



# CITY OF MENDOTA

*"Cantaloupe Center Of The World"*

JUAN LUNA  
Chair  
CARLOS QUINTANAR  
Vice-Chair  
ALBERT ESCOBEDO  
RAMIRO ESPINOZA  
MARTIN GAMEZ  
JONATHAN LEIVA  
Alternate Commissioner

**CITY OF MENDOTA  
PLANNING COMMISSION  
AGENDA**  
City Council Chambers  
Mendota, CA 93640  
**REGULAR MEETING**  
August 16, 2016  
6:30 P.M.

VINCE DiMAGGIO  
City Manager  
CRISTIAN GONZALEZ  
Public Works/Planning Director  
JEFF O'NEAL  
City Planner

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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.

## **MINUTES AND NOTICE OF WAIVING OF READING**

1. Approval of the minutes of the regular meeting of July 19, 2016.
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 16-04**, forwarding a recommendation to the City Council for approval of Tentative Parcel Map No. 16-02.
  - a. *Receive report from City Planner O'Neal*
  - b. *Inquiries from Planning Commissioners to staff*
  - c. *Chair Luna opens the public hearing*
  - d. *Once all comment has been received, Chair Luna closes the public hearing*
  - e. *Commission considers Resolution No. PC 16-04 for adoption*

## **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, August 16, 2016 was posted on the outside bulletin board of City Hall, 643 Quince Street on Friday, August 12, 2016 at 12:30 p.m.

  
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Celeste Cabrera, Deputy City Clerk



## CITY OF MENDOTA PLANNING COMMISSION MINUTES

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**Regular Meeting**

**Tuesday, July 19, 2016**

**6:30 p.m.**

**Meeting called to order by Chairperson Pro Tem Gamez at 6:31 PM.**

### **Roll Call**

**Commissioners Present:** Chairperson Pro Tem Martin Gamez, Commissioners Albert Escobedo and Jonathan Leiva.

**Commissioners Absent:** Chairperson Juan Luna, Vice Chairperson Carlos Quintanar, and Commissioner Espinoza.

**Staff Present:** Cristian Gonzalez, Planning & Public Works Director; John Kinsey, City Attorney (via telephone); Matt Flood, Economic Development Manager; and Celeste Cabrera, Deputy City Clerk.

**Flag Salute led by Chairperson Pro Tem Gamez.**

### **FINALIZE THE AGENDA**

1. Adoption of final Agenda.

A motion was made by Commissioner Escobedo to adopt the agenda, seconded by Commissioner Leiva; unanimously approved (3 ayes, absent: Espinoza, Luna, and Quintanar).

### **MINUTES AND NOTICE OF WAIVING OF READING**

1. Approval of the minutes of the regular meeting of June 21, 2016.

A motion to approve item 1 was made by Commissioner Escobedo, seconded by Commissioner Leiva; unanimously approved (3 ayes, absent: Espinoza, Luna, and Quintanar).

2. Notice of waiving the reading of all resolutions introduced and/or adopted under this agenda.

A motion to approve item 2 was made by Commissioner Escobedo, seconded by Commissioner Leiva; unanimously approved (3 ayes, absent: Espinoza, Luna, and Quintanar).

### **PUBLIC HEARING**

1. Public Hearing to adopt **Resolution No. PC 16-03**, recommending that the City Council adopt a Negative Declaration and associated Zone and General Plan amendments for the Warkentine and Tankersley Properties.

Chairperson Luna introduced the item and City Attorney Kinsey summarized the report including the conditions that were set forth in the settlement agreement; the obligations that the City has as a result of the agreement such as property rezoning; the timeline of the project; the circulation of the negative declaration; and the motion that the Planning Commission will make.

Discussion was held on whether the property owners of the properties that surround the subject property have been notified about the project and what can be developed on the subject properties as a result of the modification of the zoning designation.

A motion was made to adopt Resolution No. PC 16-03 by Commissioner Escobedo, seconded by Commissioner Leiva; unanimously approved (3 ayes, absent: Espinoza, Luna, and Quintanar).

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

None offered.

### **PLANNING DIRECTOR UPDATE**

Director of Planning and Public Works Gonzalez reported on various projects throughout the City.

Economic Development Manager Flood reported on the City Council honoring Senator Anthony Cannella at the upcoming July 26<sup>th</sup> City Council meeting.

### **PLANNING COMMISSIONERS' REPORTS**

Chairperson Pro Tem Gamez inquired on the status of the Catholic Church project.

Commissioner Escobedo inquired on storeowners being fined for their store's abandoned shopping carts.

Discussion was held on the various options that stores have in regards to individuals removing the shopping carts from the store's property; the enforcement of the abandoned shopping carts; whether the City can issue bonds in order to fix the roads; and the possibility of installing a stop sign on McCabe Street.

**ADJOURNMENT**

At the hour of 7:00 p.m. with no more business to be brought before the Planning Commission, a motion for adjournment was made by Commissioner Escobedo, seconded by Commissioner Leiva; unanimously approved (3 ayes, absent: Espinoza, Luna, and Quintanar).

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Martin Gamez, Chairperson Pro Tem

ATTEST:

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Matt Flood, City Clerk

**DATE:** August 16, 2016

**TO:** City of Mendota Planning Commission

**FROM:** Jeffrey O’Neal, AICP  
City Planner

**SUBJECT:** Public hearing to consider a negative declaration and Tentative Parcel Map No. 16-02 and forward a recommendation to the City Council

**Executive Summary**

The City proposes to subdivide APN 013-141-02S into two smaller parcels on behalf of the property owner. The smaller parcel would contain an existing residence. The larger would contain an existing storage facility. Overall, the process also involves amendment to the General Plan and the zoning map. At its regular meeting on July 19, 2016, the Planning Commission adopted Resolution No. 16-03, which recommends that the City Council approve the general plan amendment and rezone, and adopt the initial study negative declaration prepared in connection therewith.

**Property Information and Background**

**Owner:** Ed Warkentine  
1583 8<sup>th</sup> Street  
Mendota, CA 93640

**Location:** Northeast corner of Naples and 9<sup>th</sup> Streets, APN 013-141-02S  
See attached map and photo

**Site Size:** 4.79± acres

**Zoning:** M-1, Light Manufacturing<sup>1</sup>

**General Plan:** Light Industrial<sup>2</sup>

**Existing Use:** Caretaker residence, storage facility

**Adjacent Uses:** North – UPRR corridor, truck parking; M-1  
South – Nonconforming residences, outdoor storage; C-3  
East – Truck parking, vacant; M-1  
West – Residences; R-2

**Street Access:** Naples Street, 9<sup>th</sup> Street

As pertinent to the specific action being considered at this public hearing, on February 23, 2016 the City entered into a Settlement Agreement and Mutual Release (“Agreement”) with the property owner under which the City agreed to initiate amendments to the zoning of a portion of the subject property and to process a parcel map to subdivide the existing parcel into two smaller parcels. In order to support the required rezoning from M-1 (Light Manufacturing) to M-2 (Heavy Manufacturing) while maintaining consistency with the City’s General Plan 2005-2025 (“General Plan”), the General Plan Land Use designation of the portion of the affected parcel would also need to be changed from Light Industrial to Heavy Industrial. The City Council initiated the General Plan and zoning amendment processes on March 22, 2016 via adoption of Resolution No. 16-24. The project was originally scheduled for Planning

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<sup>1</sup> Currently zoned M-1; in process to change zoning for Proposed Parcel 2 to M-2.

<sup>2</sup> Currently designated Light Industrial; in process to amend General Plan Land Use designation for Proposed Parcel 2 to Heavy Industrial

Commission consideration on April 19, 2016. It was subsequently continued to June 21, 2016, and then to July 19, 2016.

Pursuant to the California Environmental Quality Act (“CEQA”; Public Resources Code Section 21000 *et seq.*) and the CEQA Guidelines (CA Code of Regulations Section 15000 *et seq.*), staff prepared an initial study to examine the potential environmental effects of the proposed 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 30-day public review and comment period starting May 4, 2016 and ending June 6, 2016.<sup>3</sup> The City did not receive any comments. On July 19, 2016, the Planning Commission adopted Resolution No. 16-03, recommending that the City Council adopt the IS/ND and approve the general plan amendment and rezone.

### **Project Proposal & Discussion**

The California Subdivision Map Act (Government Code Section 66410 *et seq.*) establishes most of the procedures for subdivision of land. Other components are contained within Title 16 (Subdivision Ordinance) of the Mendota Municipal Code. Generally, a parcel map is required in order to subdivide land into four or fewer parcels. Note 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 the 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.

The instant component of the overall project consists of Tentative Parcel Map No. 16-02 (attached), which proposes to subdivide approximately 4.79 acres into two smaller parcels of 1.07 and 3.72 acres, respectively. The land underlying Proposed Parcel 2 is proposed for rezoning to M-2 in order to support the existing uses. Both the M-1 and M-2 zone districts have minimum area requirements of 24,000 square feet, minimum widths of 75 feet, and minimum depths of 120 feet. The proposed parcels exceed the minimum requirements, and following completion of the General Plan and zoning amendments, all onsite uses will conform. The proposed boundary between the two parcels lies approximately midway between the roof overhangs of the existing residence and the existing ministorage. No further development of or land use entitlements for either resultant parcel is being contemplated; any future development and/or new uses could be subject to site plan review and/or a conditional use permit as circumstances dictate for the individual projects that may be proposed. The segment of 9<sup>th</sup> Street between Oller Street and the UPRR corridor was recently improved, including pavement, striping, corner ramps, and traffic signals. The City and the owner are, individually, responsible for installation of certain fences and drive approaches detailed within the Agreement. Drive approaches will be constructed to City standards.

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, consider the Planning Commission recommendation, and

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<sup>3</sup> Because it was not clear whether the 30-day period would have ended on Friday, June 3 or Saturday, June 4, the City extended the period through the following Monday, June 6.

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 maps 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 would be responsible for payment of development impact fees and/or installation of improvements as appropriate.

The proposed subdivision is consistent with both the M-1 and M-2 zoning districts.

### **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. 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.

As described in the Background section above, an initial study was prepared to examine the potential for significant environmental effects that could occur as a result of the project. The IS/ND was subject to public review and comment, and no comments were received.

### **Public Notice**

A notice of public hearing regarding the tentative parcel map was published in the August 5, 2016 edition of *The Business Journal*. Also on August 5, 2016, 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**

Section 17.08.050 of the Mendota Municipal Code, based on Government Code Section 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 as proposed for amendment within the overall project. The project proposes to subdivide the existing 4.79-acre parcel into two parcels of 1.07 acres and 3.72 acres, with no development proposed or planned. The land is currently designated as Light Industrial; the portion underlying Proposed Parcel 2 is proposed for designation as Heavy Industrial. Each proposed parcel contains existing facilities that will remain, and the existing uses are compatible with the proposed General Plan lands uses. 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.**

No development of the project site is proposed. Existing facilities and uses will remain on the resultant parcels. The land is flat, level, and regularly-shaped (i.e. no panhandles, odd angles, curved parcel boundaries, etc.). It has substantial frontage on two streets, each of which has ample capacity for traffic associated with the existing uses. 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. Existing uses on the site will remain, and no new development is proposed.

**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 (Naples Street and 9<sup>th</sup> Street) abutting the project site to the southwest and southeast, 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**

Staff recommends that the Mendota Planning Commission adopt Resolution No. PC 16-04, recommending that the City Council adopt the initial study/ negative declaration as compliant with the California Environmental Quality Act and approve Tentative Parcel Map No. 16-02 subject to the following conditions of approval:

**Clarification**

1. Nothing in these conditions of approval is intended to require performance contrary to the provisions of the Settlement Agreement and Mutual Release (“Agreement”).

2. If any condition of approval conflicts with provisions of the Agreement, the Agreement shall control unless otherwise superseded by the laws of the State of California.
3. Conditions of approval that, pursuant to the Agreement, are the responsibility of the City to complete will be completed by the City.
4. As may be used herein, the words “subdivider”, “owner,” “operator”, and “applicant” shall be interchangeable.
5. 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 future site development) related, and shall be applicable at the time of approval of said future development.

### General

6. Tentative Parcel Map No. 16-02 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 Section 66453.3 of the California Subdivision Map Act.
7. 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).
8. 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.
9. Prior to recordation of the Parcel Map, a subdivision agreement shall be executed between the City of Mendota and the subdivider as appropriate. 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.
10. 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.
11. 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.
12. Grading and improvement plans shall be prepared by a California-licensed civil engineer.
13. Irrigation, lighting, and landscaping plans may be prepared by a California-licensed landscape architect, architect, or engineer, or by an unlicensed design professional.

14. All exterior lights shall be shielded or otherwise oriented to prevent disturbance to surrounding or neighboring properties or traffic on Naples Street and 9<sup>th</sup> Street.
15. 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; and the City of Mendota Standard Specifications and Standard Drawings.
16. Any work within City of Mendota public right-of-way shall require an encroachment permit, including payment of all associated fees.
17. 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.
18. 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.
19. 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.
20. Development shall comply with the requirements of the Fresno County Fire Protection District/CalFire.

#### Site & Buildings

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.
22. All signage must be approved pursuant to the standards and guidelines of the Mendota Municipal Code prior to installation.
23. 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

24. Project water supply shall be taken either from the existing 10-inch water main in Naples Street or the existing 10-inch water main in 9<sup>th</sup> Street. New 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.

25. Project sanitary sewer service shall be connected either to the existing 8-inch sewer line in Naples Street or to the existing 18-inch sewer line in 9<sup>th</sup> Street. 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.
26. Applicants for development of the project site shall coordinate with Mid Valley Disposal to establish necessary solid waste procedures. Construction of trash enclosures shall comply with City of Mendota Standard Drawing No. M-12.

#### Operations

27. Business operators shall acquire and maintain valid City of Mendota business licenses, including compliance with any pertinent regulatory agency requirements pursuant to Title 5 of the MMC.
28. Hours of operation shall be as determined during site plan and/or conditional use permit review.
29. Activities shall occur entirely within the associated structures, unless expressly authorized pursuant to an approved operational statement, and shall not encroach into parking area, into City or other right-of-way, or onto/into adjacent properties or structures.
30. Operations shall be subject to the City of Mendota Noise Ordinance

#### Fees

31. All City of Mendota Planning, Building, and Engineering fees and costs shall be paid in full to the City prior to recordation of a Parcel Map.
32. Future applicants intending to construct on, operate on, or otherwise occupy the parcels created by the Parcel Map shall be responsible for payment of City of Mendota Application Fees and Development Impact Fees in amounts to be determined during review, processing, and approval of their respective projects.
33. Development shall be responsible for payment of fees to Mendota Unified School District and shall provide the City with evidence of payment, or evidence of the District's determination that no fees are required, prior to issuance of a certificate of occupancy.
34. 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:

- A. That the Planning Commission Chair request a report from staff, and ask for any clarification as needed by the Commission;

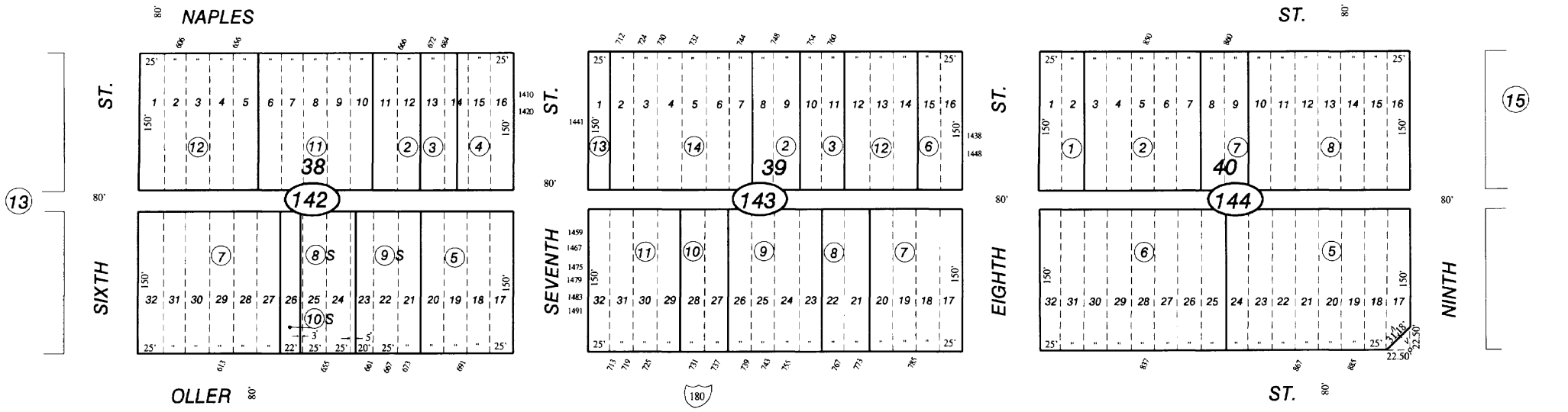
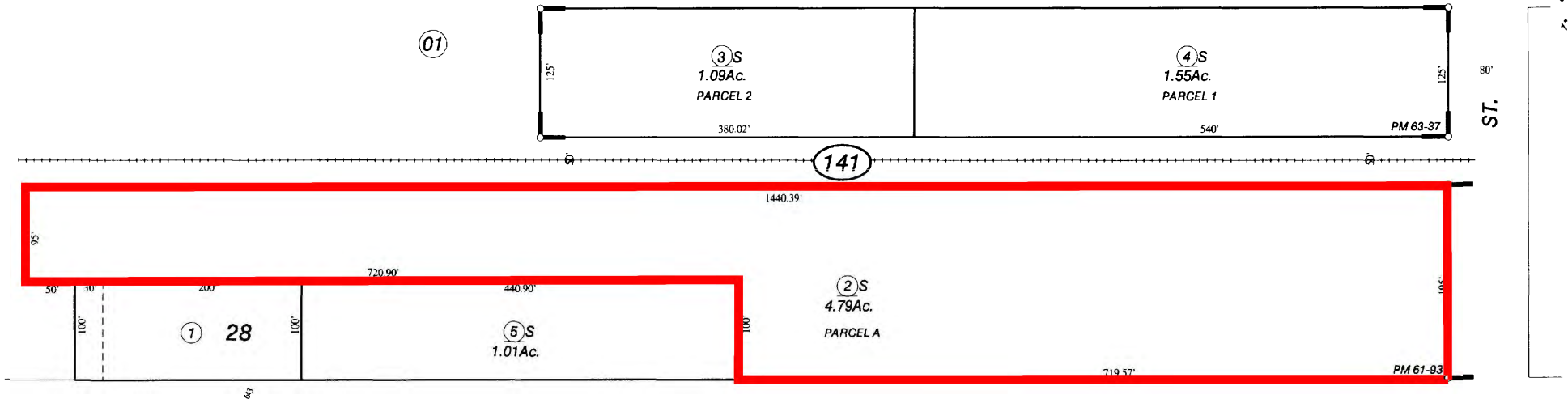
- B. That the Chair open a public hearing, requesting any public comments in favor of, opposed to, or otherwise regarding the proposed project. Upon conclusion of testimony, ask the Commission for a consensus that sufficient information has been obtain to close the public portion of the hearing. The Chair may then close the public hearing.
- C. 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.

--- 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.

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

Tax Rate Area  
 12-010

013-14



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.

03-24-08

Tentative Parcel Map No. 16-02  
 APN 013-141-02S

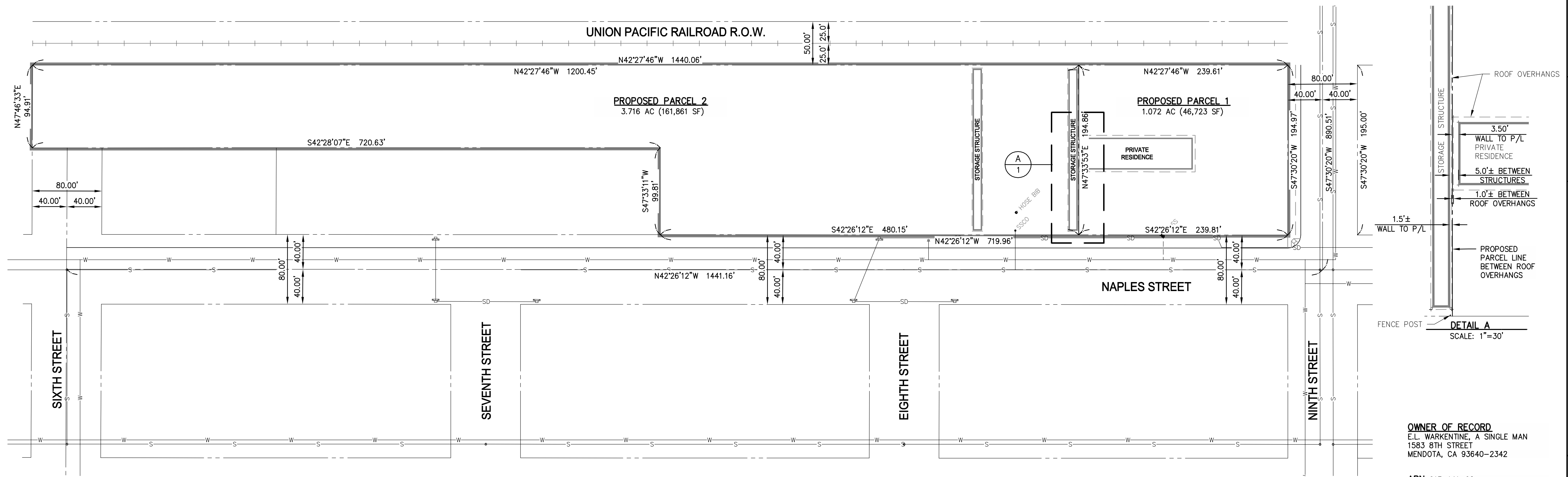
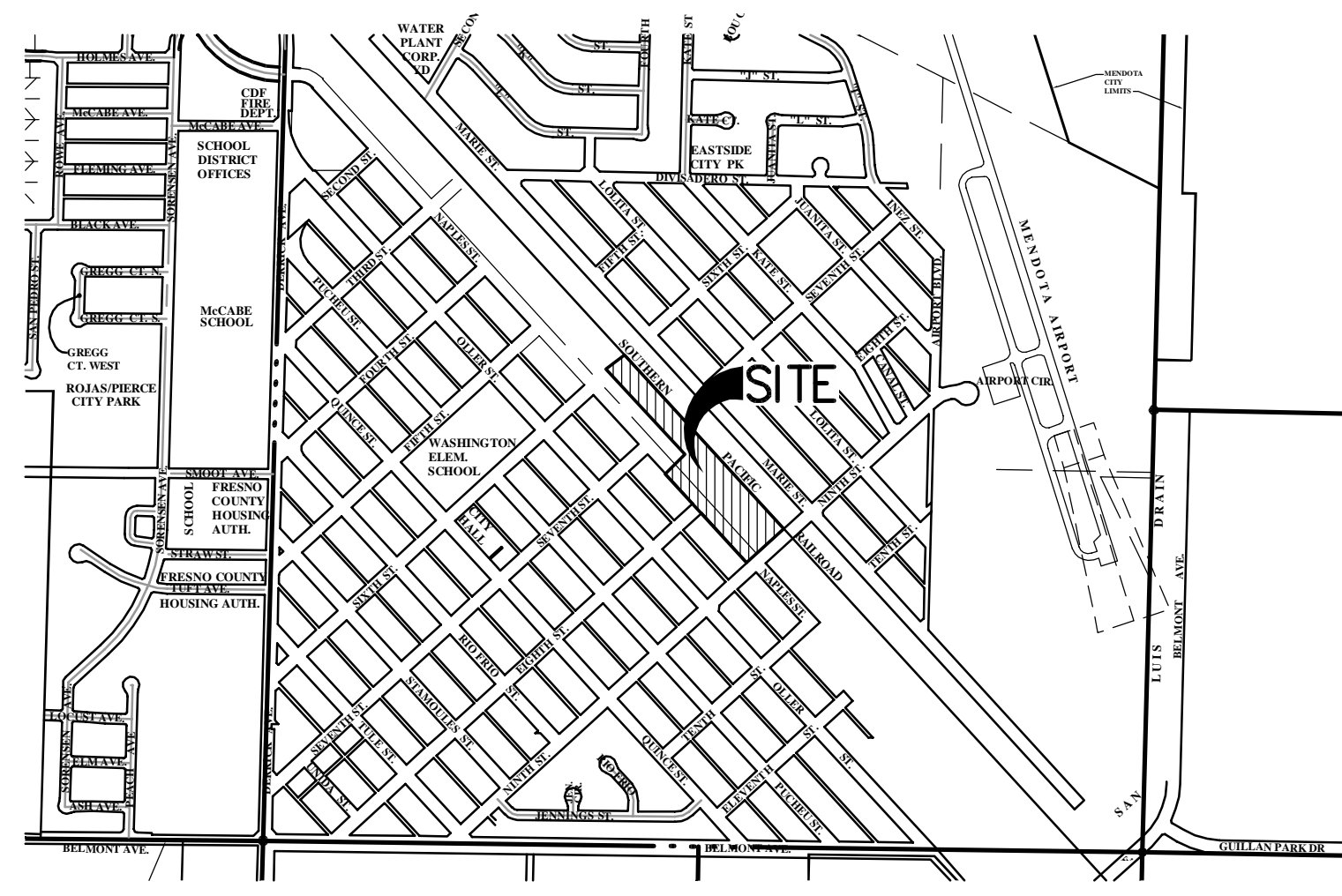
 Project Site

LINETYPES		DESCRIPTION
EXISTING	LINETYPE	NEW
---	---	PROPERTY LINE
---	---	CENTERLINE
---	---	EASEMENT
---	---	RAILROAD
---	XX" SS	SANITARY SEWER
---	XX" SD	SANITARY SEWER LATERAL
---	XX" SD	STORM DRAINAGE
---	XX" W	WATER

SYMBOL	DESCRIPTION	DETAIL CALLOUT	DETAIL NUMBER
○	SANITARY SEWER CLEAN OUT	#	DETAIL NUMBER
○	SANITARY SEWER MANHOLE	SHT	SHEET NUMBER
⊕	STORM DRAIN INLET		
⊕	STORM DRAIN MANHOLE		
⊕	FIRE HYDRANT		
•	FENCE POST		

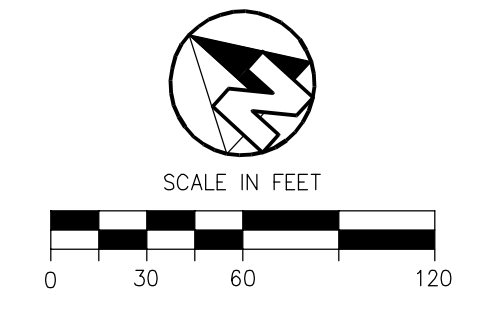
**LEGAL DESCRIPTION**  
 REAL PROPERTY IN THE CITY OF MENDOTA, COUNTY OF FRESNO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:  
 PARCEL A OF PARCEL MAP NO. 01-01, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 61, PAGES 93 AND 94 OF  
 PARCEL MAPS, FRESNO COUNTY RECORDS, EXCEPTING THEREFROM ALL MINERALS AND ALL MINERAL RIGHTS OF EVERY KIND  
 AND CHARACTER NOW KNOWN TO EXIST OR HEREAFTER DISCOVERED UNDERLYING THE PROPERTY, INCLUDING WITHOUT LIMITING  
 THE GENERALITY OF THE FOREGOING, OIL AND GAS AND RIGHTS THERE TO, TOGETHER WITH THE SOLE, EXCLUSIVE AND  
 PERPETUAL RIGHT TO EXPLORE FOR, REMOVE AND DISPOSE OF SAID MINERALS BY MEANS OR METHODS SUITABLE TO THE  
 GRANTOR, ITS SUCCESSORS AND ASSIGNS, BUT WITHOUT ENTERING UPON OR USING THE SURFACE OF THE PROPERTY, AND IN  
 SUCH MANNER AS NOT TO DAMAGE THE SURFACE OF THE PROPERTY, OR TO INTERFERE WITH THE USE THEREOF BY GRANTEE,  
 HIS HEIRS OR ASSIGNS, AS RESERVED BY UNION PACIFIC RAILROAD COMPANY IN DEED RECORDED JULY 6, 2001, AS  
 DOCUMENT NO. 2001-094341, OFFICIAL RECORDS.

- SCHEDULE B EXCEPTION ITEMS:**
- FROM PRELIMINARY TITLE REPORT DATED MARCH 21, 2016 BY NORTH AMERICAN TITLE.
  - TERMS AND PROVISIONS CONTAINED IN AN INSTRUMENT EXECUTED BY: HENRY MILLER AND PACIFIC IMPROVEMENT COMPANY, A CORPORATION RECORDED: MARCH 26, 1888 IN BOOK 70 PAGE 395 OF DEEDS
  - THE FACT THAT THE LAND LIES WITHIN THE BOUNDARIES OF THE MENDOTA REDEVELOPMENT PROJECT AREA, AS DISCLOSED BY THE DOCUMENT RECORDED JULY 16, 1982 AS BOOK 7939, PAGE 911 AS INSTRUMENT NO. 59387 OF OFFICIAL RECORDS.
  - AN EASEMENT FOR TO CONSTRUCT, RECONSTRUCT, RENEW, MAINTAIN AND OPERATE PIPELINES AND APPURTENANCES FOR THE CONVEYANCE OF PETROLEUM, NATURAL GAS OR PRODUCTS DERIVED FROM EITHER BOTH, OR OTHER LIQUID FUELS OR SLURRIES WHEREVER A PIPELINE OR APPURTENANCES EXISTS AS OF THE DATE OF THIS AGREEMENT AND INCIDENTAL PURPOSES, RECORDED DECEMBER 14, 1988 AS INSTRUMENT NO. 88-139007 OF OFFICIAL RECORDS.
- IN FAVOR OF: SOUTHERN PACIFIC PIPE LINES, INC., A CORPORATION  
 AFFECTS: AS DESCRIBED THEREIN  
 THE LOCATION OF EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.



**OWNER OF RECORD**  
 E.L. WARKENTINE, A SINGLE MAN  
 1583 8TH STREET  
 MENDOTA, CA 93640-2342

APN: 013-141-02s  
**FLOOD\_ZONE:** x  
**SITE ADDRESS**  
 865 NAPLES STREET  
 MENDOTA, CA 93640  
**PARCEL AREA**  
 4.788 AC (208,584 SF)  
**GENERAL PLAN LAND USE**  
 CURRENT: LIGHT INDUSTRIAL  
 PROPOSED: LIGHT INDUSTRIAL (PARCEL 1)  
 HEAVY INDUSTRIAL (PARCEL 2)  
**ZONING**  
 CURRENT: M-1  
 PROPOSED: M-1 (PARCEL 1)  
 M-2 (PARCEL 2)



EST. 1988  
**PROVOST & PRITCHARD**  
 CONSULTING GROUP  
 An Employee Owned Company  
 288 WEST GROWELL AVENUE  
 FRESNO, CALIFORNIA 93711-5182  
 557/449-9999 www.pprg.com

DESIGN ENGINEER:  
 LICENSE NO:  
 DRAFTED BY: JT  
 CHECKED BY: MLO  
 DATE: 05/04/2016  
 JOB NO:  
 PROJECT NO: 333616012  
 PHASE: PM  
 ORIGINAL SCALE SHOWN IS ONE INCH. ADJUST SCALE FOR REDUCED OR ENLARGED PLANS.  
 SHEET 1 OF 1

APN 013-141-02S  
 CITY OF MENDOTA  
 COUNTY OF FRESNO  
 TENTATIVE PARCEL MAP No. 16-02

PREPARED FOR:  
 MR. ED WARKENTINE  
 1583 8TH STREET  
 MENDOTA, CA  
 93640-2342

5/4/2016 1:12 PM G:\Mendota\_City\_013-141-02\333616012-Parcel Map.dwg - Michael Osborn

**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](mailto: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
<b>I. AESTHETICS</b> – 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><b>Discussion</b></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 <b>less than significant impact</b>.</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 <b>no impact</b>.</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><b>II. AGRICULTURE RESOURCES:</b> 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?				
--	--	--	--	--

**Discussion**

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**.

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**.

Items c), d):  
 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**.

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**.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<p><b>III. AIR QUALITY:</b> 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><b>Discussion</b></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 <b>no impact</b>.</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 <b>no impact</b>.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES:</b> -- 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
<b>V. CULTURAL RESOURCES:</b> 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><b>Discussion</b></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 <b>no impact</b>.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>VI. GEOLOGY AND SOILS:</b> 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><b>Discussion</b></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 <b>no impact</b>.</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 <b>no impact</b>.</p>				



	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>VII. GREENHOUSE GAS EMISSIONS:</b> 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><b>Discussion</b></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 <b>no impact</b>.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS:</b> 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><b>Discussion</b></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 <b>no impact</b>.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>IX. HYDROLOGY AND WATER QUALITY:</b> 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?				√

Items a), e), 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. 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**.

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**.

Items c), d):

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**.

Item e): The two properties at issue under the Proposed Project are located on previously

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
<b>X. LAND USE AND PLANNING:</b> 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><b>Discussion</b></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 <b>no impact</b>.</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
<b>XI. MINERAL RESOURCES:</b> 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><b>Discussion</b></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 <b>no impact</b>.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>XII. NOISE:</b> 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
<b>XIII. POPULATION AND HOUSING:</b> 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><b>Discussion</b></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 <b>less than significant impact</b>.</p> <p>Item c): No person or housing will be displaced by the Proposed Project. The Proposed Project would have <b>no impact</b>.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>XIV. PUBLIC SERVICES</b>				
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?				√
<b>Discussion</b>				
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 <b>no impact</b> .				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>XV. RECREATION</b>				
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><b>Discussion</b></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 <b>no impact</b>.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>XVI. TRANSPORTATION/TRAFFIC:</b> 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><b>Discussion</b></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 <b>no impact</b>.</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 <b>no impact</b>.</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 of safety of existing public transit, bikeways, or pedestrian facility. The Proposed Project would have <b>no impact</b>.</p>				



	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>XVII. UTILITIES AND SERVICE SYSTEMS:</b> 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?				√
<b>Discussion</b>				

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
<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE</b>				
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?  <b>Note:</b> 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.

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

**RESOLUTION No. PC 16-04**

**A RESOLUTION OF THE CITY OF MENDOTA PLANNING COMMISSION FORWARDING A  
RECOMMENDATION TO THE CITY COUNCIL FOR APPROVAL OF  
TENTATIVE PARCEL MAP No. 16-02**

**WHEREAS**, on February 23, 2016, the City of Mendota entered into a Settlement Agreement and Mutual Release (“Agreement”) with Ed Warkentine, owner of Fresno County Assessor’s Parcel No. 013-141-02S, consisting of approximately 4.79 acres at the northeast corner of Naples Street and 9<sup>th</sup> Street in Mendota, California; and

**WHEREAS**, pursuant to said Agreement, the City of Mendota is required to prepare and process a parcel map on behalf of said owner, creating two parcels of approximately 1.07 acres and 3.72 acres, respectively; and

**WHEREAS**, the City prepared an initial study pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Section 21000, *et seq.* (“CEQA”), and made a preliminary determination that approval of Tentative Parcel Map No. 16-02 would not result in any significant impacts to the environment, and accordingly adoption of mitigated negative would be appropriate; and

**WHEREAS**, the City made the initial study/negative declaration available for public review between May 4, 2016 and June 6, 2016, and provided copies of the proposed initial study/negative declaration to various entities directly, and no comments were received; and

**WHEREAS**, in its Resolution No. PC 16-03, the Planning Commission recommended that the City Council adopt the initial study/negative declaration, and has specifically previously found that it cannot be fairly argued, nor is there any substantial evidence in the record, that the project could have a significant effect on the environment, either directly or indirectly; and

**WHEREAS**, in its Resolution No. PC 16-03, the Planning Commission also found that, based upon the initial study and negative declaration and the record, the project will not individually or cumulatively have an adverse impact on environmental resources; and

**WHEREAS**, the City of Mendota is the custodian of the documents and other materials that constitute the record of the proceedings upon which the Planning Commission’s recommendation is based, and Mendota City Hall, 643 Quince Street, Mendota, CA is the location of this record; and

**WHEREAS**, at a regular meeting on August 16, 2016, the Mendota Planning Commission did conduct a public hearing to consider Tentative Parcel Map No. 16-02; and

**WHEREAS**, on August 5, 2016, notice of said public hearing was published in *The Business Journal*, 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 was posted in the City Hall bulletin window; 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. Consistent with its prior Resolution No. PC 16-03, find that the initial study and negative declaration prepared for the project comply with provisions of the California Environmental Quality Act, and affirm that the project will not have a significant effect on the environment; and
2. Validate the preliminary findings of the Planning Commission and approve Tentative Parcel Map No. 16-02 as attached hereto as Exhibit "A" and subject to the following conditions of approval:

#### Clarification

1. Nothing in these conditions of approval is intended to require performance contrary to the provisions of the Settlement Agreement and Mutual Release ("Agreement") entered into by the City on February 23, 2016.
2. If any condition of approval conflicts with provisions of the Agreement, the Agreement shall control unless otherwise superseded by the laws of the State of California.
3. Conditions of approval that, pursuant to the Agreement, are the responsibility of the City to complete will be completed by the City.
4. As may be used herein, the words "subdivider", "owner," "operator", and "applicant" shall be interchangeable.
5. 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 future site development) related, and shall be applicable at the time of approval of said future development.

#### General

6. Tentative Parcel Map No. 16-02 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 Section 66453.3 of the California Subdivision Map Act.
7. 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).

8. 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.
9. Prior to recordation of the Parcel Map, a subdivision agreement shall be executed between the City of Mendota and the subdivider as appropriate. 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.
10. 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.
11. 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.
12. Grading and improvement plans shall be prepared by a California-licensed civil engineer.
13. Irrigation, lighting, and landscaping plans may be prepared by a California-licensed landscape architect, architect, or engineer, or by an unlicensed design professional.
14. All exterior lights shall be shielded or otherwise oriented to prevent disturbance to surrounding or neighboring properties or traffic on Naples Street and 9<sup>th</sup> Street.
15. 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; and the City of Mendota Standard Specifications and Standard Drawings.
16. Any work within City of Mendota public right-of-way shall require an encroachment permit, including payment of all associated fees.
17. 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.

18. 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.
19. 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.
20. Development shall comply with the requirements of the Fresno County Fire Protection District/CalFire.

#### Site & Buildings

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.
22. All signage must be approved pursuant to the standards and guidelines of the Mendota Municipal Code prior to installation.
23. 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

24. Project water supply shall be taken either from the existing 10-inch water main in Naples Street or the existing 10-inch water main in 9<sup>th</sup> Street. New 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.
25. Project sanitary sewer service shall be connected either to the existing 8-inch sewer line in Naples Street or to the existing 18-inch sewer line in 9<sup>th</sup> Street. 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.
26. Applicants for development of the project site shall coordinate with Mid Valley Disposal to establish necessary solid waste procedures. Construction of trash enclosures shall comply with City of Mendota Standard Drawing No. M-12.

#### Operations

27. Business operators shall acquire and maintain valid City of Mendota business licenses, including compliance with any pertinent regulatory agency requirements pursuant to Title 5 of the MMC.
28. Hours of operation shall be as determined during site plan and/or conditional use permit review.



29. Activities shall occur entirely within the associated structures, unless expressly authorized pursuant to an approved operational statement, and shall not encroach into parking area, into City or other right-of-way, or onto/into adjacent properties or structures.
30. Operations shall be subject to the City of Mendota Noise Ordinance

Fees

31. All City of Mendota Planning, Building, and Engineering fees and costs shall be paid in full to the City prior to recordation of a Parcel Map.
32. Future applicants intending to construct on, operate on, or otherwise occupy the parcels created by the Parcel Map shall be responsible for payment of City of Mendota Application Fees and Development Impact Fees in amounts to be determined during review, processing, and approval of their respective projects.
33. Development shall be responsible for payment of fees to Mendota Unified School District and shall provide the City with evidence of payment, or evidence of the District's determination that no fees are required, prior to issuance of a certificate of occupancy.
34. 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.

**PASSED AND ADOPTED** by the Planning Commission of the City of Mendota at a regular meeting held on the 16<sup>th</sup> day of August, 2016, upon a motion by Commissioner \_\_\_\_\_, a second by Commissioner \_\_\_\_\_, and by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

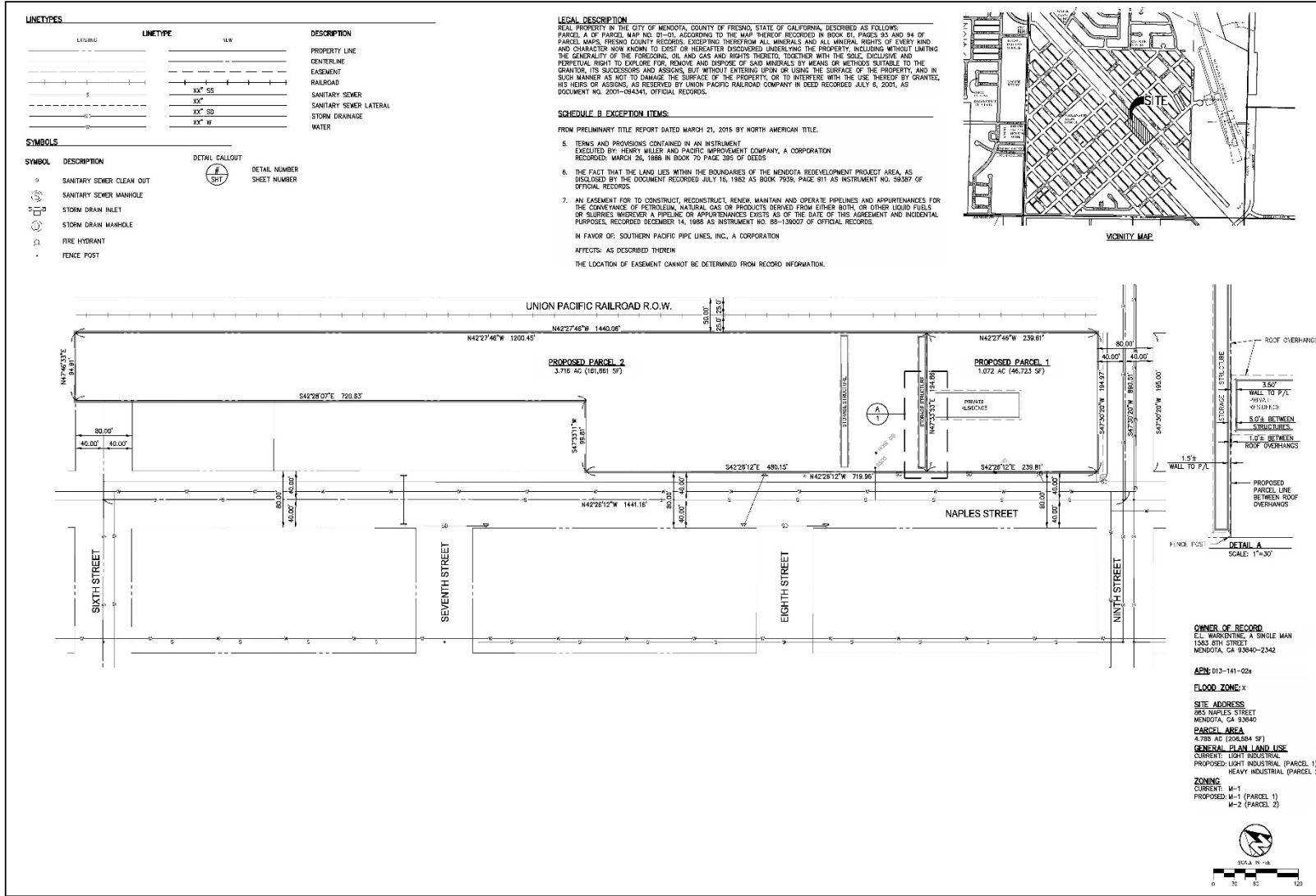
**ABSENT:**

ATTEST:

\_\_\_\_\_  
Juan Luna, Chair

\_\_\_\_\_  
Matt Flood, City Clerk

# Exhibit A



PREPARED FOR: MRS. MARCELINE 1583 8TH STREET MENOTA, CA 93840-2342	APN 013-141-025 CITY OF MENOTA COUNTY OF FRESNO TENTATIVE PARCEL MAP No. 16-02	NO. _____	REVISION _____	BY _____	DATE _____
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