County Clerk, and copies of the same notice were posted in the Mendota City Hall bulletin window and at the project site on both the Derrick and Belmont Avenue street frontages. The notice of intent indicated that the public review period for the IS/MND would start on December 29, 2014 and end on January 18, 2015. It further stated that the Mendota Planning Commission would consider the CEQA document at its January 20, 2015 regular meeting, and make a recommendation to the City Council for consideration at its February 10, 2015 regular meeting.

One comment letter was received from the San Joaquin Valley Air Pollution Control District on January 16, 2015. Consistent with analysis in the IS/MND, the letter states that subdivision of the land will not result in any impacts to air quality, but that future development must be analyzed for project-specific impacts. The letter did not necessitate any revisions to the IS/MND.

Potential but mitigable impacts were noted to:

- Biological Resources. In particular, the project site is within the historical foraging range of the San Joaquin kit fox. Because the site is vacant, there is abundant vacant and/or agricultural land in close proximity, and the kit fox is a very mobile species, there is the potential that kit fox could use the site for foraging. As such, Mitigation Measure BIO-1 includes numerous requirements intended to reduce any impacts to the San Joaquin kit fox to less than significant levels, including site maintenance and biological reconnaissance provisions.
- Hydrology and Water Quality. The storm drainage system in Belmont Avenue has historically suffered problems with handling storm runoff during heavy rain events. Mitigation Measures HYD-1 and HYD-2 require that the project eventually construct and onsite private stormwater detention basin. This basin will be designed to accept all surface runoff from the entirety of the project site, and will regulate release of that water into the Belmont Avenue storm drain. In order to facilitate development of the site, the first three parcels to develop will be allowed to direct surface runoff to the Belmont Avenue storm drain system; however, development on those parcels will be required to provide site engineering allowing eventual connection to the onsite basin. Starting with development of the fourth parcel, the onsite basin will be constructed, and all existing and future development on the project site will direct runoff to the basin.

A full description of Mitigation Measure BIO-1 can be found in the IS/MND. Note that Mitigation Measures HYD-1 and HYD-2 in the circulated version of the IS/MND imposed mitigation after development of two parcels. Subsequent discussions between the City and the applicant determined that this mitigation could be delayed until after development of three parcels and remain equally as effective. This has been corrected in the IS/MND that will be presented for adoption. Because this change replaced a mitigation measure with another mitigation measure that is equally effective, it does not

qualify as a “substantial revision” to the IS/MND as defined in CEQA Guidelines §15073.5(b), and as such recirculation of the document is not required. The IS/MNS as revised will be considered as part of the public hearings conducted by the Planning Commission and City Council, respectively.

The revised text of Mitigation Measures HYD-1 and HYD-2 is as follows:

HYD-1 – Prior to issuance of a building permit for any structure on the ~~third~~ **fourth** of the six proposed parcels, a stormwater detention basin and relevant appurtenances shall be constructed on the Project site. Such basin shall be designed to the satisfaction of the City Engineer, shall be able detain stormwater during a 10-year event from all six parcels that are part of the Project, and shall be able regulate release of detained stormwater into the City’s storm drain system.

HYD-2 – Design of development and infrastructure on the first ~~two~~ **three** parcels shall incorporate features meeting the requirements of the City Engineer such that, upon construction of the detention basin, stormwater from the first ~~two~~ **three** parcels will be directed to that basin for flow and quality regulation.

All mitigation measures are included as recommended conditions of project approval.

**Public Notice**

In addition to the notice of intent, a notice of public hearing regarding the tentative parcel map itself was published in the January 9, 2015 edition of *The Business Journal*. Also on January 9, 2015, a notice of public hearing was individually mailed to record owners of all property within 300 feet of the exterior boundary of the project site and placed within the City Hall bulletin window.

**Planning Commission Findings**

§17.08.050 of the Mendota Municipal Code, based on CA Govt. Code §66474, requires that the Planning Commission and/or City Council disapprove the map under certain circumstances. As such, the following findings have been made contrary to the requirements for denial:

**FINDING No. 1:** THE PROPOSED SUBDIVISION, ALONG WITH ITS DESIGN AND IMPROVEMENTS, IS CONSISTENT WITH THE CITY’S GENERAL PLAN AND ANY APPLICABLE SPECIFIC PLANS.

The proposed subdivision of land is consistent with the City of Mendota General Plan Update 2005-2025. The land is designated as Community Commercial within the Land Use Element of the General Plan. The project proposes to subdivide vacant commercial land into smaller parcels for individual sale or lease and eventual development with commercial uses. The proposed subdivision consists of lots in a configuration suitable for the unified commercial development required within the Community Commercial designation, and conditions of approval will ensure that future development of the overall site maintains the appropriate General Plan standards. The site is not within any specific plan area.

**FINDING No. 2:** THE SITE IS PHYSICALLY SUITABLE FOR THE TYPE AND DENSITY OF PROPOSED DEVELOPMENT.

The General Plan identifies the site for commercial development. No specific use has been proposed at this time; however, the land is flat, level, and regularly-shaped (i.e. no panhandles, odd angles, curved parcel boundaries, etc.). It has substantial frontage at the recently-improved intersection of two major streets, each of which has ample capacity for future traffic that may result from the subdivision. Regulatory and practical lot coverage limitations will ensure that future development of the site maintains appropriate density.

**FINDING No. 3:** THE PROPOSED DESIGN AND IMPROVEMENTS ARE NOT LIKELY TO CAUSE ENVIRONMENTAL DAMAGE OR HEALTH CONCERNS.

The proposed subdivision is not likely to result in environmental damage or health concerns because conditions of approval, both for the subdivision and for future development proposals, will ensure that activities conform to applicable health, safety, and noise standards.

**FINDING No. 4:** THE DESIGN OF THE SUBDIVISION WILL NOT CONFLICT WITH PUBLIC EASEMENTS FOR ACCESS THROUGH OR USE OF THE PROPERTY WITHIN THE SUBDIVISION.

Easements for the public at-large exist as public rights-of-way (Derrick Avenue and Belmont Avenue) abutting the project site to the east and south, respectively. The design and improvement of the proposed subdivision will not affect the public's use of those easements. There are no easements for the public at-large within the boundaries of or adjacent to the proposed subdivision. The proposed subdivision will not conflict with any easements.

### **Recommendation**

It is recommended that the Mendota Planning Commission adopt Resolution No. PC 15-01, recommending that the City Council adopt the initial study/mitigated negative declaration as compliant with the California Environmental Quality Act and approve Tentative Parcel Map No. 14-01 subject to the following conditions of approval:

As may be used herein, the words "subdivider", "owner," "operator", and "applicant" shall be interchangeable. Conditions of approval related to future development of the project site are either expressly (i.e. specific references using the term "future development" or similar) or impliedly (i.e. referring to activities that could only occur during site development) related, and shall be applicable at the time of approval of said future development.

### **General**

1. Tentative Parcel Map No. 14-01 shall be valid for a period of 24 months from the date of its approval or conditional approval by the City Council. Extensions to this period may be requested pursuant to §66453.3 of the California Subdivision Map Act.
2. Following City Council approval or conditional approval of the tentative parcel map and prior to its expiration, the subdivider may formally submit a final parcel map (Parcel Map).
3. The Parcel Map shall be prepared in accordance with Chapter 2, Article 3 of the Subdivision Map Act by a California-licensed land surveyor or civil engineer qualified to perform such service.

4. Prior to or concurrently with recordation of the Parcel Map, the subdivider shall cause to be recorded with the Fresno County Recorder an irrevocable easement or covenant for cross-access purposes encompassing the six lots created by the Parcel Map along with Parcel B of Lot Line Adjustment No. 2011-01 (at the time of this writing occupied by Family Dollar).
5. Prior to recordation of the Parcel Map, a subdivision agreement shall be executed between the City of Mendota and the subdivider. This agreement allows for the deferral of certain improvements and fees until the development of individual parcels as outlined herein or in the individual development proposals as determined by the City Engineer. A subdivision agreement certificate shall be placed on the final map to reference the recording information of the subdivision agreement.
6. The Parcel Map submittal shall include parcel closures and a preliminary title report dated no more than thirty (30) days prior to submission to the City Engineer. Copies of all easement documents referenced in the preliminary title report shall accompany the submittal. All parcel map fees and recording fees shall be paid as required by the City of Mendota and the County of Fresno prior to recordation of the map. A Land Division Guarantee and a Fresno County Tax Compliance Certification Request are required when the City submits the map to the Fresno County Recorder's Office for recordation.
7. Construction drawings including but not limited to building and improvement plans; site, grading, irrigation, lighting, and landscaping shall be submitted to the Building Department and/or to the City Engineer as appropriate for review and approval. A building permit or permits, including payment of applicable fees, shall be acquired prior to start of any construction activities.
8. Grading and improvement plans shall be prepared by a California-licensed civil engineer.
9. Irrigation, lighting, and landscaping plans may be prepared by a California-licensed landscape architect, architect, or engineer, or by an unlicensed design professional.
10. All exterior lights shall be shielded or otherwise oriented to prevent disturbance to surrounding or neighboring properties or traffic on Derrick Avenue and Belmont Avenue.
11. Future development of the project site shall comply with all applicable provisions of the City of Mendota General Plan Update 2005-2025 and the Mendota Municipal Code, including but not limited to: potable water protection regulations (Chapter 13.24), business licensing requirements (Title 5), and Building Code standards (Title 15); the Subdivision Ordinance (Title 16); and the regulations of the C-2 zone district and other relevant portions of the Zoning Ordinance (Title 17), including but not limited to acquisition of a conditional use permit and/or approval of a site plan; the City of Mendota Standard Specifications and Standard Drawings; and the *City of Mendota Design Guidelines for the Highway 33, Seventh Street, and Oller Street Corridors*.
12. Any work within City of Mendota public right-of-way shall require an encroachment permit, including payment of all associated fees.

13. Any work within Caltrans, County of Fresno, or other agency right-of-way or property shall be subject to applicable provisions of said other agency, including but not limited to acquisition of encroachment permits, dedication or right-of-way, or other requirements.
14. It shall be the responsibility of the owner/developer to grant easements as necessary for the installation and maintenance of private utilities, including but not limited to: electricity, gas, telephone, and cable television.
15. Prior to issuance of a certificate of occupancy, all conditions of approval shall be verified as complete by the Planning Department. Any discrepancy or difference in interpretation of the conditions between the owner/applicant and the Planning Department shall be subject to review and determination by the Planning Commission.
16. Development shall comply with the provisions of the comment letter from the San Joaquin Valley Air Pollution Control District (SJVAPCD) dated January 16, 2015 unless said provisions are superseded by other comments received from SJVAPCD during individual project review.
17. Development shall comply with the requirements of the Fresno County Fire Protection District/CalFire.
18. (Mitigation Measure BIO-1) All future developers shall follow the *Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or during Ground Disturbance* (USFWS 2011). The measures that are listed below have been excerpted from these guidelines.
  - a. A pre-construction survey shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities on the project sites, or prior to any project activity likely to impact the San Joaquin kit fox. The surveyor shall thoroughly check the project sites for kit fox dens and, if found, exclusion zones shall be placed in accordance with USFWS Recommendations at the following radii:

Potential den	50 feet
Known den	100 feet
Natal/pupping den (occupied and unoccupied)	Contact Service
Atypical den	50 feet

- b. If dens must be removed, they must be appropriately monitored and excavated by a trained wildlife biologist. Replacement dens would be required. Destruction of natal dens and other "known" kit fox dens must not occur until authorized by USFWS.
- c. Project-related vehicles shall observe a 20-mph speed limit in all project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. To the extent possible, nighttime construction should be avoided. Off-road traffic outside of designated project areas should be prohibited.
- d. To prevent inadvertent entrapment of kit foxes or other animals during project construction, all excavated, steep-walled holes or trenches more than 2 feet deep shall be covered at the close of

each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the procedures under numbers 8 and 9 of this section must be followed.

- e. Kit foxes are attracted to den-like structures such as pipes and therefore may enter stored pipe, becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the fox has escaped.
- f. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from a construction or project site.
- g. No firearms shall be allowed on the project site.
- h. To prevent harassment, mortality of kit foxes or destruction of dens by dogs or cats, no pets shall be permitted on project sites.
- i. A representative shall be appointed by the project proponent who would be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped individual. The representative's name and telephone number shall be provided to the USFWS.
- j. In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape, or the USFWS shall be contacted for advice.
- k. Any contractor, employee(s), or military or agency personnel who inadvertently kills or injures a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured or entrapped kit fox. They will contact the local warden or Mr. Paul Hoffman, the wildlife biologist, at (530)934-9309. The Service should be contacted at the numbers below.
- l. The Sacramento Fish and Wildlife Office and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The Service contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFW contact is Mr. Paul Hoffman at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309.
- m. New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the Service at the address below. Any project-related information required by the Service or questions concerning the above conditions or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at:

Endangered Species Division  
2800 Cottage Way, Suite W2605  
Sacramento, California 95825-1846  
(916) 414-6620 or (916) 414-6600

## Site & Buildings

19. As determined necessary by the City Engineer, a slope easement shall be recorded along the Belmont Avenue frontage consistent with the slope easement indicated on the approved site plan for the Family Dollar site (Application No. 11-11).
20. As determined necessary by the City Engineer as a result of Americans with Disabilities Act (ADA) sidewalk slope requirements or other parameters, a pedestrian easement shall be recorded to ensure adequate path of travel.
21. A minimum of two (2) vehicular access points to the overall project site shall be maintained in perpetuity. Dependent upon future site development, an additional access point or points may be authorized or required.
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23. Consistent with Condition No. 4 above, development of individual parcels shall account for integrated and connected circulation throughout the project site to the extent feasible.
24. The owner of the project site, or of individual parcels created, shall be responsible for the ongoing and long-term maintenance of all onsite amenities to ensure that nuisance complaints are not received by the City.

#### Utilities

25. Project water supply shall be taken either from the existing 12-inch water main in Belmont Avenue or the existing 14-inch water main in Derrick Avenue. The connection point(s) shall be determined by the City Engineer during review of future development proposals. Connections shall be made in accordance with City of Mendota standards and shall be coordinated with the Director of Public Utilities.
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38. Development shall be responsible for payment of Fresno County Regional Transportation Mitigation Fees and Fresno County Public Facilities Impact Fees and shall provide the City with evidence of payment, or evidence of the County's determination that no fees are required, prior to issuance of a certificate of occupancy.

#### Staff Further Recommends:

1. That the Planning Commission Chair request a report from staff, and ask for any clarification as needed by the Commission;
2. That the Chair open a public hearing, requesting any public comments in favor of, opposed to, or otherwise regarding the proposed project. Upon conclusion of testimony, ask the Commission



for a consensus that sufficient information has been obtain to close the public portion of the hearing. The Chair may then close the public hearing.

3. That the Chair ask the Commission for action on the application. The Commission may then render a decision based on the merits of the proposal, staff comments, and any public testimony received. A resolution containing the conditions of approval is attached.





**Belmont Avenue**

**Derrick Avenue (SR33)**

**7th Street**

**City of Mendota Application No. 14-09  
APNs 012-190-21 & 62 No address**



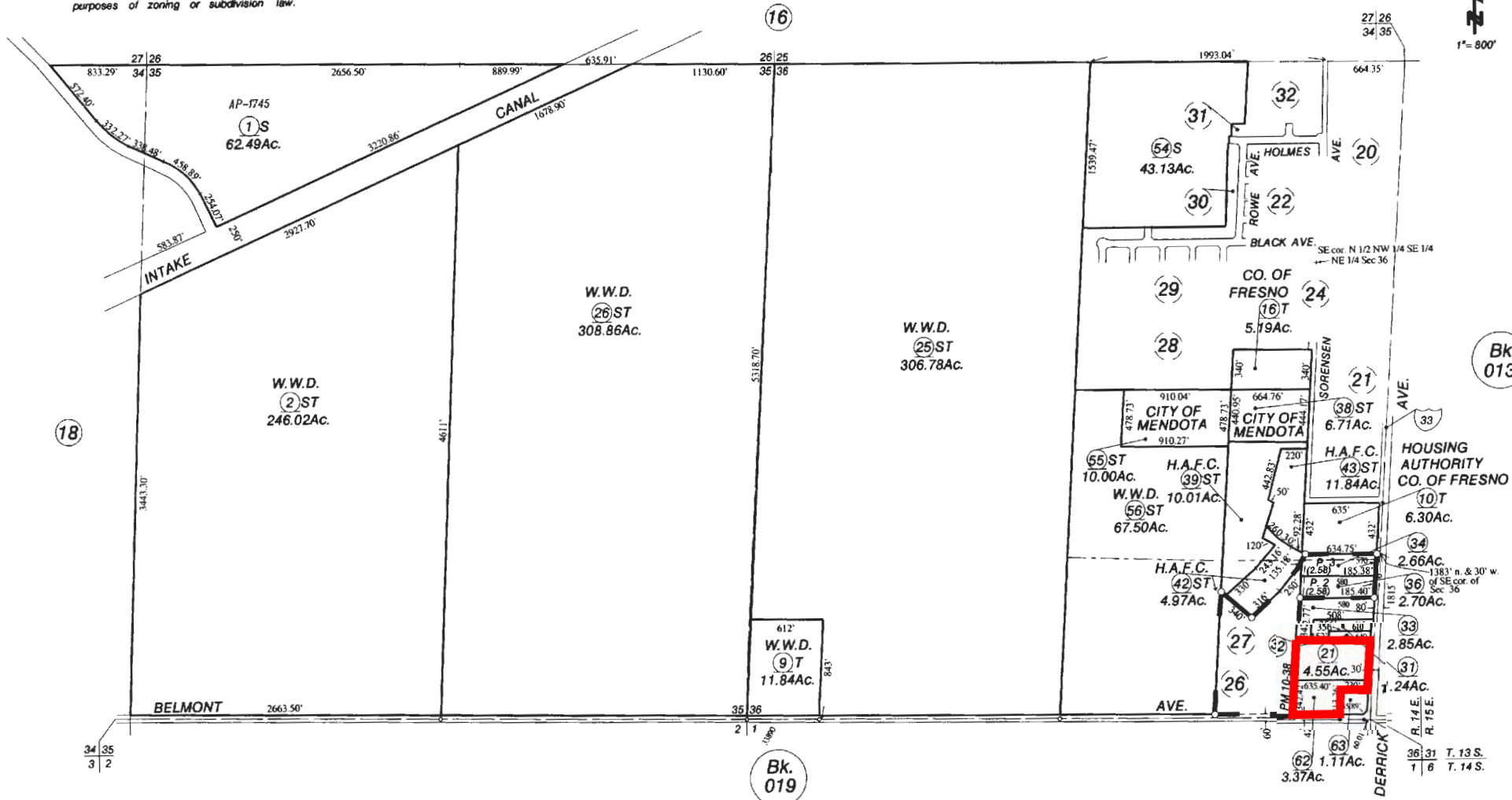
**Project Site**

SEC. 36 & POR. SEC'S. 34 & 35, T. 13 S., R. 14 E., M. D. B. & M.

Tax Rate Area  
 12-001 140-000  
 12-015 140-013  
 12-026  
 12-027

012-19

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



Agricultural Preserve  
 Parcel Map No. - Bk. 10, Pg. 38

Assessor's Map Bk.012 - Pg. 19  
 County of Fresno, Calif.

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

07/10/12

City of Mendota Application No. 14-09  
 APNs 012-190-21 & 62 No address

 Project Site

## MITIGATED NEGATIVE DECLARATION

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

**PROJECT TITLE:** Application No. 14-09 – Tentative Parcel Map No. 14-01

**STATE CLEARINGHOUSE:** n/a

**ADDRESS/LOCATION:** No address; properties located at the northwest corner of Derrick Avenue (State Route 33) and Belmont Avenue, APNs 012-190-21 and 62

**PROJECT APPLICANT:** GC Mendota, LLC; Chris Shane, Managing Partner; 650.400.4030

**PROJECT DESCRIPTION:** The project proposes to subdivide two parcels comprising approximately 8.03 acres into six parcels ranging in size from 1.02 to 2.06 acres for eventually commercial development. No development is proposed at this time.

**CONTACT PERSON:** Vincent DiMaggio, City Manager; 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 February 10, 2015, based upon a recommendation from the Mendota Planning Commission, the Mendota City Council adopted Resolution No. 15-XX, determining that with mitigation the above Project would have no significant effect on the environment. Copies of the tentative parcel map and other documents relating to the Project may be examined by interested parties at Mendota City Hall, 643 Quince Street, Mendota, CA 93640.

Dated: February 10, 2015

Attest: \_\_\_\_\_  
Hon. Robert Silva, Mayor

**PLANNING COMMISSION  
OF THE CITY OF MENDOTA  
FRESNO COUNTY, CALIFORNIA**

**RESOLUTION No. PC 15-01**

**A RESOLUTION OF THE CITY OF MENDOTA PLANNING COMMISSION FORWARDING A  
RECOMMENDATION TO THE CITY COUNCIL FOR APPROVAL OF APPLICATION No. 14-09, CONSISTING  
OF TENTATIVE PARCEL MAP No. 14-01 AND A MITIGATED NEGATIVE DECLARATION PREPARED IN  
CONJUNCTION WITH SAID TENTATIVE PARCEL MAP**

**WHEREAS**, on November 25, 2014, the City of Mendota formally accepted Application No. 14-09, consisting of Tentative Parcel Map No. 14-01, which proposes to subdivide two existing parcels comprising approximately 8.03 acres into six smaller parcels ranging in size from 1.02 acres to 2.06 acres for eventual commercial development; and

**WHEREAS**, the City prepared an initial study pursuant to the provisions of the California Environmental Quality Act, and on December 26, 2014 made a preliminary determination that, with mitigation, approval of Tentative Parcel Map No. 14-01 would not result in any significant impacts to the environment, and as such adoption of a mitigated negative would be appropriate; and

**WHEREAS**, the City provided copies of said initial study/mitigated negative declaration to various entities for review between December 29, 2014 and January 18, 2015, filed a notice of intent to adopt said mitigated negative declaration with the Fresno County Clerk on December 29, 2014, and posted said notice of intent in the City Hall bulletin window and in two locations on the project site on December 29, 2014; and

**WHEREAS**, the City received a total of one (1) comment letter during the review period from the San Joaquin Valley Air Pollution Control District; and

**WHEREAS**, comments contained within the letter did not necessitate any revisions to the initial study/mitigated negative declaration; and

**WHEREAS**, the City has made changes to mitigation measures (HYD-1 and HYD-2) proposed in the original mitigated negative declaration; and

**WHEREAS**, the City has determined that the changes above result in mitigation measures that are equally effective as those originally circulated for review, and that they will not result in additional significant impacts to the environment that must be subsequently analyzed; and

**WHEREAS**, as modified, the mitigated negative declaration reduces the level of impacts resulting from Tentative Parcel Map No. 14-01 to less-than-significant levels; and

**WHEREAS**, at a regular meeting on January 20, 2015, the Mendota Planning Commission did conduct a public hearing to consider Application No. 14-09, including Tentative Parcel Map No. 14-01 and the proposed Initial Study/Mitigated Negative Declaration as amended; and

**WHEREAS**, notice of said public hearing was published in the January 9, 2015 edition of *The Business Journal*, and was individually mailed via the U.S. Postal Service to the record owners of property located within 300 feet of the exterior boundary of the project site and posted in the City Hall bulletin window on January 9, 2015; and

**WHEREAS**, the Planning Commission has made the following preliminary findings pursuant to the California Subdivision Map Act and Title 16 of the City of Mendota Municipal Code (Subdivision Ordinance), said findings substantiated by evidence in the record:

1. The proposed subdivision, along with its design and improvements, is consistent with the City's General Plan and any applicable specific plans.
2. The site is physically suitable for the type and density of proposed development.
3. The proposed design and improvements are not likely to cause environmental damage of health concerns.
4. The design of the subdivision will not conflict with public easements for access through or use of the property within the subdivision.

**NOW, THEREFORE BE IT RESOLVED** that the Mendota Planning Commission does hereby recommend that the City Council take the following actions:

1. That the City Council adopt the Initial Study/Mitigated Negative Declaration as compliant with the provisions of the California Environmental Quality Act;
2. That the City Council validate the preliminary findings and approve Tentative Parcel Map No. 14-01 as attached hereto as Exhibit "A" and subject to the following conditions of approval:

As may be used herein, the words "subdivider", "owner," "operator", and "applicant" shall be interchangeable. Conditions of approval that are expressly (i.e. specific references using the term "future development" or similar) or impliedly (i.e. referring to activities that could only occur during site development) related to future development of the project site shall be applicable at the time of approval of said future development.

#### General

1. Tentative Parcel Map No. 14-01 shall be valid for a period of 24 months from the date of its approval or conditional approval by the City Council. Extensions to this period may be requested pursuant to §66453.3 of the California Subdivision Map Act.
2. Following City Council approval or conditional approval of the tentative parcel map and prior to its expiration, the subdivider may formally submit a final parcel map (Parcel Map).
3. The Parcel Map shall be prepared in accordance with Chapter 2, Article 3 of the Subdivision Map Act by a California-licensed land surveyor or civil engineer qualified to perform such service.
4. Prior to or concurrently with recordation of the Parcel Map, the subdivider shall cause to be recorded with the Fresno County Recorder an irrevocable easement or covenant for cross-access purposes encompassing the six lots created by the Parcel Map along with Parcel B of Lot Line Adjustment No. 2011-01 (at the time of this writing occupied by Family Dollar).

5. Prior to recordation of the Parcel Map, a subdivision agreement shall be executed between the City of Mendota and the subdivider. This agreement allows for the deferral of certain improvements and fees until the development of individual parcels as outlined herein or in the individual development proposals as determined by the City Engineer. A subdivision agreement certificate shall be placed on the final map to reference the recording information of the subdivision agreement.
6. The Parcel Map submittal shall include parcel closures and a preliminary title report dated no more than thirty (30) days prior to submission to the City Engineer. Copies of all easement documents referenced in the preliminary title report shall accompany the submittal. All parcel map fees and recording fees shall be paid as required by the City of Mendota and the County of Fresno prior to recordation of the map. A Land Division Guarantee and a Fresno County Tax Compliance Certification Request are required when the City submits the map to the Fresno County Recorder's Office for recordation.
7. Construction drawings including but not limited to building and improvement plans; site, grading, irrigation, lighting, and landscaping shall be submitted to the Building Department and/or to the City Engineer as appropriate for review and approval. A building permit or permits, including payment of applicable fees, shall be acquired prior to start of any construction activities.
8. Grading and improvement plans shall be prepared by a California-licensed civil engineer.
9. Irrigation, lighting, and landscaping plans may be prepared by a California-licensed landscape architect, architect, or engineer, or by an unlicensed design professional.
10. All exterior lights shall be shielded or otherwise oriented to prevent disturbance to surrounding or neighboring properties or traffic on Derrick Avenue and Belmont Avenue.
11. Future development of the project site shall comply with all applicable provisions of the City of Mendota General Plan Update 2005-2025 and the Mendota Municipal Code, including but not limited to: potable water protection regulations (Chapter 13.24), business licensing requirements (Title 5), and Building Code standards (Title 15); the Subdivision Ordinance (Title 16); and the regulations of the C-2 zone district and other relevant portions of the Zoning Ordinance (Title 17), including but not limited to acquisition of a conditional use permit and/or approval of a site plan; the City of Mendota Standard Specifications and Standard Drawings; and the *City of Mendota Design Guidelines for the Highway 33, Seventh Street, and Oller Street Corridors*.
12. Any work within City of Mendota public right-of-way shall require an encroachment permit, including payment of all associated fees.
13. Any work within Caltrans, County of Fresno, or other agency right-of-way or property shall be subject to applicable provisions of said other agency, including but not limited to acquisition of encroachment permits, dedication or right-of-way, or other requirements.



14. It shall be the responsibility of the owner/developer to grant easements as necessary for the installation and maintenance of private utilities, including but not limited to: electricity, gas, telephone, and cable television.
15. Prior to issuance of a certificate of occupancy, all conditions of approval shall be verified as complete by the Planning Department. Any discrepancy or difference in interpretation of the conditions between the owner/applicant and the Planning Department shall be subject to review and determination by the Planning Commission.
16. Development shall comply with the provisions of the comment letter from the San Joaquin Valley Air Pollution Control District (SJVAPCD) dated January 16, 2015 unless said provisions are superseded by other comments received from SJVAPCD during individual project review.
17. Development shall comply with the requirements of the Fresno County Fire Protection District/CalFire.
18. (Mitigation Measure BIO-1) All future developers shall follow the *Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or during Ground Disturbance* (USFWS 2011). The measures that are listed below have been excerpted from these guidelines.
  - a. A pre-construction survey shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities on the project sites, or prior to any project activity likely to impact the San Joaquin kit fox. The surveyor shall thoroughly check the project sites for kit fox dens and, if found, exclusion zones shall be placed in accordance with USFWS Recommendations at the following radii:

Potential den	50 feet
Known den	100 feet
Natal/pupping den (occupied and unoccupied)	Contact Service
Atypical den	50 feet

- b. If dens must be removed, they must be appropriately monitored and excavated by a trained wildlife biologist. Replacement dens would be required. Destruction of natal dens and other "known" kit fox dens must not occur until authorized by USFWS.
- c. Project-related vehicles shall observe a 20-mph speed limit in all project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. To the extent possible, nighttime construction should be avoided. Off-road traffic outside of designated project areas should be prohibited.
- d. To prevent inadvertent entrapment of kit foxes or other animals during project construction, all excavated, steep-walled holes or trenches more than 2 feet deep shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the procedures under numbers 8 and 9 of this section must be followed.

- e. Kit foxes are attracted to den-like structures such as pipes and therefore may enter stored pipe, becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the fox has escaped.
- f. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from a construction or project site.
- g. No firearms shall be allowed on the project site.
- h. To prevent harassment, mortality of kit foxes or destruction of dens by dogs or cats, no pets shall be permitted on project sites.
- i. A representative shall be appointed by the project proponent who would be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped individual. The representative's name and telephone number shall be provided to the USFWS.
- j. In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape, or the USFWS shall be contacted for advice.
- k. Any contractor, employee(s), or military or agency personnel who inadvertently kills or injures a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured or entrapped kit fox. They will contact the local warden or Mr. Paul Hoffman, the wildlife biologist, at (530)934-9309. The Service should be contacted at the numbers below.
- l. The Sacramento Fish and Wildlife Office and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The Service contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFW contact is Mr. Paul Hoffman at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309.
- m. New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the Service at the address below. Any project-related information required by the Service or questions concerning the above conditions or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at:

Endangered Species Division  
2800 Cottage Way, Suite W2605  
Sacramento, California 95825-1846  
(916) 414-6620 or (916) 414-6600

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**PASSED AND ADOPTED** by the Planning Commission of the City of Mendota at a regular meeting held on the 20<sup>th</sup> of January, 2015, upon a motion by Commissioner \_\_\_\_\_, a second by Commissioner \_\_\_\_\_, and by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**  
**ABSENT:**

ATTEST:

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Joshua Garcia, Chair

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Matt Flood, Secretary



January 16, 2015

Jeffrey O'Neal  
Contract City Planner  
City of Mendota  
286 W. Cromwell Avenue  
Fresno, CA 93711

**Project: IS/MND for Application No. 14-09 and TPM 14-01**

**District CEQA Reference No: 20140998**

Dear Mr. O'Neal:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of the subdivision of two parcels comprising 8.03 acres into six parcels ranging from 1.02 to 2.03 acres in size. The division of land into individual parcels will not have an impact on air quality. However, if approved, future development will contribute to the overall decline in air quality due to construction activities, increased traffic, and ongoing operational emissions. The District offers the following comments:

1. Future development may require further environmental review and mitigation. Referral documents for those projects should include a project summary detailing, at a minimum, the land use designation, project size, and proximity to sensitive receptors and existing emission sources.
2. Individual development projects would be subject to District Rule 9510 (Indirect Source Review) if upon full build-out the project would include or exceed any one of the following:
  - 50 dwelling units
  - 2,000 square feet of commercial space;
  - 25,000 square feet of light industrial space;
  - 100,000 square feet of heavy industrial space;
  - 20,000 square feet of medical office space;
  - 39,000 square feet of general office space; or
  - 9,000 square feet of educational space; or
  - 10,000 square feet of government space; or
  - 20,000 square feet of recreational space; or
  - 9,000 square feet of space not identified above

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

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

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

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

3. District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at <http://www.valleyair.org/ISR/ISRHome.htm>.
4. If future development includes the addition of restaurants please note that Particulate Matter 2.5 microns or less in size (PM2.5) from under-fired charbroilers (UFCs) pose immediate health risk. Since the cooking of meat can release carcinogenic PM2.5 species like polycyclic aromatic hydrocarbons (PAH), controlling emissions from under-fired charbroilers will have a substantial positive impact on public health.

Charbroiling emissions occur in populated areas, near schools and residential neighborhoods, resulting in high exposure levels for sensitive Valley residents. The air quality impacts on neighborhoods near restaurants with UFCs can be significant on days when meteorological conditions are stable, when dispersion is limited and emissions are trapped near the surface within the surrounding neighborhoods. This potential for neighborhood-level concentration of emissions during evening or multi-day stagnation events raises environmental concerns.

In addition, the cooking emissions source category is one of the largest single contributors of directly emitted PM2.5 in the Valley. Photochemical modeling conducted for the 2012 PM2.5 Plan showed that reducing commercial charbroiling emissions is critical to achieving PM2.5 attainment in the Valley.

The District will amend Rule 4692 (Commercial Charbroiling) in 2016, with a 2017 compliance date, to add emission control requirements for UFCs, as committed to in the District's 2012 PM2.5 Plan. Installing charbroiler emissions control systems during construction of new facilities is likely to result in substantial economic benefit compared to costly retrofitting.

Therefore, the District strongly recommends that your agency require new restaurants that will operate UFCs to install emission control systems during the construction phase. To ease the financial burden for Valley businesses that wish to install control equipment before it is required, the District will offer incentive funding during the time leading up to the 2016 amendment. Restaurants with UFCs may be eligible to apply for funding to add emission control systems. Please contact the District at (559) 230-5858 for more information.



5. Individual development projects may also be subject to the following District rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
6. The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).
7. The District recommends that a copy of the District's comments be provided to the project proponent.

If you have any questions or require further information, please call Cherie Clark at (559) 230-5940.

Sincerely,

Arnaud Marjollet  
Director of Permit Services



For:  
Chay Thao  
Program Manager

AM: cc