



# PLANNING COMMISSION AGENDA

Room 301, Hall of Records  
2281 Tulare Street  
Northwest Corner of Tulare & M  
Fresno, CA 93721-2198

Contact: Planning Commission Clerk  
Phone: (559) 600-4497  
Email: [knovak@fresnocountyca.gov](mailto:knovak@fresnocountyca.gov)  
Call Toll Free: 1-800-742-1011 – Ext. 04497

Web Site: <http://www.co.fresno.ca.us/PlanningCommission>

## AGENDA September 12, 2019

### 8:45 a.m. - CALL TO ORDER

#### INTRODUCTION

Explanation of the REGULAR AGENDA process and mandatory procedural requirements. Staff Reports are available on the table near the room entrance.

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL

#### CONSENT AGENDA

Items listed under the Consent Agenda are considered to be routine in nature and not likely to require discussion. Prior to action by the Commission, the public will be given an opportunity to comment on any consent item. The Commission may remove any item from the Consent Agenda for discussion.

There are no consent agenda items for this hearing.

#### REGULAR AGENDA

1. **PUBLIC PRESENTATIONS** (This portion of the meeting is reserved for persons desiring to address the Planning Commission on any matter within the Commission's jurisdiction and not on this Agenda.)
2. **INITIAL STUDY APPLICATION NO. 7517, GENERAL PLAN AMENDMENT APPLICATION NO. 556 and AMENDMENT APPLICATION NO. 3833** filed by **HIGTON INVESTMENT GROUP**, proposing to amend the County-adopted Roosevelt Community Plan by redesignating a 0.34-acre (15,098 square feet) parcel from Low-Density Residential to Medium-High-Density Residential and rezone the site from the R-1-B(nb) (Single-Family Residential, 12,500 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District to an R-2(nb)(c) (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size, Neighborhood Beautification Overlay, Conditional) Zone District to allow those uses permitted in the R-1 Zone District (Section 827.1-A.) and one-family or multiple-family dwellings (Section 827.1-D). The project site is located on the northeast corner of N. Fine Avenue and E. Washington Avenue in a County island in the City of Fresno (4955 E. Washington Avenue, Fresno) (SUP. DIST. 3) (APN 462-132-10). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7517, and take action on General Plan Amendment Application No. 556 and Amendment Application No. 3833 with Findings and Conditions.

-Contact person, Ejaz Ahmad (559) 600-4204, email [eahmad@fresnocountyca.gov](mailto:eahmad@fresnocountyca.gov)

-Staff Report Included

-Individual Noticing

3. **INITIAL STUDY APPLICATION NO. 7602** and **CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3640** filed by **TROY TURNER**, proposing to allow retail liquefied petroleum gas distribution and storage on a 5.54-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the northwest corner of Belmont Avenue and McCall Avenue, approximately 2.9 miles east of the nearest city limits of the City of Fresno (SUP. DIST. 5) (APN 309-290-37). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7602, and take action on Classified Conditional Use Permit Application No. 3640 with Findings and Conditions.

-Contact person, Thomas Kobayashi (559) 600-4224, email [tkobayashi@fresnocountyca.gov](mailto:tkobayashi@fresnocountyca.gov)

-Staff Report Included

-Individual Noticing

4. **VARIANCE APPLICATION NO. 4054** filed by **THOMAS L. BELL**, proposing to allow waiver of the public road frontage requirement (165 feet required) for all seven lots within Tract No. 3057 and allow the construction of six-foot-tall vehicle and pedestrian gates, where a maximum of three feet is allowed, within the front-yard setback of Lot Nos. 1 and 7 in the R-R (Rural Residential, two-acre minimum parcel size) Zone District. The subject parcels (Tract No. 3057) are located on East Cole Avenue on the east side of North Fowler Avenue, between East Teague Avenue and the Enterprise Canal, easterly, northerly, and westerly adjacent to the nearest city limits of the City of Clovis, and within the City of Clovis Sphere of Influence (SUP. DIST. 5) (APN's 559-012-21, 22, 23, 24, 25, 26, and 27).

-Contact person, Jeremy Shaw (559) 600-4207, email [jshaw@fresnocountyca.gov](mailto:jshaw@fresnocountyca.gov)

-Staff Report Included

-Individual Noticing

5. **INFORMATION/DISCUSSION ITEM:**

Report from staff on prior Agenda Items, status of upcoming Agenda, and miscellaneous matters.

-Contact person, Marianne Mollring (559) 600-4569, email: [mmollring@fresnocountyca.gov](mailto:mmollring@fresnocountyca.gov)

**PROGRAM ACCESSIBILITY AND ACCOMMODATIONS:** The Americans with Disabilities Act (ADA) Title II covers the programs, services, activities and facilities owned or operated by state and local governments like the County of Fresno ("County"). Further, the County promotes equality of opportunity and full participation by all persons, including persons with disabilities. Towards this end, the County works to ensure that it provides meaningful access to people with disabilities to every program, service, benefit, and activity, when viewed in its entirety. Similarly, the County also works to ensure that its operated or owned facilities that are open to the public provide meaningful access to people with disabilities.

To help ensure this meaningful access, the County will reasonably modify policies/ procedures and provide auxiliary aids/services to persons with disabilities. If, as an attendee or participant at the meeting, you need additional accommodations such as an American Sign Language (ASL) interpreter, an assistive listening device, large print material, electronic materials, Braille materials, or taped materials, please contact the Current Planning staff as soon as possible during office hours at (559) 600-4497 or at [knovak@fresnocountyca.gov](mailto:knovak@fresnocountyca.gov). Reasonable requests made at least 48 hours in advance of the meeting will help to ensure accessibility to this meeting. Later requests will be accommodated to the extent reasonably feasible.



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

## Planning Commission Staff Report Agenda Item No. 2 September 12, 2019

**SUBJECT:** Initial Study Application No. 7517, General Plan Amendment No. 556, Amendment Application No. 3833

Amend the County-adopted Roosevelt Community Plan by redesignating a 0.34-acre (15,098 square feet) parcel from Low-Density Residential to Medium-High-Density Residential and rezone the site from the R-1-B(nb) (Single-Family Residential, 12,500 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District to an R-2(nb)(c) (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size, Neighborhood Beautification Overlay, Conditional) Zone District to allow those uses permitted in the R-1 Zone District (Section 827.1-A.) and one-family or multiple-family dwellings (Section 827.1-D).

**LOCATION:** The project site is located on the northeast corner of N. Fine Avenue and E. Washington Avenue in a County island in the City of Fresno (4955 E. Washington Avenue) (SUP. DIST. 3) (APN 462-132-10).

**OWNER/  
APPLICANT:** Higton Investment Group

**STAFF CONTACT:** Ejaz Ahmad, Planner  
Initial Study/Amendment Application Information  
(559) 600-4204

Anthony Lee, Planner  
General Plan Amendment Application Information  
(559) 600-9613

Marianne Mollring, Senior Planner  
(559) 600-4569

### RECOMMENDATION:

- Deny General Plan Amendment Application No. 556 and concurrent Amendment Application No. 3833; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Uses Allowed Under the Current R-1-B(nb) (Single-Family Residential, Neighborhood Beautification Overlay) Zoning
6. Use Allowed Under the Proposed R-2(nb)(c) (Low-Density Multiple-Family Residential, Neighborhood Beautification Overlay, Conditional) Zoning with the Approval of Amendment Application No. 3833
7. Summary of Initial Study Application No. 7517
8. Draft Mitigated Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Low-Density Residential in the County-adopted Roosevelt Community Plan	Medium-High-Density Residential in the County-adopted Roosevelt Community Plan
Zoning	R-1-B(nb) (Single-Family Residential, 12,500 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District	R-2(nb)(c) (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size, Neighborhood Beautification Overlay, Conditional) Zone District
Parcel Size	0.34-acre (15,098 square feet)	No change
Project Site	Three dwelling units	None. Future development on the property includes: <ul style="list-style-type: none"> <li>• Those uses permitted in the R-1 Zone District (Section 827.1-A)</li> <li>• One-family or multiple-family dwellings (Section 827.1-D)</li> </ul>
Structural Improvements	Three dwelling units with related improvements	None

Criteria	Existing	Proposed
Nearest Residence	38 feet to the east	No change
Surrounding Development	Single-family residences	No change
Operational Features	Multiple dwelling units	<p>Amend the County-adopted Roosevelt Community Plan to:</p> <ul style="list-style-type: none"> <li>• Change the land use designation of a 0.34-acre parcel from Low-Density Residential to Medium-High-Density Residential</li> <li>• Rezone the said parcel from the R-1-B(nb) (Single-Family Residential, 12,500 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District to an R-2(nb)(c) (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size, Neighborhood Beautification Overlay, Conditional) Zone District</li> <li>• Allow those uses permitted in the R-1 Zone District (Section 827.1-A), and one-family or multiple-family dwellings (Section 827.1-D)</li> </ul>
Lighting	Residential	No change

### Setback, Separation and Parking

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	<p>R-1-B(nb) Zone District:</p> <p>Front: 35 feet Side: 10 feet Street Side: 20 feet Rear: 20 feet</p>	<p>R-2(nb)(c) Zone District:</p> <p>Front: 20 feet Side: 5 feet Street Side: 10 feet Rear: 20 feet</p>	<p>Yes, upon:</p> <ul style="list-style-type: none"> <li>• Removing the existing carports located within the property setbacks</li> <li>• Removing the northerly most wall of Dwelling Unit B out of 8-foot-wide utility easement</li> </ul>

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
			<ul style="list-style-type: none"> <li>Approval of Site Plan Review to authorize portions of Dwelling Unit B &amp; C encroachment into 20-foot rear-yard setback</li> </ul>
Parking	One parking space in a garage or carport for every dwelling unit	One parking space in a garage or carport for every dwelling unit	Zoning Department determination required for the existing multiple dwelling units
Lot Coverage	Maximum 35 percent of the total lot area	Maximum 50 percent of the total lot area	Yes, approximately 28 percent of the total lot area covered by the existing dwelling units and related improvements
Separation Between Buildings	Six feet (minimum)	Six feet (minimum)	Zoning/Building Section determination required for the existing multiple dwelling units
Wall Requirements	Up to 6 feet on all rear and side property lines	Up to 6 feet on all rear and side property lines	Yes. There is a masonry wall on the side property line and slatted chain-link fencing on the rear property line.
Septic Replacement Area	100 percent for the existing system	No change. The existing dwelling units are connected to the City of Fresno sewer system.	N/A. The existing dwelling units are connected to the City of Fresno sewer system.
Water Well Separation	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	No change. The existing improvements are connected to the City of Fresno water system.	N/A. The existing dwelling units are connected to the City of Fresno water system.

**Circulation and Traffic**

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Public Road Frontage	Yes	Washington Avenue; Good condition	No change
		Fine Avenue; Good condition	No change
Direct Access to Public Road	Yes	Washington Avenue; Good condition	No change
		Fine Avenue; Good condition	No change
Road ADT		200 (Washington Avenue)  200 (Fine Avenue)	No change  No change
Road Classification		Local Road (Washington Avenue)  Local Road (Fine Avenue)	No change  No change
Road Width		30-foot right-of-way north of the centerline of Washington Avenue  30-foot right-of-way east of the centerline of Fine Avenue	No additional right-of-way required for either street
Road Surface		Asphalt concrete paved	Residential
Traffic Trips		Unknown	Unknown
Traffic Impact Study (TIS) Prepared	No	Insignificant traffic volume	The subject proposal involves no new development. The County Design Division, the Road Maintenance & Operations Division, and the City of Fresno expressed no concerns with the project related to traffic.
Road Improvements Required		Washington Avenue; Good condition	No improvements required

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
		Fine Avenue; Good condition	No improvements required

**Surrounding Properties**

	<b>Size:</b>	<b>Use:</b>	<b>Zoning:</b>	<b>Nearest Residence:</b>
North	14,520 square feet	Single-family residence	R-1-B	60 feet
South	14,520 square feet	Single-family residence	R-1-B	84 feet
East	14,520 square feet	Single-family residence	R-1-B	38 feet
West	14,520 square feet	Single-family residence	R-1-B	78 feet

**EXISTING VIOLATION (YES/NO) AND NATURE OF VIOLATION:** Yes. Zoning Violation Case No. 18-101815 and 18-100585. See **BACKGROUND INFORMATION** for details.

**ENVIRONMENTAL ANALYSIS:**

Initial Study Application No. 7517 was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 7.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: August 9, 2019.

**PUBLIC NOTICE:**

Notices were sent to 91 property owners within 600 feet of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

Note that should this item be recommended for approval by the Planning Commission, a subsequent hearing date before the Board of Supervisors (BOS) will be scheduled as close to the Commission’s action as practical to make the final decision on the General Plan Amendment and rezoning request. Information for that hearing will be provided under separate notice. Once scheduled, a separate notice of that hearing will be provided to the Applicant, surrounding property owners and other interested parties.

**PROCEDURAL CONSIDERATIONS:**

A General Plan Amendment and rezoning (Amendment Application) are legislative acts requiring Board of Supervisors’ action. A decision by the Planning Commission in support of land use and zone amendment requests is an advisory action and requires an affirmative vote of the majority of its total membership. A recommendation for approval is then forwarded to the Board of Supervisors for final action. A Planning Commission decision to deny a General Plan and zone amendment, however, is final unless appealed to the Board of Supervisors.



**BACKGROUND INFORMATION:**

According to County zoning records, the subject 0.34-acre parcel and the surrounding parcels were zoned R-A (Single-Family Residential Agricultural District; 36,000 square-foot minimum parcel size) on June 10, 1941. Amendment Application No. 3148 (Ord. No. R-3148), approved on September 29, 1980, rezoned the subject parcel and other parcels in the area from the R-A Zone District to an R-1-B (Single-Family Residential, 12,500 minimum parcel size) Zone District. The parcel is currently zoned R-1-B.

The Applicant purchased the subject property in 2017. At the time of the purchase, there were three dwelling units on the property zoned for one dwelling unit. The Applicant proceeded to use the property for three (3) rentals when a neighbor filed a Violation Complaint against the owner for attempting to rent the units. The County received the complaint on January 19, 2018.

The Code Enforcement Unit of the Fresno County Department of Public Works and Planning inspected the property and discovered several items in violation of the Fresno County Zoning/ Building Codes. This included: 1) remodeling of structure(s) without permits, conversion of a garage to living quarters, installation of carports, and construction of additions without plans, permits, or inspections; and 2) maintaining multiple dwelling units on the property where expressly prohibited. A Notice of Violation (Case No. 18-101815) issued on March 9, 2018 informed the property owner (Higton Investment Group, LLC) that the property is in violation of the Fresno County Zoning/Building codes and what actions were necessary to abate the violations.

In order to rectify the violations, the Applicant chose to file the subject applications which propose to amend the County-adopted Roosevelt Community Plan by re-designating the subject 0.34-acre parcel from Low-Density Residential to a Medium-High-Density Residential designation, and rezone the site from the R-1-B(nb) (Single-Family Residential, 12,500 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District to an R-2(nb)(c) (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size, Neighborhood Beautification Overlay, Conditional) Zone District to allow those uses permitted in the R-1 Zone District (Section 827.1-A), and one-family or multiple-family dwellings (Section 827.1-D).

Should the Planning Commission and Board of Supervisors approve the subject General Plan Amendment (GPA) and rezone requests, the Applicant may be allowed to retain the existing multiple dwelling units on the property provided building code violations are abated. Additionally, in accordance with County Ordinance Section 855.E.4, the Applicant would be required to file a Site Plan to allow for the existing Dwelling Units B & C to encroach into the 20-foot rear-yard setback. Denial of the subject GPA and rezone requests, however, would require the Applicant to remove all unpermitted unauthorized improvements from the property that are not allowed in the R-1-B Zone District and abate all building code violations.

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
General Plan Policy LU-F.13: County may permit land designated Low-Density Residential to develop to the next higher density when such development will not have an adverse impact on surrounding land uses subject to criteria a. and b. of the said Policy.	The subject proposal does not meet Criteria a. 1 & 2 to qualify for the corresponding Criteria b. 1.2.3.  Regarding Criteria a. 1, the subject 0.34-acre property is designated as Low-Density Residential and is not contiguous to a higher

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>a. The circumstances where more intensive development may be permitted include the following:</p> <p>1) Property, which is contiguous to a higher density residential or other intensive non-residential urban uses; 2). Property which has a shape or size that would make it difficult to be developed in a manner similar to other surrounding property having the same land use designation.</p> <p>b. If either of these circumstances exists, development of multiple-family and planned residential developments should be guided by the following criteria:</p> <p>1) The building height should not exceed the height of surrounding structures; 2) The site development of residential units or a residential complex should be compatible with existing and planned uses on adjacent properties; 3) Off-street parking should be sufficient for residents of the development and their guests, and should be designed to minimize the impact on neighboring development.</p>	<p>density residential such as Medium-Density Residential or Medium-High-Density Residential, or non-residential urban uses. Regarding Criteria a. 2, the parcel size or shape is not such that it would make the subject parcel difficult to develop in a manner which other surrounding properties could be developed. The parcel matches in size, shape and topography with the surrounding parcels developed with single-family residences.</p> <p>Regarding Criteria b, the site does not meet the circumstances of Criteria a.</p>
<p>General Plan Policy PF-E.6: The County shall require that drainage facilities shall be installed concurrently with and as a condition of development activity.</p>	<p>The project site is located in an established residential neighborhood and is provided with drainage facilities by the Fresno Metropolitan Flood Control District.</p>
<p>General Plan Policy PF-H.2: The County shall determine the need for fire protection services prior to the approval of development projects.</p>	<p>The project site lies within the jurisdiction of the City of Fresno Fire District. The City Fire District currently provides fire services to the property.</p>
<p>General Plan Policy LU-F.21: The County shall require community sewer and water services for urban residential development.</p>	<p>The project site is currently connected to the City of Fresno water and sewer services.</p>
<p>General Plan Policy PF-A.3: The County shall require new urban commercial and urban-density residential development to be served by community sewer, storm water, and water systems.</p>	<p>The project site is a developed with multiple dwellings. Water, sewer, and storm water services to the property are currently provided by the City of Fresno and Fresno Metropolitan Flood Control District.</p>
<p>General Plan Policy LU-G.7: Within the spheres of influence and two (2) miles beyond, the County shall promote</p>	<p>The project site is in a County island in the City of Fresno. The project was routed to the City for review and comments and possible</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>consultation between the cities and the County at the staff level in the early stages of preparing general plan amendments and other policy changes that may impact growth or the provision of urban services. Staff consultations, particularly concerning community plans, shall provide for meaningful participation in the policy formulation process and shall seek resolution of issues prior to presentation to the decision-making bodies.</p> <p>General Plan Policy LU-G.14: The County shall not approve any discretionary permit for new urban development within a City's sphere of Influence unless the development proposal has been first referred to the City for consideration of possible annexation pursuant to the provisions of any applicable city/county memorandum of understanding.</p>	<p>annexation. In response to Annexation Referral No. 1004 provided to the City of Fresno on July 31, 2018, the City decided not to annex the property at this time and allowed the County to process the subject applications. However, the City did express its opposition to the project due to the compatibility of the proposed land use designation with the land use designation in the City's General Plan.</p>

**General Plan Amendment No. 556**

The project involves amending the County-adopted Roosevelt Community Plan by re-designating a 0.34-acre (15,098 square feet) parcel from Low-Density Residential to Medium-High-Density Residential and rezoning the site from the R-1-B(nb) (Single-Family Residential, 12,500 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District to an R-2(nb)(c) (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size, Neighborhood Beautification Overlay, Conditional) Zone District to allow those uses permitted in the R-1 Zone District (Section 827.1-A), and one-family or multiple-family dwellings (Section 827.1-D).

The subject parcel is located in a County island in the City of Fresno. The subject parcel and surrounding parcels within the County island are designated Low-Density Residential in the Roosevelt Community. Residential development on lands designated Low-Density Residential allows a density not to exceed one dwelling unit per 12,500 square feet. All surrounding parcels meet the density requirements, zoned R-1-B, and developed with single-family residences, except the subject parcel. The subject parcel is 15,098 square feet in size, zoned R-1-B, and developed with three dwelling units. The current number of the existing dwelling units are in conflict with the allowed density and zoning on the property. The subject GPA and zone amendment requests to allow the Medium-High-Density Residential designation and the corresponding R-2(nb)(c) zoning to make the existing improvements compatible with the proposed higher density and the higher zoning.

Parcels in the vicinity of the proposal, outside of the County island and within the City of Fresno, range from 7,150 square feet to 1.24 acres in size, are designated Medium-Low and Medium-Density Residential, zoned RS-4 and RS-5, and are developed with single-family residences. The nearest multi-family residential development (apartment complex) designated Medium-High-Density Residential and zoned RM-1 is approximately 1,017 feet to the southeast of the property.

As discussed above in General Plan Consistency/Considerations, the subject proposal does not meet County General Plan Policy LU-F.13. The policy states that land designated Low-Density

Residential is allowed to develop to the next higher density (Medium-Density or Medium-High-Density Residential) when such development will not have an adverse impact on surrounding land uses subject to Criteria a. and b. of the said Policy. The subject proposal does not meet Criteria a. and b to qualify for the corresponding Criteria 1.2.3. Regarding Criteria a., the subject property is not contiguous to higher density residential uses or non-residential urban uses. The property is surrounded by low-density residential uses. Regarding Criteria b., the parcel shape or size is not such that it prohibits the property from being developed in a manner similar to other surrounding properties. The subject parcel matches in size, shape and topography with the surrounding parcels developed with single-family residences.

As noted above, the subject property is located in a County island in the City of Fresno. The City's 2025 Fresno General Plan designates the property Medium-Low-Density Residential, which allows a maximum density of 6 units (7,260 square feet per unit) per acre. The proposed Medium-High-Density Residential permits a maximum density of 18 units (2,400 square feet per unit) per acre, which is in conflict with the City's General Plan designation for the property. Staff notes that concurrent R-2(c) zoning to allow for the existing multiple dwelling units on the property, or construction of up to a maximum of six dwelling units in the future, may create a situation in which an incompatible land use has a negative impact on single-family uses within the vicinity of the proposal. Potential negative impacts include higher traffic volume generated by multiple-family residential uses conflicting with traffic volume currently generated from surrounding single-family residential uses. Multiple dwelling units may also generate additional light and glare in the area. Furthermore, the project may also set a precedent for conversion of neighboring low-density residential parcels to higher density residential.

Pursuant to General Plan Policy LU-G.14 and the Memorandum of Understanding (MOU) between the County and City of Fresno, this project was referred to the City of Fresno for possible annexation. In a letter provided on August 13, 2018, the City decided not to annex the property at this time and released it to the County to process the subject applications. The City, however, went on record to express its opposition to the project, and stated that in the event the County does approve the subject GPA and zone amendment requests, the property shall connect to the City's sewer and water systems, and install curb and gutters according to City standards.

Based on the discussion above, the proposed General Plan Amendment and the accompanying zone change does not appear to be consistent with County General Plan Policy LU-F.13 and the City of Fresno General Plan land use designation for the property. Therefore, staff recommends denial of General Plan Amendment No. 556.

### **Amendment Application No. 3833**

NOTE: Amendment Application No. 3833 has been concurrently submitted in conjunction with General Plan Amendment Application No. 556. The Planning Commission must first consider the issue of amending the General Plan before taking action on the subject rezone. If the Commission determines that the General Plan should not be amended, then the related Amendment Application cannot be approved. Action needs to be taken on all applications whether denied or recommended for approval.

One fundamental issue regarding any rezone request is whether the proposed zone change is consistent with the General Plan. The subject property is currently designated Low-Density Residential in the County-adopted Roosevelt Community Plan. The Zoning Compatibility Matrix for the Roosevelt Community Plan indicates that the proposed R-2(nb)(c) (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size, Neighborhood Beautification Overlay, Conditional) Zone District is a compatible zoning for lands designated Medium-High-Density Residential.

The Initial Study (IS) prepared for the project identified potential aesthetic and cultural resources impacts for which Mitigation Measures are recommended. Aesthetic impacts will be mitigated with future development requiring hooded lighting to control light and glare from shining upon adjoining properties, and Cultural Resource impacts will be mitigated with the stopping of all ground-disturbing activities if cultural resources are unearthed during ground disturbance, and notifying appropriate authorities based on the find. Further, the proposal will adhere to the San Joaquin Valley Air Pollution Control District's regulatory measures related to air quality, Fresno County drainage ordinance, California Health and Safety Code for handling of hazardous materials, and the State's requirement regarding the provision of safe drinking water, which are included as Project Notes in Exhibit 1 of this Report.

General Plan Policy PF-E.6 requires that drainage facilities shall be installed concurrently with and as a condition of development activity. The property is located in an established residential neighborhood and provided with drainage services by the Fresno Metropolitan Flood Control District.

General Plan Policy PF-H.2 requires that the County shall determine the need for fire protection services prior to the approval of development projects. The property is located in an established residential area and provided with fire protection services by the City of Fresno Fire District.

General Plan Policy LU-F.21 requires that the County shall require community sewer and water services for urban residential development. The City of Fresno currently provides water and sewer services to the property.

General Plan Policy PF-A.3 requires that new urban commercial and urban-density residential development are to be served by community sewer, storm water, and water systems. The City of Fresno and Fresno Metropolitan Flood Control District currently provide water, sewer and storm drainage services to the property.

#### Consistency with the Housing Element

Per the Policy Planning Section of the Fresno County Department of Public Works and Planning, the subject 0.34-acre (15,098 square feet) parcel is not identified in the County's General Plan Housing Element Vacant Land Inventory. As such, the proposed project does not impact the Regional Housing Needs Allocation (RHNA), and no analysis regarding Consistency with the Housing Element of the General Plan is required for the project.

#### Tribal Consultation

Pursuant to AB (Assembly Bill) 52, the subject proposal was routed to the Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, and Table Mountain Rancheria, providing them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b). None of the tribes expressed any concerns with the project or requested consultation.

In summary, if General Plan Amendment Application No. 556 is approved, the subject 0.34-acre property would be designated Medium-High-Density Residential. The Policies of the General Plan indicate that the proposed R-2(nb)(c) Zone District is a compatible zoning for land designated Medium-High-Density Residential. The proposal would meet the General Plan Policies discussed above regarding the provision of water, sewer, and storm drainage services to the parcel, as the property is currently connected to the City of Fresno water and sewer system and storm drainage services provided by the Fresno Metropolitan Flood Control District. Provisions of these services will continue to the

current residential development on the property or future uses allowed by the subject proposal. These requirements and others identified in this Report relating to aesthetics, cultural resources, hazards and hazardous materials will apply to the uses proposed by GPA and zoning amendment requests.

**Recommended Conditions of Approval:**

*See Mitigation Measures, Recommended Conditions of Approval and Project Notes attached as Exhibit 1.*

**Reviewing Agency/Department Comments:**

Building and Safety Section of the Fresno County Department of Public Works and Planning: All building code violations on the property shall be abated.

Zoning Section of the Fresno County Department of Public Works and Planning: All structures mentioned in the Zoning Violation (Case No. 18-101815) shall be resolved. The unpermitted structures include the remodeled house, conversion of the garage into living space, carports, additions without permits, failure to vacate the home per the covenant, and multiple units on site without permits and inspections.

The aforementioned requirements have been included as Conditions of Approval.

Fresno Metropolitan Flood Control District: The subject site shall pay drainage fees at the time of the development based on the fees rates in effect at that time. The estimated tentative drainage fee is \$ 2,129.

City of Fresno Fire Department, Prevention and Technical Services Division: A scaled Site Plan showing the existing fire hydrants shall be submitted to the City Fire Department for review and approval.

City of Fresno Development and Resources Management Department: The project shall connect to the City of Fresno sewer and water services and shall install curbs and gutters in accordance with the City's development standards.

Site Plan Review Section of the Fresno County Department of Public Works and Planning: A Site Plan Review shall be submitted in accordance with the provisions of Section 855.E.4. of the Fresno County Zoning Ordinance to allow for the encroachment of the existing buildings (Dwelling Unit B and C) into the rear-yard setback.

Development Engineering Section of the Fresno County Department of Public Works and Planning: A grading permit or voucher may be required for all unpermitted work. If not already present, a 30-foot by 30-foot corner cutoff shall be provided at the intersection of Washington and Fine Avenues for sight distance purposes.

Fresno County Public Library: Upon construction and digging at the site, any archeological find shall not be disturbed.

The aforementioned requirements have been included as Mitigation Measures, Conditions of Approval and Project Notes.

City of Fresno Public Utilities Department; Fresno Irrigation District; Fresno County Sheriff; San Joaquin Valley Air Pollution Control District; Pacific Gas & Electric; Regional Water quality Control Board;

California Department of Fish and Wildlife; U.S. Fish and Wildlife Service; Fresno County Department of Public Health, Environmental Health Division; and Water and Natural Resources Division, Design Division, Road Maintenance and Operations Division, and Building and Safety Sections of the Fresno County Department of Public Works and Planning: No concerns with the project.

**Conclusion:**

If the Planning Commission approves General Plan Amendment No. 556, staff believes the proposed R-2(nb)(c) zoning should be limited to the uses proposed under Amendment Application No. 3833, subject to the Mitigation Measures, Conditions of Approval and Notes in the Staff Report.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Denial Action)

- Determine that the proposed General Plan Amendment to re-designate a 0.34-acre parcel from Low-Density Residential to Medium-High-Density Residential is inconsistent with the General Plan and the County-adopted Roosevelt Community Plan, and deny General Plan Amendment No. 556 and concurrent Amendment Application No. 3833; and
- Direct the Secretary to prepare a Resolution documenting the Commissions' action and forwarding the above recommendation to the Board of Supervisors.

**Alternative Motion** (Approval Action)

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7517; and
- Recommend that the Board of Supervisors approve General Plan Amendment No. 556 amending the County-adopted Roosevelt Community Plan by re-designating a 0.34-acre (15,098 square feet) parcel from Low-Density Residential to Medium-High-Density Residential as the second General Plan Amendment in 2019 (state basis for approval); and
- Recommend that the Board of Supervisors find that the proposed rezone of a 0.34-acre parcel from the R-1-B(nb) (Single-Family Residential, 12,500 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District to an R-2(nb)(c) (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size, Neighborhood Beautification Overlay, Conditional) Zone District to allow those uses permitted in the R-1 Zone District (Section 827.1-A) and one-family or multiple-family dwellings (Section 827.1-D) is consistent with the General Plan and the Roosevelt Community Plan (state basis for consistency); and
- Direct the Secretary to prepare a Resolution to forward General Plan Amendment No 556 and Amendment Application No. 3833 to the Board of Supervisors with a recommendation of approval, subject to the Mitigation Measures and Conditions of Approval as listed in the Staff Report.

**Mitigation Measures, Conditions of Approval and Project Notes:**

See attached Exhibit 1.

EA:ksn  
G:\4360Devs&Pln\PROJSEC\PROJDOCS\AA\3800-3899\3833 - See GPA 556\SRVAA 3833 GPA 556 SR - Revised.docx

**Mitigation Monitoring and Reporting Program**  
**Initial Study Application No. 7517**  
**General Plan Amendment Application No. 556; Amendment Application (AA) No. 3833**  
**(Including Conditions of Approval and Project Notes)**

<b>Mitigation Measures</b>					
<b>Mitigation Measure No.*</b>	<b>Impact</b>	<b>Mitigation Measure Language</b>	<b>Implementation Responsibility</b>	<b>Monitoring Responsibility</b>	<b>Time Span</b>
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine upward or toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	As noted
2.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities related to this project, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/ PW&P	As noted
<b>Conditions of Approval</b>					
1.	<p>Uses permitted "by right" shall be limited to the following uses listed in SECTION 827.1 – USES PERMITTED of the County Ordinance:</p> <p>A. Those uses permitted in the R-1 District, Section 826.1 shall apply.</p> <p>B. One-family or multiple-family dwellings. When more than one (1) single-family residence is placed on a lot, the provisions of Section 827.6 shall apply.</p>				
2.	All building code violations on the property shall be abated. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning for detail.				
3.	All structures mentioned in the Zoning Violation (Case No. 18-101815) must be resolved. The unpermitted structures include a remodeled house, conversion of a garage into living space, carports, additions without permits, failure to vacate the home per the covenant, and multiple units on site without permits and inspections.				

**EXHIBIT 1**



4.	The project site shall connect to the City of Fresno sewer and water services and install curbs and gutters according to the City of Fresno standards.
----	--

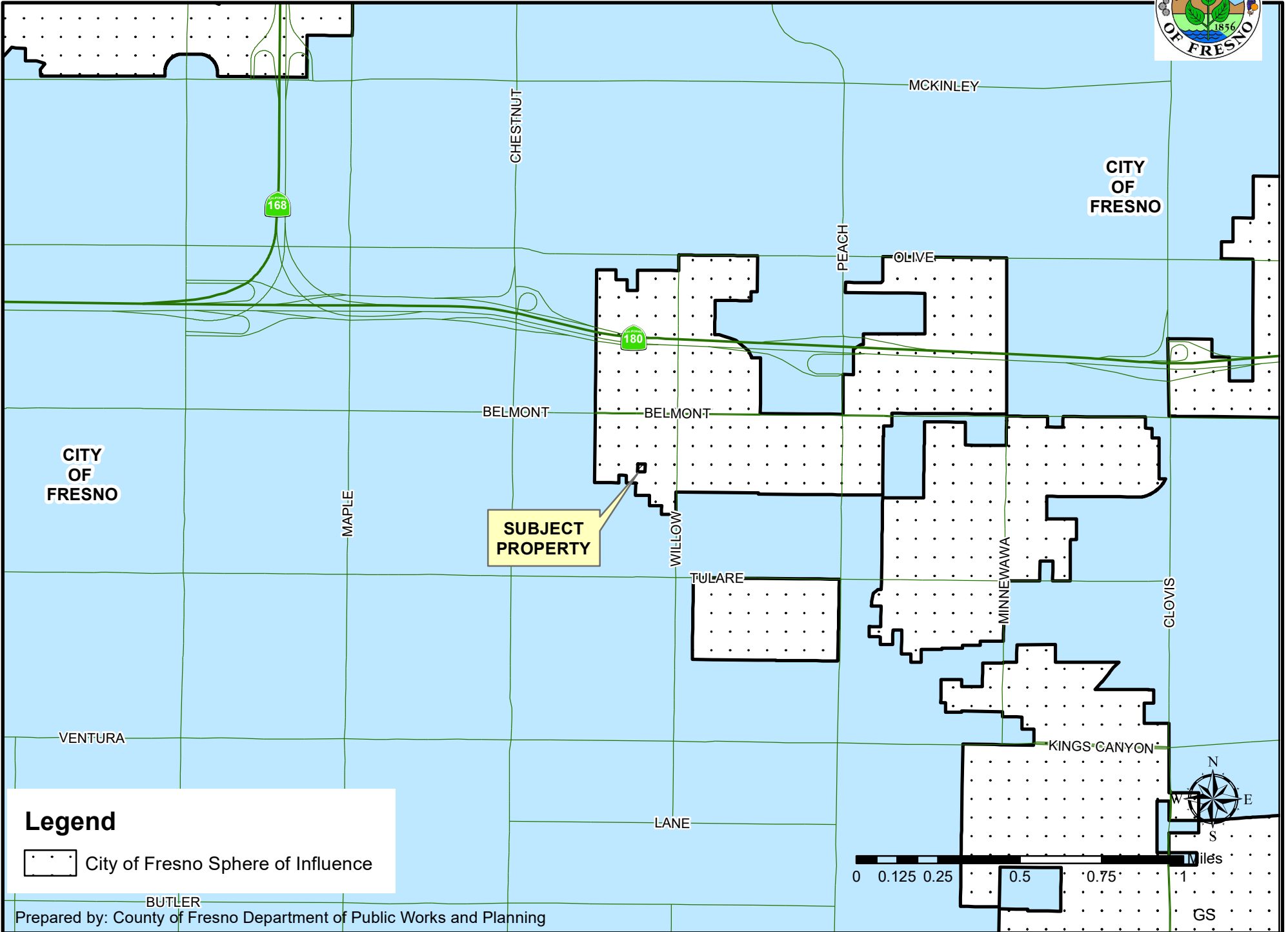
\*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference recommended Conditions for the project.

Project Notes	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	A Site Plan Review shall be submitted for approval by the Director of the Department of Public Works and Planning in accordance with the provisions of Section 855.E.4. of the Fresno County Zoning Ordinance to allow for the encroachment of the existing buildings (Dwelling Unit B and C) into the rear-yard setback.
2.	The project shall pay drainage fees to the Fresno Metropolitan Flood Control District at the time of the development, based on the fee rates in effect at that time. The estimated tentative drainage fee is \$ 2,129.
3.	A scaled site plan showing existing fire hydrants shall be submitted to the City of Fresno Fire Department, Prevention and Technical Services Division for review and approval.
4.	A Grading Permit or Voucher shall be secured for all unpermitted work, and a 30-foot by 30-foot corner cutoff at the intersection of Washington and Fine Avenues shall be provided for sight distance purposes.

EA:ksn

G:\4360Devs&PIn\PROJSEC\PROJDOCS\AA\3800-3899\3833 - See GPA 556\SR\AA 3833 GPA 556 MMRP (Ex 1).docx

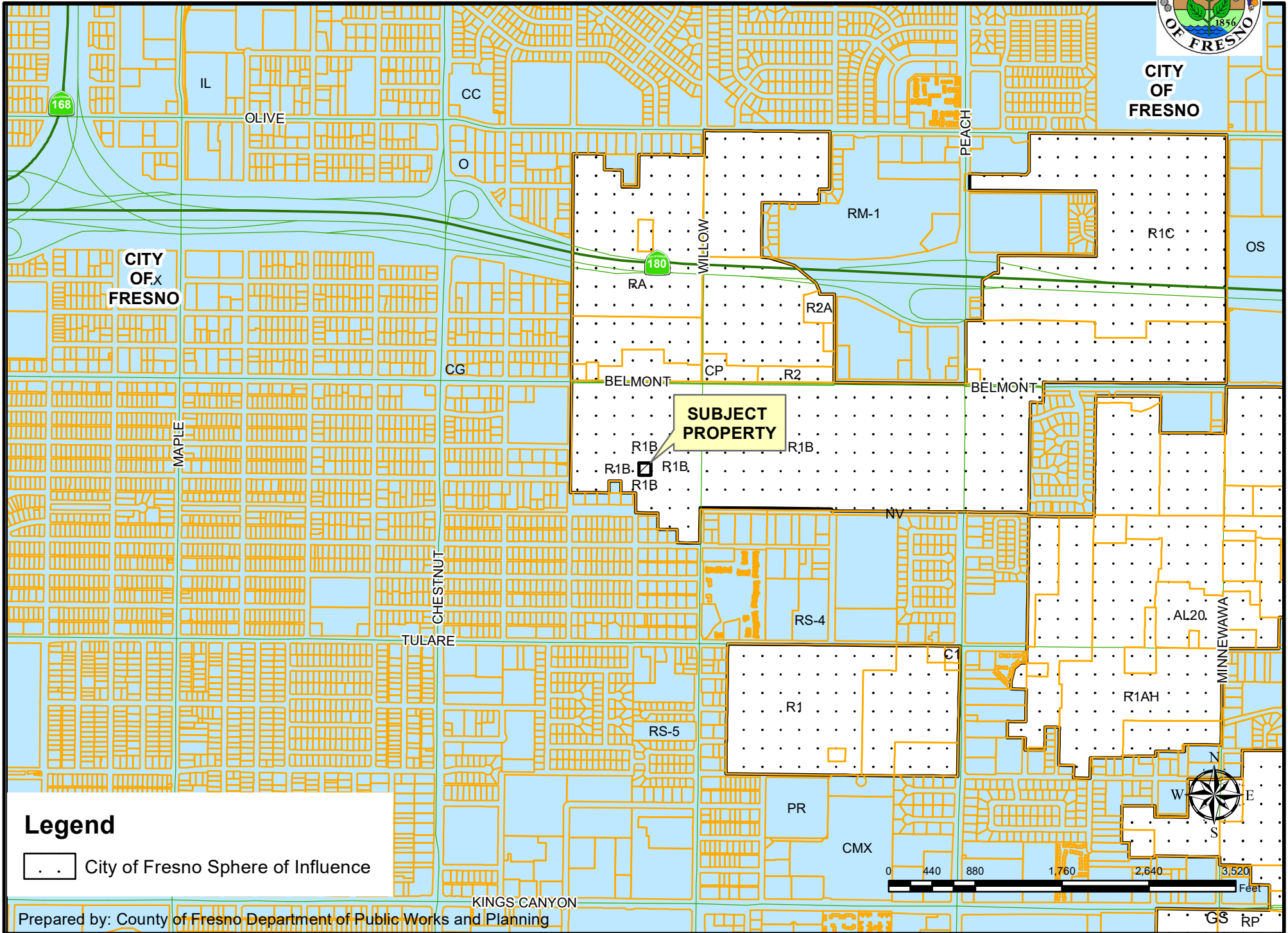
# LOCATION MAP



## Legend

City of Fresno Sphere of Influence

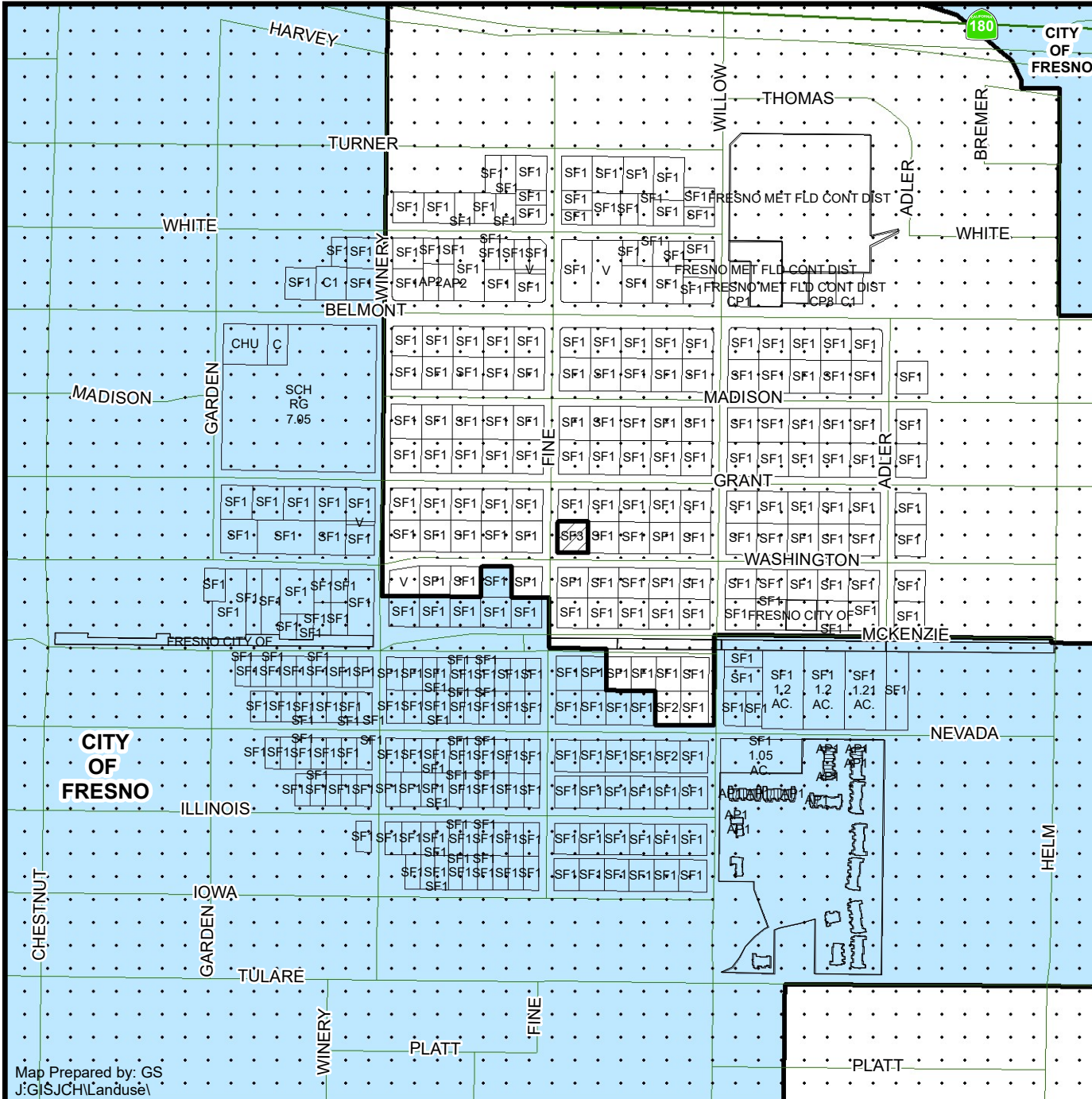
# EXISTING ZONING MAP



## Legend



City of Fresno Sphere of Influence

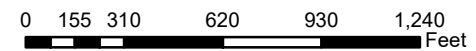
# EXISTING LAND USE MAP



LEGEND	
RG	- RESIDENTIAL GROUP FACIL
AP1	- APARTMENT
C	- COMMERCIAL
C#	- COMMERCIAL
CHU	- CHURCH
CP#	- OFFICE COMM./PROF
SCH	- SCHOOL
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

## Legend

-  Subject Property
-  City of Fresno Sphere of Influence



Department of Public Works and Planning  
Development Services Division

Map Prepared by: GS  
J:G|S|JCH|Landuse|

SECTION 824

"R-1-B" - SINGLE FAMILY RESIDENTIAL DISTRICT

The "R-1-B" District is intended to provide for the development of single family residential homes at urban standards on lots not less than twelve thousand five hundred (12,500) square feet in area, not more than one (1) dwelling unit permitted on any lot, except within Planned Developments. All regulations for this District are deemed to be necessary for the protection of the quality of the residential environment and for the securing of the health, safety and general welfare of the residents.

(Amended by Ord. 490.66 adopted 2-2-71)

SECTION 824.1 - USES PERMITTED

The following uses shall be permitted in the "R-1-B" District. All uses shall be subject to the Property Development Standards in Section 824.5.

(Amended by Ord. 490.174 re-adopted 5-8-79)

- A. One family dwelling units, not more than one (1) dwelling per lot.
- B. Accessory buildings, including garage.
- C. Private greenhouses and horticultural collections, flower and vegetable gardens.
- D. Home Occupations, Class I, in conjunction with a detached single family residential unit, subject to the provisions of Section 855-N.

(Amended by Ord. T-288 adopted 2-25-86)

- F. House trailer parking subject to the provisions of Section 855-I.1.f.
- G. Temporary tract offices and model homes, in the tract being developed.

(Added by Ord. 490.39 adopted 12-5-76)

- H. Day nursery - small

(Added by Ord. 490.188 adopted 10-29-79)

## **EXHIBIT 6**

**Uses Allowed Under R-2(nb)(c) (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size, Neighborhood Beautification Overlay, Conditional) Zone District**

**Uses permitted “by right” shall be limited to those listed in SECTION 827.1 – USES PERMITTED of the County Ordinance and are noted below:**

- A. Those uses permitted in the R-1 District, Section 826.1 shall apply
- B. One-family or multiple family dwellings. When more than one (1) single family residence is placed on a lot, the provisions of Section 827.6 shall apply

## SECTION 827

### "R-2" AND "R-2-A" - LOW DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICTS

The "R-2" and "R-2-A" Districts are intended to provide for the development of low density multiple family residential structures where such buildings are reasonably spaced on the lot to provide for light, privacy, air, safety and insulation against transmission of sound, on lots not less than six thousand six hundred (6,600) square feet in area.

The regulations for both districts are identical except that building heights are limited to a single story in the "R-2-A" District.

(Amended by Ord. 490.42 adopted 6-11-68)

#### SECTION 827.1 - USES PERMITTED

The following uses shall be permitted in the "R-2" and R-2-A" Districts subject to the Property Development Standards in Section 827.5 and those in Section 855.

(Amended by Ord. 490.42 adopted 6-11-68; Ord. 490.174 re-adopted 5-8-79)

A. Those uses permitted in the "R-1" District, Section 826.1 shall apply.

~~B. Accessory buildings and uses customarily incidental to any of the above uses, when located on the same lot and not involving the conduct of a business.~~

~~C. Food, drink and cigarette vending machines, providing the machines are located within the main structure and their use is intended primarily for persons resident upon the premises.~~

~~(Added by Ord. 490.29 adopted 9-27-66)~~

D. One-family or multiple family dwellings. When more than one (1) single family residence is placed on a lot, the provisions of Section 827.6 shall apply.

(Added by Ord. 490.39 adopted 12-5-67)

SECTION 826

"R-1" - SINGLE FAMILY RESIDENTIAL DISTRICT

The "R-1" District is intended to provide for the development of single family residential homes at urban standards on lots not less than six thousand (6,000) square feet in area, not more than one (1) dwelling unit permitted on any lot, except within Planned Developments. All regulations for this District are deemed to be necessary for the protection of the quality of the residential environment and for the securing of the health, safety and general welfare of the residents.

(Amended by Ord. 490.66 adopted 2-2-71)

SECTION 826.1 - USES PERMITTED

The following uses shall be permitted in the "R-1" District. All uses shall be subject to the Property Development Standards in Section 826.5.

(Amended by Ord. 490.174 re-adopted 5-8-79)

- A. One family dwelling units, not more than one (1) dwelling per lot.
- B. Accessory buildings, including garages.
- C. Private greenhouses and horticultural collections, flower and vegetable gardens.
- D. Home Occupations, Class I, in conjunction with a detached single family residential unit, subject to the provisions of section 855-N.

(Amended by Ord. T-288 adopted 2-25-86)

- E. Signs, subject to the provisions of Section 826.5-K.
- F. House trailer parking, subject to the provision of Section 855-I.1.f.
- G. Temporary tract offices and model homes, in the tract being developed.

(Added by Ord. 490.39 adopted 12-5-67)

- H. Day nursery - small.

(Added by Ord. 490.188 adopted 10-29-79)





# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Jason Higton on behalf of Higton Investment Group
- APPLICATION NOS.: Initial Study Application No. 7517, General Plan Amendment No. 556, Amendment Application No. 3833
- DESCRIPTION: Amend the County-adopted Roosevelt Community Plan by redesignating a 0.34-acre (15,098 square feet) parcel from Low-Density Residential to Medium-High-Density Residential and rezone the site from the R-1-B(nb) (Single-Family Residential, 12,500 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District to the R-2(nb)(c) (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size, Neighborhood Beautification Overlay, Conditional) Zone District to allow those uses permitted in the R-1 Zone District (Section 827.1-A.), and one-family or multiple-family dwellings (Section 827.1-D).
- LOCATION: The project site is located on the northeast corner of N. Fine Avenue and E. Washington Avenue in a County island in the City of Fresno (SUP. DIST. 3) (4955 E. Washington Ave., Fresno) (APN 462-132-10).

### I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

FINDING: NO IMPACT:

The subject 0.34-acre project site, improved with multi-family residential units, is located in an established residential neighborhood served by public utilities and paved streets. The site is not located along a designated Scenic Highway, nor are there any identifiable scenic vistas or scenic resources in the vicinity. The subject proposal will not have an impact on scenic resources.

- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are

experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located in an established residential neighborhood in a County island in the City of Fresno. The site is developed with three residential units in the R-1-B Zone District and is designated Low-Density Residential in the County-adopted Roosevelt Community Plan, as are other properties in the vicinity. The R-1-B Zone District allows no more than one residential unit by right and one by discretionary land use approval.

Should this proposal be granted approval, all three residential units, along with related improvements, will remain on site while meeting R-2 property development standards for population density, building height and setbacks. The property could ultimately be developed with up to six residential units, as allowed by this conditional R-2 Zoning.

The existing improvements on the property meet building height and setbacks required of the R-2 Zone District. These improvements are single story and maintain the same height (up to 25 feet) as maintained by other single-family homes on neighboring parcels. The main dwelling unit (Unit A) on the property maintains a 35-foot setback from Washington Avenue. This setback is comparable to the average setback of 22 feet to 30 feet maintained by other properties along Washington Avenue, and appears cohesive with the aesthetics of the neighborhood.

The project site is located in an urbanized area within the City of Fresno. The project is not in conflict with the proposed R-2 zoning or any other regulation governing scenic quality.

- D. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Future redevelopment of the site in the R-2 Zone District may result in the creation of new sources of light and glare in the area, which could affect the surrounding residential development. To reduce such impacts, a Mitigation Measure would require that all outdoor lighting be hooded and directed downward to not shine toward adjacent property and public streets.

\* **Mitigation Measure**

1. *All outdoor lighting shall be hooded and directed downward so as not to shine upward or toward adjacent properties and public streets.*

## II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department 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 in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; or
- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract; or
- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use; or
- 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?

FINDING: NO IMPACT:

The project site is not a farmland and not subject to a Williamson Act Contract. The site is currently zoned R-1-B (Single-Family Residential, 12,500 square-foot minimum parcel size) and developed with multi-family dwelling units. Approval of the subject proposal will make the existing use be consistent with population density and other property development standards allowed by the R-2 Zone District. As the existing improvements match in design, construction and building height with other residential dwellings in the vicinity, no significant changes to the character and environment of the area development will occur from this proposal.

## III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or

B. 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; or

C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: NO IMPACT:

The San Joaquin Valley Air Pollution Control District expressed no concerns with the project. The existing or future residential uses on the property will not affect the air quality or expose sensitive receptors to substantial pollutant concentrations.

D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: NO IMPACT:

The project will not emit any odor to impact people in the area.

#### IV. BIOLOGICAL RESOURCES

Would the project:

A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or

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 Wildlife or U.S. Fish and Wildlife Service; or

C. Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; or

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; or

E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

FINDING: NO IMPACT:

The project was routed to the California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) for review and comments. No concerns were expressed by either agency. Given the subject property is pre-disturbed with the

existing residential uses and is located in an urbanized area comprised of residential uses, no impacts were identified in regard to: 1) any candidate, sensitive, or special-status species; 2) any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS; 3) federally-protected wetlands as defined by Section 404 of the Clean Water Act; and 4) the movement of any native resident or migratory fish or wildlife species, established native resident or migratory wildlife corridors, or native wildlife nursery site use.

- 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?

FINDING: NO IMPACT:

The proposal will not conflict with any biological resources related to a tree preservation policy or any adopted conservation plan.

## V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project site is not located in an area of known archeological resources or historical activities. The site has been disturbed with the existing improvements related to multi-family residential units.

Both the Fresno County Historic Council (FCHC) and Table Mountain Rancheria (TMR), Tribal Government Office reviewed the proposal. The FCHC determined that the project would not affect any historic properties and TMR expressed no concerns with the proposal except that the tribe shall be notified in the unlikely event that cultural resources are identified on the property. The following Mitigation Measure will ensure that no resources are impacted.

\* **Mitigation Measure**

1. *In the event that cultural resources are unearthed during ground-disturbing activities related to this project, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during*

*ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

## VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation; or
- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As this proposal involves no new development, the energy consumption of the onsite residential development will not change. In the event new development occurs on the property, it will either be single- or multi-family housing, and will be subject to the current California Building Codes.

## VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause 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; or
  - 2. Strong seismic ground shaking; or
  - 3. Seismic-related ground failure, including liquefaction; or
  - 4. Landslides?

FINDING: NO IMPACT:

The project is not located within a fault zone or area of known landslides and would not create a risk or expose people or structures to earthquake rupture, strong seismic ground shaking, seismic-related ground failure, liquefaction or landslides.

- B. Result in substantial soil erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject proposal involves no new development. In the event redevelopment occurs on the property, grading plans and grading permits will be required by the County of Fresno Department of Public Works and Planning to ensure that there is no substantial soil erosion or 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; or
- D. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is not located in an area of expansive soils or steep slopes according to the Fresno County General Plan Background Report. All development on the property is subject to California Building Codes, soil testing, and engineered plans according to Fresno County policies.

- E. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

FINDING: NO IMPACT:

The existing improvements on the property are connected to the City of Fresno sewer system, and any future improvements resulting from this proposal would require connecting as well. No impact to City services are expected from this proposal.

- F. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion above in Section V. CULTURAL RESOURCES. There are no unique geologic features on the subject property, which is flat and developed.

## VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: NO IMPACT:

The project site is developed with multi-family residential units. The existing use will not change due to the rezone of the property from R-1-B to an R-2 Zone District.

Greenhouse gas emissions resulting from the increased population density that may occur in the future (up to six units allowed in the R-2 Zone District) would likely relate to the number of car trips resulting from the increased number of residents. However, the project site is not located in a fringe area of the City of Fresno, and increasing the density of housing in this location could have a positive impact on greenhouse gas emissions when considered cumulatively with new housing development trends.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- 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; or
- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter-mile of an existing or proposed school?

FINDING: NO IMPACT:

The project does not involve transport, use, disposal, release, or handling of hazardous materials. No concerns were expressed by the Fresno County Department of Public Health, Environmental Health Division.

- 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?

FINDING: NO IMPACT:

The project site is not a hazardous materials site and has been in residential use since 1942.

- 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, result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: LESS THAN SIGNIFICANT IMPACT:



Though not located within an airport land use plan area, the project site is approximately 1.8 miles southeast of the Fresno-Yosemite International Airport. Given the distance, the site is not impacted by air traffic hazards.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

FINDING: NO IMPACT:

The project will not impair implementation or physically interfere with an adopted emergency response plan.

- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

The project site is located in a County island in the City of Fresno. The area is not prone to wildland fire.

#### X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project does not violate any water quality standards or waste discharge requirements. The project site is connected to the City of Fresno community water and sewer systems and will continue receiving City services for the existing or the future development on the property in the R-2 Zone District.

The Regional Water Quality Control Board, Central Valley Region expressed no concerns regarding the project's impact on groundwater.

- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: NO IMPACT:

No groundwater supplies will be impacted by this proposal. As noted above, the project site is connected to the City of Fresno community water system, and any increase in population density resulting from the proposed rezone will rely on City water. The City of Fresno Utility Department expressed no water-related concerns with the proposal.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
1. Result in substantial erosion or siltation on or off site; or
  2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site; or
  3. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or
  4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the United States Geological Survey Quad Maps, no natural drainage channels run adjacent to or through the subject property. No impact on water channels would occur.

Redevelopment of the property in the R-2 Zone District could result in changes in absorption rates, drainage patterns and the rate and amount of surface run-off in the form of drainage from grading activities. However, these effects are common and are not considered significant. The project would require adherence to the County Grading and Drainage Ordinance, Building Code, and permit requirements. Per the Development Engineering Section of the Development Services Division comments on the project, a Project Note would require a grading permit/voucher for all unpermitted work related to existing improvements on the property.

The Fresno Metropolitan Flood Control District (FMFCD) reviewed of the proposal and indicated that the District's Master Plan can accommodate the uses proposed by the subject applications. To accommodate FMFCD comments on the project, a Project Note would require that a drainage fee shall be paid based on the fee rates in effect at the time of building entitlement of the site grading plan.

- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

FINDING: NO IMPACT:

The project site is not located in flood hazard, tsunami, or seiche zones. According to FEMA FIRM Panel 2130H, the parcel is not subject to flooding from the 100-year storm and is located in Zone X for 0.2 percent annual chance of rain.

- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: NO IMPACT:

The project is not in conflict with any water quality control plan or sustainable groundwater management plan. The Water and Natural Resources Division of the Department of Public Works and Planning expressed no concerns related to this matter.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The proposal will not physically divide an established community. The project is located within the boundaries of the City of Fresno.

- B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject property is located in a County island in the City of Fresno and is designated Low-Density Residential in the County-adopted Roosevelt Community Plan. This designation permits a maximum of 3.4 units (12,500 square feet per unit) per acre. The Medium-High-Density Residential designation proposed by this application permits a maximum of 18 units (2,400 square feet) per acre.

Per the City of Fresno Planning and Development Department review of the proposal, the City General Plan designates the site as Medium-Low-Density Residential planned land use, which permits a maximum density of 6 units (7,260 square feet per unit) per acre. The existing land uses would equate to 9 units (4,840 square feet per unit) per acre development. Pursuant to County General Plan Policy LU-G.7, the City did not require the property to be annexed with the City at this time, and allowed the County to process the subject General Plan and Rezone requests. However, the City did express its opposition to the proposal and offered Conditions of Approvals in the event the County approves the requests.

County General Plan Policy LU-F.13 may permit land designated Low- and Medium-Density Residential to develop to the next higher density when such development will not have an adverse impact on surrounding land uses subject to criteria a. and b. of the said Policy. The subject proposal does not meet those criteria. The subject property is not contiguous to a higher density residential, and the parcel shape or size does not make the site difficult to develop in a manner similar to other surrounding properties.

The subject proposal meets Policy LU-F.21 in that the project site is located in an urbanized area within City of Fresno and connected to the City's community sewer and water system. Policy PF-E.6 is met in that the project site is located in an established residential neighborhood and connected to the Fresno Metropolitan Flood Control District drainage facilities in the area. Policy PF-H.2 is met in that the site lies within the jurisdiction of the City Fire District and is connected to City fire protection services.

## XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- 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?

FINDING: NO IMPACT:

No mineral resource impacts were identified in the analysis. The site is not located in an identified mineral resource area identified in Policy OS-C.2 of the General Plan.

## XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: NO IMPACT:

The project will not expose people to severe noise levels or create substantial increases in ambient noise levels. The Fresno County Department of Public Health, Environmental Health Division expressed no concerns related to noise.

- C. For a project located within the vicinity of a private airstrip or 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located approximately 1.8 miles southwest of the Fresno-Yosemite International Airport and is not exposed to air traffic hazards. The impacts would be less than significant.

#### XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned 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)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Redevelopment of the site in the R-2 Zone District would add approximately 20 inhabitants (averaging four persons per household) to the area population. This addition is less than significant and not a substantial population growth in the area.

- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

No housing will be displaced. Approval of this proposal will allow the existing residential development to remain and additional housing to be built in the future.

#### XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

- 1. Fire protection?

FINDING: NO IMPACT:

Due to the property location in the City of Fresno, the City of Fresno Fire Department has jurisdiction over the project area. This application does not authorize any new development, but in the event of redevelopment, the City of Fresno Fire Department's plan review would ensure compliance with their plans and standards. The project routed to the City Fire Department for comments resulted in no concerns expressed by that agency.

- 2. Police protection?

FINDING: NO IMPACT:

The Fresno County Sheriff's office reviewed the subject proposal and expressed no concerns related to police protection.

- 3. Schools; or
- 4. Parks; or
- 5. Other public facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Increase in population due to multi-family residential development of the property could have a small impact on local schools and parks, but not enough to require the construction of new schools or parks to accommodate the growth. No concerns were expressed by any reviewing agency.

XVI. RECREATION

Would the project:

- A. 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; or
- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The increase in population due to multi-family residential development of the property is unlikely to affect the quality or use of public parks, or require additional recreational facilities to be constructed to accommodate this minor increase in the neighborhood's population.

XVII. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

There are no bicycle or pedestrian facilities in the neighborhood, but there is enough road right-of-way to accommodate such facilities in the future. Allowing multi-family

residential development (up to six residential units) on a 0.34-acre parcel will have a less than significant impact on the area's traffic circulation system.

- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b)?

FINDING: NO IMPACT:

When compared to residential development that could occur in other parts of the County, increased housing density in the project area would result in fewer vehicle miles traveled due to its central location in the Fresno Metropolitan area. Given that, the increased housing resulting from this proposal would not conflict or be inconsistent with the above CEQA Guidelines.

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject proposal involves no new development. As such no impact to the current road access or road design would occur. Per the comments provided by the Development Engineering Section of the Department of Public Works and Planning, the project may require a 30-foot-by-30-foot corner cutoff at the intersection of Washington and Fine Avenues for site distance purposes.

- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

The project site fronts on Fine and Washington Avenues. These local roads provide adequate fire access during emergencies.

## XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
  1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or
  2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in

subdivision (c) of Public Resources Code Section 5024.1? (In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located in a County island in the City of Fresno. The project site/area is not sensitive to archeological or historical resources. Local tribes (Santa Rosa Rancheria Tachi Yokut Tribe and Picayune Rancheria of the Chukchansi Indians) reviewed the proposal and expressed no concerns with the project. The comments provided by Table Mountain Rancheria are discussed and addressed in Section V., CULTURAL RESOURCES above.

#### XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

FINDING: NO IMPACT:

See discussion above in Section VII. E. GEOLOGY AND SOILS and Section X. B. HYDROLOGY AND WATER QUALITY. Future development on the property may result in the relocation or construction of new or expanded electric power, natural gas, or telecommunications facilities.

- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: NO IMPACT:

See discussion in Section X. B. HYDROLOGY AND WATER QUALITY.

- C. 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?

FINDING: NO IMPACT:

See discussion above in Section VII. E. GEOLOGY AND SOILS.

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or



- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject proposal will result in no impact on solid waste. There is no increase to solid waste already being generated by the multi-family residential units on the property. Solid waste generated by three additional units in the future (total six allowed by R-2 Zoning) would be minimal and the overall impact on the local landfill site will be less than significant.

## XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or
- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

FINDING: NO IMPACT:

The project site is not located in a fire hazard area.

- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT:

The project site is flat, developed, and not prone to landslide or drainage hazard.

## XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. Have the potential to substantially 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,

substantially 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?

FINDING: NO IMPACT:

The project will have no impact on sensitive biological resources. Impacts on cultural resources will be addressed with the Mitigation Measures discussed in Section V. A. B. C. D. of this analysis.

- B. 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)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The multi-family residential development resultant of the proposed R-2 Zoning will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Air Pollution Control District, and California Code of Regulations Fire Code. No cumulatively considerable impacts were identified in the analysis other than Aesthetics and Cultural Resources. These impacts will be addressed with the Mitigation Measures discussed in Section I. C. and Section V. of this analysis.

- C. Have environmental effects, which will cause substantial adverse effects on human beings either directly or indirectly?

FINDING: NO IMPACT:

No substantial impacts on human beings, either directly or indirectly, were identified in the analysis.

## **CONCLUSION/SUMMARY**

Based upon Initial Study (IS) No. 7517 prepared for General Plan Amendment Application No. 556 and Amendment Application No. 3833, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to agriculture and forestry resources, air quality, biological resources, energy, greenhouse gas emissions, mineral resources, noise, or wildfire.

Potential impacts related to aesthetics, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, population and housing, public services, recreation, public services, transportation, tribal cultural resources, and utilities and service systems have been determined to be less than significant.

Potential impacts to aesthetics and cultural resources have been determined to be less than significant with the identified Mitigation Measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and “M” Streets, Fresno, California.

EA:ksn

G:\4360Devs&PIn\PROJSEC\PROJDOCS\AA\3800-3899\3833 - See GPA 556, VA 4057\IS-CEQA\AA 3833 IS wu.docx

File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below For County Clerk Only.  CLK-2046.00 E04-73 R00-00	
Agency File No: <b>IS 7517</b>	<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>	County Clerk File No: <b>E-</b>	
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Ejaz Ahmad, Planner	Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Project Applicant/Sponsor (Name): John J. Shields	Project Title: General Plan Amendment (GPA) Application No. 556; Amendment Application (AA) No. 3833		
Project Description:  Amend the County-adopted Roosevelt Community Plan by redesignating a 0.34-acre (15,098 square feet) parcel from Low-Density Residential to Medium-High-Density Residential and rezone the site from the R-1-B(nb) (Single-Family Residential, 12,500 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District to an R-2(nb)(c) (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size, Neighborhood Beautification Overlay, Conditional) Zone District to allow those uses permitted in the R-1 Zone District (Section 827.1-A.) and one-family or multiple-family dwellings (Section 827.1-D). The project site is located on the northeast corner of N. Fine Avenue and E. Washington Avenue in a County island in the City of Fresno (4955 E. Washington Avenue, Fresno) (SUP. DIST. 3) (APN 462-132-10).			
Justification for Negative Declaration:  Based upon the Initial Study (IS 7517) prepared for General Plan Amendment (GPA) Application No. 556 and Amendment Application (AA) No. 3833, staff has concluded that the project will not have a significant effect on the environment.  No impacts were identified related to agriculture and forestry resources, air quality, biological resources, energy, greenhouse gas emissions, mineral resources, noise, or wildfire.  Potential impacts related to aesthetics, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, population and housing, public services, recreation, public services, transportation, tribal cultural resources, and utilities and service systems have been determined to be less than significant.  Potential impact related to aesthetics and cultural resources have been determined to be less than significant with the identified mitigation measure.  The Initial Study and MND is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.			
FINDING:  The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – August 9, 2019		Review Date Deadline: Planning Commission – September 12, 2019	
Date:	Type or Print Signature: Marianne Mollring Senior Planner	Submitted by (Signature): Ejaz Ahmad	

State 15083, 15085

County Clerk File No.: \_\_\_\_\_

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**

G:\4360Devs&amp;PIn\PROJSEC\PROJDOCS\AA\3800-3899\3833 - See GPA 556\IS-CEQA\AA 3833 MMRP-Draft.docx

**EXHIBIT 8**



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

## Planning Commission Staff Report Agenda Item No. 3 September 12, 2019

**SUBJECT:** Initial Study Application No. 7602 and Classified Conditional Use Permit Application No. 3640

Allow retail liquefied petroleum gas distribution and storage on a 5.54-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

**LOCATION:** The project site is located on the northwest corner of Belmont Avenue and McCall Avenue, approximately 2.9 miles east of the nearest city limits of the City of Fresno (9886 E. Belmont Avenue, Sanger, CA) (Sup. Dist. 5) (APN 309-290-37).

**OWNER/  
APPLICANT:** Troy Turner

**STAFF CONTACT:** Thomas Kobayashi, Planner  
(559) 600-4224

Marianne Mollring, Senior Planner  
(559) 600-4569

### RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7602; and
- Approve Classified Conditional Use Permit Application No. 3640 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans and Detail Drawings
6. Elevations
7. Applicant's Operational Statement
8. Summary of Initial Study Application No. 7602
9. Draft Mitigated Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agricultural	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	5.54 acres	No change
Project Site	Agricultural with single-family residence	No change
Structural Improvements	Single-family residence and barn	748 square-foot concrete pad and 1,000-gallon propane tank
Nearest Residence	N/A	Approximately 118 feet
Surrounding Development	Agriculture and single-family residential	No change
Operational Features	N/A	1,000-gallon propane tank with self-service refill pump
Employees	N/A	Two employees
Customers	N/A	10 customers per day

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Traffic Trips	Residential	Up to 24 round trips per day
Lighting	Residential	LED lighting for operating hours and low safety lighting during non-operation hours
Hours of Operation	N/A	7:00 AM to 7:00 PM

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N**

**ENVIRONMENTAL ANALYSIS:**

Initial Study No. 7602 was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 8.

Notice of Intent of Mitigated Negative Declaration publication date: August 9, 2019

**PUBLIC NOTICE:**

Notices were sent to 37 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

A Classified Conditional Use Permit may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on a Classified CUP Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

**BACKGROUND INFORMATION:**

The proposal entails the construction of a concrete pad and installation of a 1,000-gallon propane tank and associated equipment for retail liquefied petroleum gas storage and distribution. The project will be built on a portion of a 5.54-acre parcel with existing driveways off Belmont Avenue and McCall Avenue being utilized for access. The Applicant intends the use to be a small operation for the refilling of small propane tanks for propane barbeques, patio heaters, and recreational vehicles that utilize propane.

On March 4, 1972, the Fresno County Parcel Map Ordinance went into effect requiring a mapping procedure to be completed for the subdivision of land into four or less parcels. Prior to the implementation of the Parcel Map Ordinance, a parcel of any size and dimension could be created through the recordation of a deed. However, parcels created in such a manner were still subject to the development standards prescribed by the Zoning Ordinance. The subject parcel is in the same configuration as shown on 1971-72 Assessor Map Rolls, therefore

indicating that the parcel was created prior to the Parcel Map Ordinance coming into effect.

On June 8, 1960, the Fresno County Zoning Ordinance was adopted by the Board of Supervisors and the subject parcel was initially zoned Interim R-A (Single-Family Residential Agricultural, 36,000 square-foot minimum parcel size). On March 8, 1977, Amendment Application No. 2898 had been approved by the Board of Supervisors to bring the Fresno County Zoning Ordinance into conformance with the newly-adopted County of Fresno General Plan. In this instance, the project site was rezoned from the Interim R-A (Single-Family Residential Agricultural, 36,000 square-foot minimum parcel size) Zone District to an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site was zoned Interim R-A and had a minimum parcel size of 36,000 square-feet. As the parcel was in the same configuration shown on the 1971-72 Assessor Map Rolls, has an acreage of 5.54-acres, and is above the 36,000 square-foot minimum, analysis of the subject parcel indicates the parcel is legal.

Assessor records estimate that the residence and barn located on the project site were both built prior to 1958, the year building permits were required. Assessor records estimate that the residence was built in 1932 and the barn built in 1920. Existing building permit records indicate that the residence on the subject parcel is a guest house to the residence on the adjacent parcel at APN 309-290-36. Building permits have recognized all building on the property as existing; therefore, no illegal structures exist on the property.

***Finding 1:** That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	AE-20 Front: 35 feet Street Side: 35 feet Rear: 20 feet	Front: 275 feet Street Side: 125 feet Rear: Approximately 342 feet	Y
Parking	Residential	Three parking spots plus one ADA accessible spot	Y
Lot Coverage	No requirement	No requirement	Y
Space Between Buildings	No commercial requirement	No requirement	Y
Wall Requirements	No requirement	No requirement	Y
Septic Replacement Area	100 percent replacement	100 percent replacement	Y
Water Well Separation	Septic Tank: 100 feet Disposal Field: 100 feet	No new septic system proposed.	Y



	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
	Seepage Pit: 150 feet		

**Reviewing Agency/Department Comments Regarding Site Adequacy:**

Site Plan Review Section of the Fresno County Department of Public Works and Planning: Sufficient parking is shown with required ADA Van-Accessible stalls.

Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division. **This shall be included as a Project Note.**

All proposed signs shall be submitted to the Department of Public Works and Planning, Permits Counter to verify compliance with the Zoning Ordinance. **This shall be included as a Project Note.**

Building and Safety Section of the Fresno County Department of Public Works and Planning: Plans, permits, and inspections will be required for onsite improvements. **This shall be included as a Project Note.**

Fresno Irrigation District: Fresno Irrigation District does not own, operate, or maintain any facilities located on the subject property.

For information purposes, a privately-owned pipeline known as the Rodgers E. Br. No. 571 runs southerly, traverses the eastern side of the subject property, and crosses Belmont Avenue approximately 30 feet south of the subject property. FID does not own, operate, or maintain this private pipeline. FID records indicate this pipeline is active and will need to be treated as such.

Fresno County Fire Protection District: The project shall comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for the project, the Applicant must submit construction plans to the County of Fresno Department of Public Works and Planning for review. It is the Applicant’s responsibility to deliver a minimum of three sets of plans to FCFPD. **This shall be included as a Project Note.**

Project/Development including: Single-Family Residential (SFR) property of three or more lots, Multi-Family Residential (MFR) property, Commercial property, Industrial property, and/or Office property shall annex into Community Facilities District No. 2010-01 of FCFPD. **This shall be included as a Project Note.**

Project/Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. **This shall be included as a Project Note.**

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

**Analysis:**

Staff review of the submitted site plan shows that the proposed improvements will be located in

excess of the AE-20 Zone District required setbacks. The project site is also located on an identified Scenic Road (Belmont Avenue), and an open space buffer zone of 200 feet is required per the County of Fresno General Plan. The Applicant's site plan indicates that the proposed improvements are in excess of the required 200-foot open space buffer.

Fresno Irrigation District (FID) has identified an underground private pipeline that traverses the eastern property line of the project site along McCall Avenue. Although a private pipeline is present, the proposed storage tank and associated improvements are located approximately 80 feet away from the property line and the location of the underground pipeline. An increase of traffic may occur, as the existing driveway is located on or near the underground pipeline. Although an increase of traffic may occur, the project is not expected to have an adverse impact on the underground pipeline.

A Site Plan Review (SPR) application shall be submitted for approval by the Director of the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance prior to issuance of building permits. Items to be addressed under the SPR may include, but are not limited to, design of parking and circulation, driveway access, grading and drainage, fire protection, and lighting.

Staff finds that the proposed site is adequate in size and shape to accommodate the proposed use.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 1 can be made.

*Finding 2:* *That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use*

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	No	No private road for property access	N/A
Public Road Frontage	Yes	Belmont Avenue and McCall Avenue	No change
Direct Access to Public Road	Yes	Existing driveways on both Belmont Avenue and McCall Avenue	Operation will utilize existing driveways.
Road ADT		Belmont Avenue: 2,600 ADT McCall Avenue: 4,000 ADT	Estimate 10 round trips and 20 total trips
Road Classification		Belmont Avenue: Arterial	No change

		Existing Conditions	Proposed Operation
		McCall Avenue: Arterial	
Road Width		Belmont Avenue: 60 feet McCall Avenue: 60 feet	No change
Road Surface		Paved	No change
Traffic Trips		Residential	Estimated up to 10 round trips or 20 total trips
Traffic Impact Study (TIS) Prepared	No	N/A	N/A
Road Improvements Required		No requirements	No requirements

**Reviewing Agency/Department Comments Regarding Adequacy of Streets and Highways:**

Development Engineering Section of the Fresno County Department of Public Works and Planning: Belmont Avenue is classified as an Arterial road with a right-of-way width of 30 feet north of the section line along the parcel frontage, per Plat Book. The minimum width for an Arterial road right-of-way south of the centerline is 53 feet.

Belmont Avenue is a County-maintained road. Records indicate this section of Belmont Avenue from McCall Avenue to Highland Avenue has an ADT of 2,600, pavement width of 434.4 feet, structural section of 0.2 feet AC/0.5 feet AB and is in very good condition.

McCall Avenue is classified as an Arterial road with a right-of-way width of 30 feet west of the section line along the parcel frontage, per Plat Book. The minimum width for an Arterial road right-of-way south of the centerline is 53 feet.

McCall Avenue is a County-maintained road. Records indicate this section of McCall Avenue from Belmont to Olive has an ADT of 4,000, pavement width of 32.7 feet, structural section of 0.25 feet AC/0.35 feet AB/0.55ASB and is in poor condition.

Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division. **This shall be included as a Project Note.**

Typically, in an arterial classification, if not already present, on-site turnarounds are required for vehicles leaving the site to enter the arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an arterial road is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveway shall be utilized. **This shall be included as a project note.**

Typically, any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site, and shall not swing outward. **This shall be included as a Project Note.**

If not already present, 30-foot by 30-foot corner cutoffs should be improved for sight distance purposes at the intersection of Belmont Avenue and McCall Avenue. **This shall be included as a Project Note.**

According to FEMA FIRM Panel C1615H, the parcel is not subject to flooding from the 100-year storm.

A grading permit is required. **This shall be included as a Project Note.**

An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. **This shall be included as a Project Note.**

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Both Belmont and McCall are classified as Arterial roads requiring an ultimate right-of-way of 106 feet, 53 feet on each side of the section line. Currently, both rights-of-way are 60 feet wide, 30 feet on each side of the section line. Ultimately an additional 23 feet of road right-of-way will be required across the parcel frontage. A 30-foot by 30-foot corner cutoff will also be required for the ultimate right-of-way widths. However, the scope of the development does not warrant that right-of-way be dedicated as this time. **This shall be included as a Project Note.**

Setbacks to any structure should be based upon these ultimate right-of-way lines. **This shall be included as a Project Note.**

As public traffic will be accessing the tank site, it is recommended that one of the entrances should be paved all the way to the tank site and parking area. **This shall be included as a Project Note.**

The drive approach being utilized for truck traffic should be widened and improved to accommodate the truck traffic. Once the access to the tank site splits off from the driveway, the remainder of the access could be surfaced with all-weather materials. However, if that access is utilized for public traffic, then it should also be paved to the tank site. **This shall be included as a Project Note.**

A Site Plan Review application should follow if the Conditional Use Permit is approved so that access improvements could be finalized prior to actual construction. **This shall be included as a Condition of Approval.**

Any work within the road right-of-way will require an encroachment permit from this division. **This shall be included as a Project Note.**

No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

#### **Analysis:**

The site plan provided by the Applicant indicates that the proposed facility will utilize two existing driveways off McCall Avenue and Belmont Avenue to access the site. The Belmont Avenue driveway is paved, while the McCall Avenue driveway is a dirt driveway. Both driveways

are utilized for residential access. The Applicant proposes to split off the existing driveways to access the proposed project site.

Based on comments from the Development Engineering Section and the Road Maintenance and Operations Division, certain improvements to the proposed access drives will be required. Those requirements will be subject to a Site Plan Review application and additional permitting. Review of the proposal by responsible Departments and Agencies regarding adequacy of Belmont Avenue and McCall Avenue indicate that both public right-of-ways are adequate to accommodate traffic generated from the proposed use.

**Recommended Conditions of Approval:**

*See recommended Conditions of Approval attached as Exhibit 1.*

**Conclusion:**

Finding 2 can be made.

*Finding 3: That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof*

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence:
North	2.3 acres	Single-Family Residential	AE-20	Approximately 367 feet
South	17.15 acres	Field Crops and Single-Family Residential	AE-20	Approximately 753 feet
East	7.64 acres	Vacant	AE-20	Approximately 351 feet
	1.65 acres	Single-Family Residential	AE-20	
West	2.2 acres	Single-Family Residential	AE-20	Approximately 118 feet
	0.83 acre	Single-Family Residential	AE-20	

**Reviewing Agency/Department Comments:**

Fresno County Department of Public Health, Environmental Health Division: Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. The default State reporting thresholds that apply are:  $\geq 55$  gallons (liquids),  $\geq 500$  pounds (solids),  $\geq 200$  cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances. **This shall be included as a Project Note.**

All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous waste. **This shall be included as a Project Note.**

State Water Resources Control Board: This project does not meet the definition of a public water system and will not be regulated by the Division of Drinking Water.

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

**Analysis:**

The project site is located in an agricultural area with residential development supporting the agricultural uses. The project site is utilized for residential purposes and is improved with a single-family residence, guest house, and barn. The project proposes to develop a portion of the property to include a 1,000-gallon propane tank and related equipment, and parking stalls including one ADA accessible stall for the operation of a retail liquefied petroleum gas distribution and storage facility to service the surrounding agricultural and rural residential community.

The Department of Public Health, Environmental Health Division (EHD) has reviewed the proposal and commented on the project, requiring that the project meet hazardous material/waste regulations. This will reduce the potential adverse effects that the project could have on abutting properties and the surrounding neighborhood.

Additional Mitigation Measures related to site lighting have been addressed in the Initial Study prepared for the project and will reduce light and glare issues from the public right-of-way and properties in the vicinity of the project.

Based on the analysis and consideration given to comments and requirements provided by EHD, staff believes that the proposal will not have an adverse effect on surrounding properties.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 3 can be made.

*Finding 4:* *That the proposed development is consistent with the General Plan*

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
General Plan Policy LU-A.3: The County may allow by discretionary permit in areas designated as Agricultural, special agricultural uses and agriculturally-related activities, including value-added processing facilities, and certain non-agricultural uses. Approval of these and similar uses in areas designated as Agricultural shall be subject to the following criteria:	In regard to Criteria "a", the proposed operation will provide a retail liquefied petroleum location to serve the surrounding agricultural community. The Applicant has indicated that there are no other operations similar to the proposal in the vicinity of the project area and that the closest similar operation is located approximately 2.9 miles west of the project site.

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>LU-A.3.a: The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics.</p> <p>LU-A.3.b: The use should not be sited on productive agricultural lands if less productive land is available in the vicinity.</p> <p>LU-A.3.c: The operational or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one quarter (1/4)-mile radius.</p> <p>LU-A.3.d: A probable workforce should be located nearby or be readily available.</p>	<p>In regard to Criteria “b”, the project site is not being actively farmed. The primary use of the site is residential, with the project located on a vacant portion of the subject parcel. Therefore, the project will not be sited on productive agricultural lands.</p> <p>In regard to Criteria “c”, the project is proposing to utilize the existing well for maintenance of the site. The Applicant estimates that 20-50 gallons of water per day will be used. The Water and Natural Resources Division of the Department of Public Works and Planning did not express any concerns with the proposal and water usage.</p> <p>With regard to Criteria “d”, the project site is located approximately 2.3 miles southeast of the City of Clovis, approximately 2.9 miles east of the City of Fresno, and approximately 2.7 miles northwest of the City of Sanger. All three of those cities are located within proximity of the project site and can be considered for probable workforces. Additionally, the Applicant has indicated that they are currently not looking for employees and will manage the operation with a business partner.</p>
<p>General Plan Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following:</p> <p>PF-C.17.a: A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made “firm” by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the land in question lies in an area of limited groundwater, a hydrogeologic investigation shall be required.</p>	<p>The Applicant has indicated that the proposed use will utilize approximately 20-50 gallons of water a day to maintain the project site. The Water and Natural Resources Division did not express concerns in regard to availability of groundwater to service the proposal, nor did they require a hydrogeologic study.</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>PF-C.17.c: A determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within Fresno County. If use of groundwater is proposed, a hydrogeologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the property in question, those impacts shall be mitigated.</p>	

**Reviewing Agency Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is designated as Agricultural in the Fresno County General Plan. The subject parcel is not enrolled in the Williamson Act Program.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

**Analysis:**

Based on the above considerations, Staff believes that the proposal is consistent with the Fresno County General Plan.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 4 can be made.

**PUBLIC COMMENT:**

*None.*

**CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required Findings for granting the Classified Conditional Use Permit can be made. Staff therefore recommends approval of Classified Conditional Use Permit No. 3640, subject to the recommended Mitigation Measures, Conditions of Approval, and Project Notes.



## **PLANNING COMMISSION MOTIONS:**

### **Recommended Motion** (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7602; and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit No. 3640, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

### **Alternative Motion** (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Classified Conditional Use Permit No. 3640; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

### **Mitigation Measures, Recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

TK:ksn

G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3600-3699\3640\SR\CUP 3640 SR.docx

**Mitigation Monitoring and Reporting Program  
Initial Study Application No. 7602 and Classified Conditional Use Permit Application No. 3640  
(Including Conditions of Approval and Project Notes)**

<b>Mitigation Measures</b>					
<b>Mitigation Measure No.*</b>	<b>Impact</b>	<b>Mitigation Measure Language</b>	<b>Implementation Responsibility</b>	<b>Monitoring Responsibility</b>	<b>Time Span</b>
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine on public roads or surrounding property.	Applicant	Applicant/Department of Public Works and Planning (PW&P)	Ongoing
2.	Cultural Resources and Tribal Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities
3.	Energy	The idling of onsite vehicles and equipment shall be avoided to the most possible extent to avoid wasteful or inefficient energy consumption during the construction of the project.	Applicant	Applicant/PW&P	During ground-disturbing activities
<b>Conditions of Approval</b>					
1.	Development of the property shall be in accordance with the Site Plan, Elevations, and Operational Statement approved by the Commission.				
2.	A Site Plan Review (SPR) Application shall be submitted for approval by the Director of the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance prior to issuance of Building Permits. Items to be addressed under the SPR may include, but are not limited to, design of parking and circulation, driveway, access, grading and drainage, fire protection, and lighting.				

\*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document.  
Conditions of Approval reference recommended Conditions for the project.

## Notes

The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.

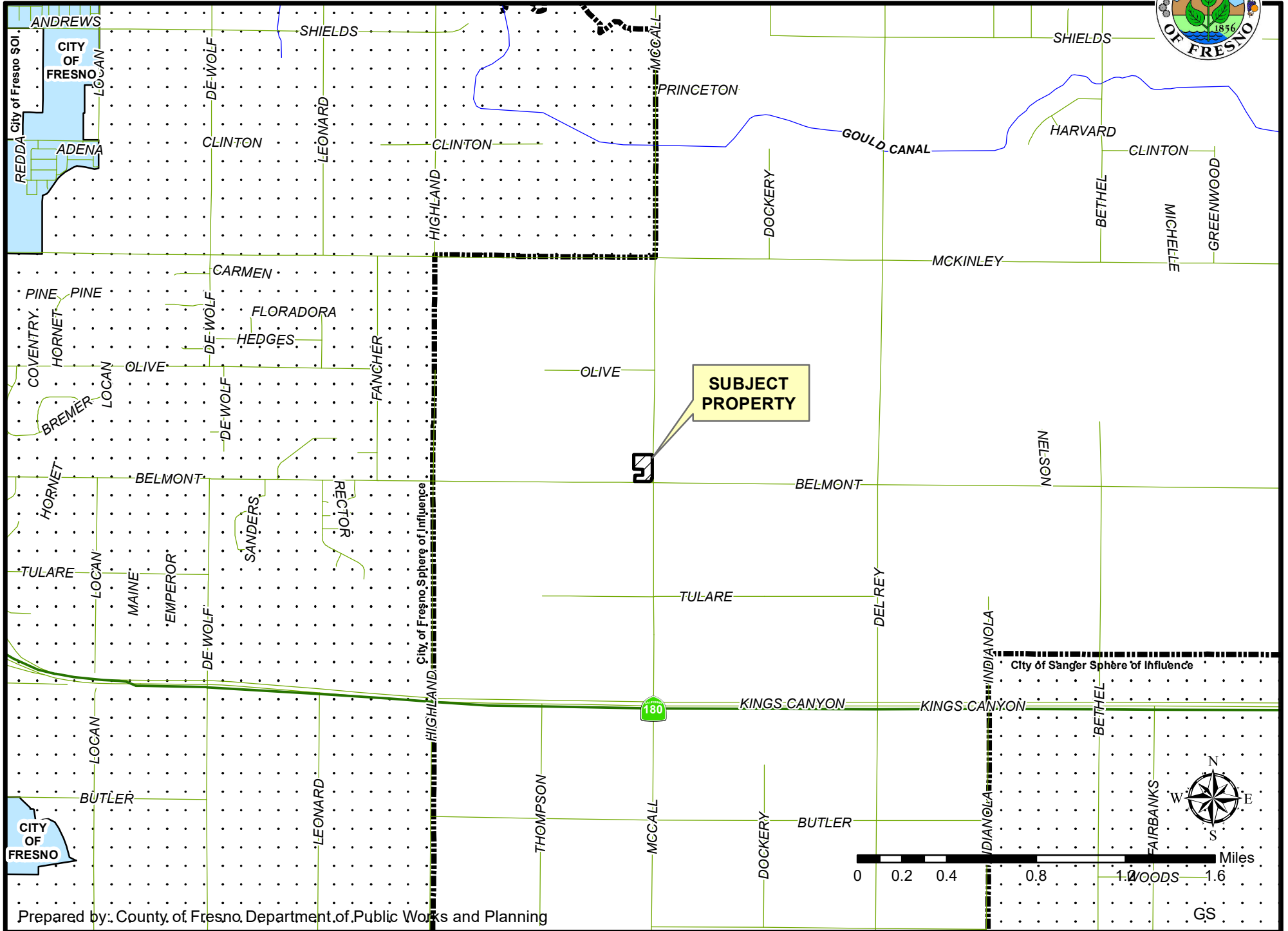
1.	Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.
2.	All proposed signs shall be submitted to the Department of Public Works, Permits Counter to verify compliance with the Zoning Ordinance.
3.	Plans, permits, and inspections will be required for onsite improvements.
4.	The project shall comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for the project, the Applicant must submit construction plans to the County of Fresno Department of Public Works and Planning for review. It is the Applicants responsibility to deliver a minimum of three sets of plans to FCFPD.
5.	Project Development including: Single-Family Residential (SFR) property of three or more lots, Multi-Family Residential (MFR) property, Commercial property, Industrial property, and/or Office property shall annex into Community Facilities District No. 2010-01 of FCFPD.
6.	Project Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.
7.	Typically, in an Arterial classification, if not already present, onsite turnarounds are required for vehicles leaving the site to enter the Arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an Arterial road is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveway shall be utilized.
8.	Typically, any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site, and shall not swing outward.
9.	If not already present, 30-foot by 30-foot corner cutoffs should be improved for sight distance purposes at the intersection of Belmont Avenue and McCall Avenue.
10.	A grading permit is required.
11.	An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.
12.	Both Belmont and McCall are classified as Arterial roads requiring an ultimate right-of-way of 106 feet, 53 feet on each side of the section line. Currently both rights-of-way are 60 feet wide, 30 feet on each side of the section line. Ultimately, an additional 23 feet of road right-of-way will be required across the parcel frontage. A 30-foot by 30-foot corner cutoff will also be required for the ultimate right-of-way widths. Setbacks to any structure should be based upon these ultimate right-of-way lines.

<b>Notes</b>	
13.	As public traffic will be accessing the tank site, it is recommended that one of the entrances should be paved all the way to the tank site and parking area. The drive approach being utilized for truck traffic should be widened and improved to accommodate the truck traffic. Once the access to the tank site splits off from the driveway, the remainder of the access could be surfaced with all-weather materials. However, if that access is utilized for public traffic, then it should also be paved to the tank site.
14.	Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. The default State reporting thresholds that apply are: $\geq 55$ gallons (liquids), $\geq 500$ pounds (solids), $\geq 200$ cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances.
15.	All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous waste.

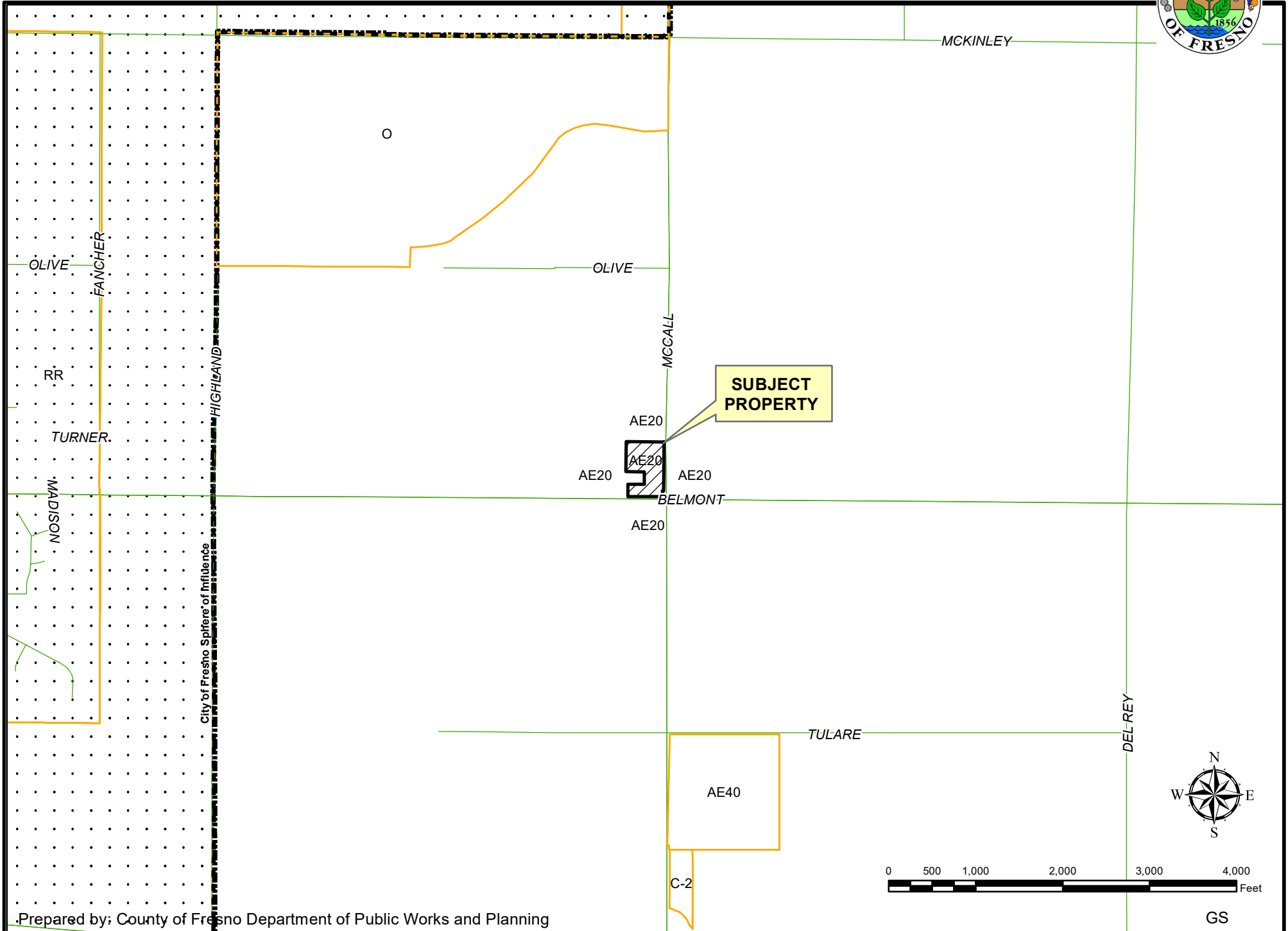
TK:ksn

G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3600-3699\3640\SR\CUP 3640 MMRP (Ex 1).docx

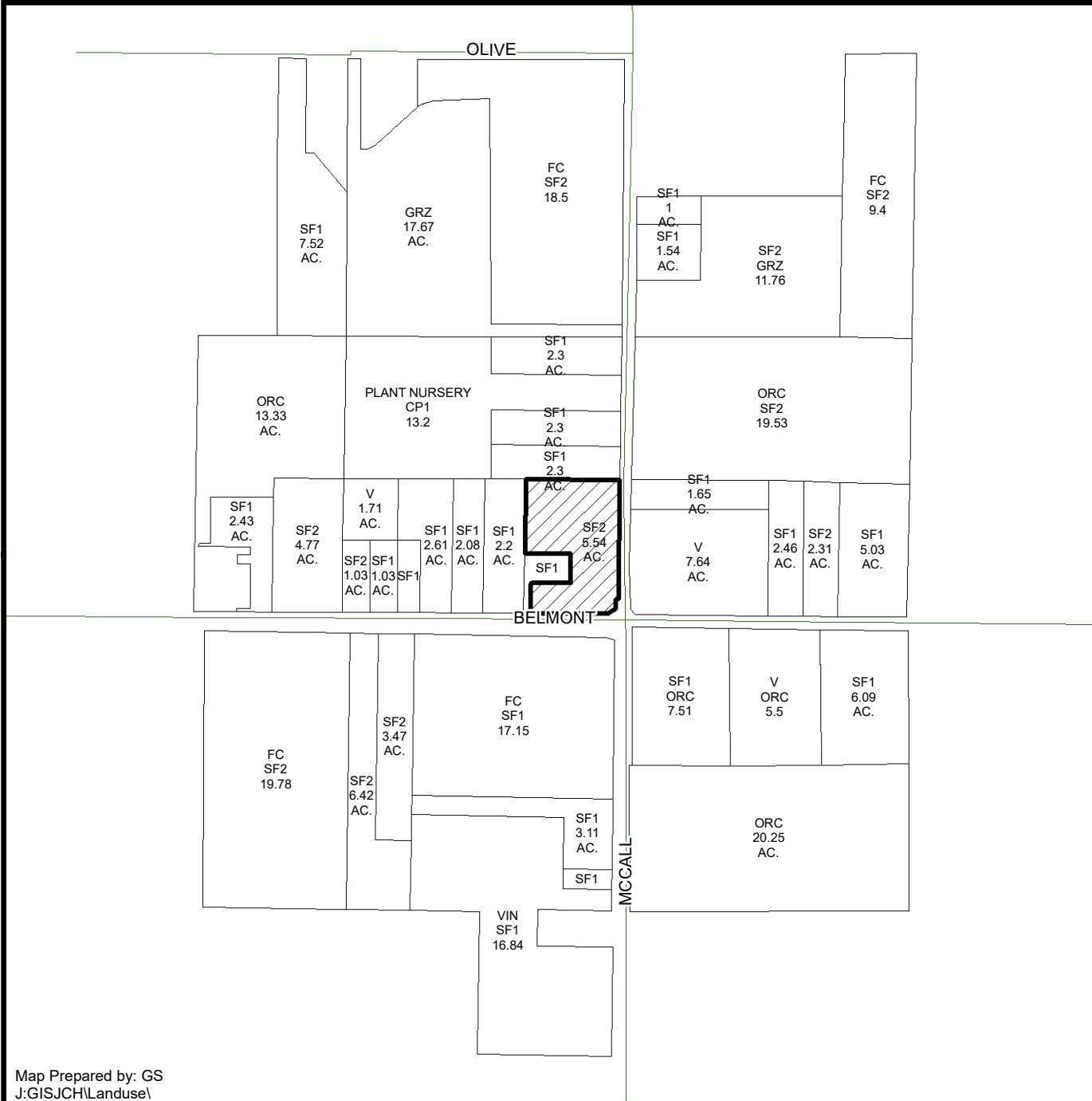
# LOCATION MAP



# EXISTING ZONING MAP



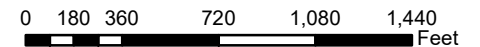
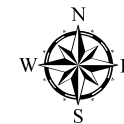
# EXISTING LAND USE MAP



LEGEND	
CP# -	OFFICE COMM./PROF
FC -	FIELD CROP
GRZ -	GRAZING
ORC -	ORCHARD
SF# -	SINGLE FAMILY RESIDENCE
V -	VACANT
VIN -	VINEYARD

LEGEND:

Subject Property



Department of Public Works and Planning  
Development Services Division

- Ⓐ Concrete Pad For 1000 Gallon Propane Tank  
22' x 34', Ballards 1' Inlay, 4' On Center
- Ⓑ Van Accessible Handicap Parking  
19' x 19'

Note: Distances shown are from power pole to power pole, or power pole to edge of proposed driveway. Approximate distance from existing driveway to proposed driveway (edge to edge) are: 65' McCall, 60' Belmont.

Proposed entry on existing driveways: Approximately 35' from center line of McCall entrance, 80' from center line of Belmont entrance. Both proposed entries to be approximately 40' wide.

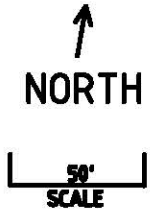
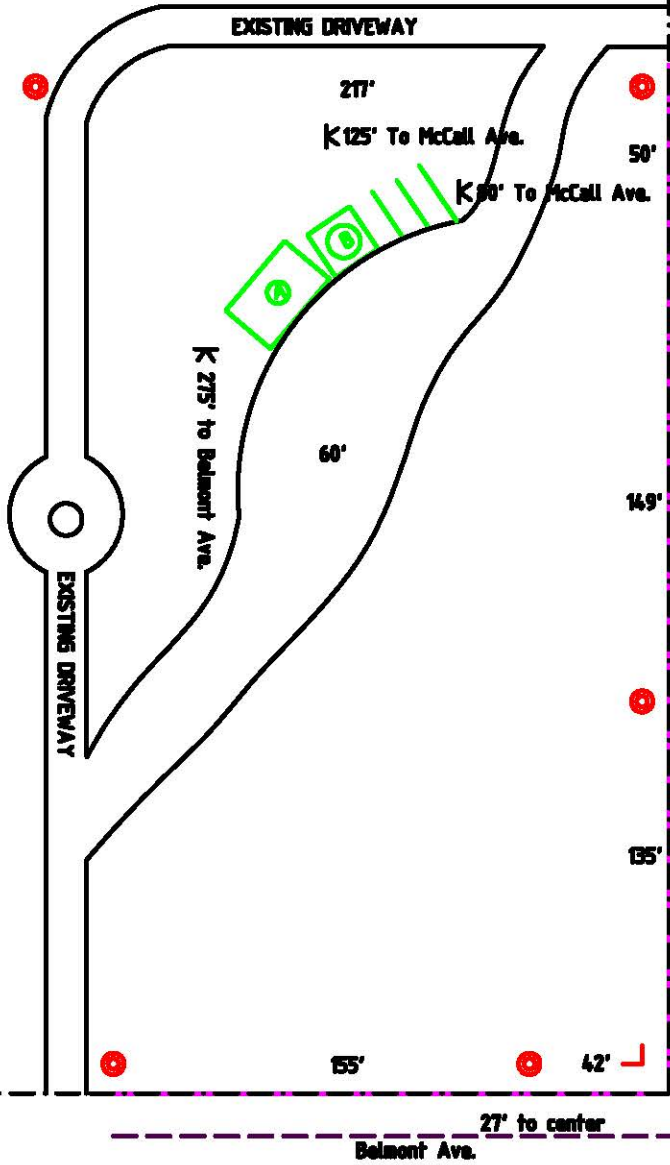


EXHIBIT 5





RECEIVED  
COUNTY OF FRESNO

MAR 07 2019

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

*Example of proposed Propane tank  
Streets: Belmont and Temperance*

**EXHIBIT 6**



Side view of proposed Propane tank  
(looking North)  
Streets : Belmont and Temperance



Example of proposed Propane Tank  
45° angle  
Streets: Belmont and Temperance

OPERATIONAL STATEMENT

Pine Flat Propane

Troy Turner 559/999-8728

RECEIVED  
COUNTY OF FRESNO

MAR 07 2019

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

1. Nature of the operation
To re-fill propane cylinders for the general public for use in barbeques, patio heaters, campers, RV's etc.
2. Operational Time limits
Our hours will be 7:00 am to 7:00 pm 7 days a week.
3. Number of customers or visitors
We expect a maximum of 10 customers per day for less than 10 minutes per visit.
4. Number of employees hours they work
Currently there are no employees. The owners of the company will work the hours of operation. Employees may be added in the future as the business demands. Two owners, one to two employees in the future.
5. Service and delivery vehicles
There will be an Ameri-Gas propane delivery truck to re-fill our 500 or 1,000 gallon tank at least once per month as needed.
6. Access to the site
We have two access points to the site, one from McCall Ave and one from Belmont Ave with ¾ inch base rock or decomposed granite.
7. Number of parking spaces for employees, customers, and service/delivery vehicles
Three parking spaces for customers and employees in ¾" base rock or DG and one van accessible handicapped space in concrete

8. Are any goods to be sold on site – are they grown/produced on site or other location
Yes, Liquid propane and canned soda and waters as well as ice
9. What equipment is to be used
There will be a 500 or 1,000 gallon propane tank and filling equipment/pump to fill the smaller tanks
10. What supplies of material are used and how are they stored
The propane will be stored in a 500 or 1,000 gallon tank that is mounted on a concrete pad according to Ameri-Gas specifications. All beverages will be stored in a cool dry area and the ice in a freezer or ice bin
11. Does the use cause an unsightly appearance – Noise, glare, dust, odor – How will this be reduced or eliminated
This is an undeveloped corner. Neighbors are at least 100 yards away from the site. We plan to landscape to improve any glare or unsightliness. Dust from customer or delivery traffic will be controlled by ¾" base rock or DG on driveways and parking areas. Odors from the propane are expected to be minimal and should dissipate fairly quickly
12. List any solid or liquid wastes. Estimated volume of waste, where is it stored, hauled, disposed of & how often
Not applicable or to a minimum. This operation should not generate any waste other than possible customer use of trash cans. If any waste occurs, the 1-1/2 yard bin located on site with standard weekly trash pickup by Waste Management will be used.
13. Estimated volume of water to be used (gallons per day) – Source of water
We estimate between the irrigation of the landscape and general maintenance of the site should be approximately 20 to 50 gallons per day supplied by the well on the property
14. Describe proposed advertising including size and appearance and placement
Two banner signs not bigger than 4 foot by 8 foot near the parking lot and occasional promotional signs or banners provided by Ameri-gas which are not bigger than 4 foot by 8 foot

<p>15. Will existing buildings be used or will new buildings be constructed – describe construction materials and floor plan</p>
<p>A new concrete pad will be poured with safety balustrades surrounding the tank. A 10 foot by 10 foot canopy will be used for owner/operator comfort and safety (example: easy-up shade)</p>
<p>16. Explain which buildings or what portion of buildings will be used in the operation</p>
<p>None at this time</p>
<p>17. Will any outdoor lighting or an outdoor sound amplification system be used</p>
<p>LED lighting will be used during operating hours and low safety lighting will be used during no-operation hours. No sound amplification equipment.</p>
<p>18. Landscaping or fencing proposed – describe type and location</p>
<p>Small trees (such as Crepe Myrtle) will be planted surrounding the parking area and along the edge of the site.</p>
<p>19. Any other information that will provide a clear understanding of the project or operation</p>
<p>We are simply wanting to open this business for re-filling propane cylinders for propane barbeques, propane patio heaters, campers that use propane, rv's that use propane, etc.</p>
<p>20. Identify all owners, officers and/or board members, for each application submitted</p>
<p>Troy Turner – owner, Jason White – owner, no officers or board members</p>



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

## EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Troy Turner

APPLICATION NOS.: Initial Study Application No. 7602 and Classified Conditional Use Permit Application No. 3640

DESCRIPTION: Allow retail liquefied petroleum gas distribution and storage on a 5.54-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the northwest corner of Belmont Avenue and McCall Avenue, approximately 2.9 miles east of the nearest city limits of the City of Fresno. (APN: 309-290-37) (9886 E. Belmont Avenue, Sanger, CA) (SUP DIST.: 5)

### I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to Figure OS-2 of the Fresno County General Plan, Belmont Avenue from Temperance Avenue to Academy Avenue is designated as a Scenic Drive. The project site is located along the Scenic Drive and will be held to strict aesthetic standards to minimize impacts on the scenic drive.

Policy OS-L.3 of the Fresno County General Plan states that intensive land development proposals including commercial development shall be designed to blend into the natural landscape and minimize visual scarring of vegetation and terrain. The design of said development proposals shall also provide for maintenance of a natural open space area two hundred (200) feet in depth parallel to the right-of-way. Modification of the setback requirement may be appropriate when any one of the following conditions exist: 1.) Topographic or vegetative characteristics preclude such a setback; 2.) Topographic or vegetative characteristics provide screening of buildings and parking areas from right-of-way; 3.) property dimensions preclude such a setback;

DEVELOPMENT SERVICES AND CAPITAL PROJECTS DIVISION  
2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4497 / 600-4022 / 600-4540 / FAX 600-4200  
The County of Fresno is an Equal Employment Opportunity Employer

and 4.) Development proposal involves expansion of an existing facility or an existing concentration of uses.

The Applicant has designed this project to be outside of the 200-foot open space area, which will reduce the project's effect on the scenic roadway to a less than significant impact.

- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Belmont Avenue, along the project frontage, has been designated as a Scenic Drive. Although the project fronts a Scenic Drive, the proposed improvements will be located on an approximately 748 square-foot concrete pad, over 200 feet north of Belmont Avenue. The 1,000 gallon propane tank, filling equipment, concrete pad, and parking area will be the visible improvements associated with the proposal. The improvements are not expected to substantially degrade the existing visual character or quality of public views 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?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The applicant has stated that LED lighting will be used during operating hours and low safety lighting will be used during non-operational hours. A mitigation measure will be implemented that all outdoor lighting shall be hooded and directed downward so as not to shine on public roads or surrounding properties.

\* **Mitigation Measure(s)**

1. *All outdoor lighting shall be hooded and directed downward so as not to shine on public roads or surrounding properties.*

## II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and



forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; or
- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: NO IMPACT:

According to the 2016 Fresno County Important Farmlands Map, the project site is located in R (Rural Residential) designated land and will not convert prime farmland, unique farmland, or farmland of statewide importance. The project site is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size). Pursuant to Section 816.3-N of the Fresno County Zoning Ordinance, the project proposal is allowed subject to a Conditional Use Permit. As the project proposal is allowed subject to the Conditional Use Permit, the project is not conflicting with existing zoning for agricultural use and is not subject to a Williamson Act Contract.

- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The project site is not located in designated forest land, timberland or timberland zoned Timberland Production. The project will not result in the loss or conversion of forest land.

- 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?

FINDING: NO IMPACT:

The project has been designed to have a relatively small footprint and is considered supportive for agricultural and residential uses located within the vicinity of the project area. As the commercial activity is minimal, the project will not result in the conversion of farmland to non-agricultural use. As the project is not located in forest land, it will not convert forest land to non-forest use.

### III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District did not express concerns about the project to indicate that the proposal would conflict with or obstruct implementation of the applicable Air Quality Plan or would result in a cumulatively considerable net increase of any criteria pollutant. Minor increases in criteria pollutants could occur during project construction. The Applicant has indicated that the access points off the existing paved driveways will be improved with ¾ inch base rock or decomposed granite to reduce dust produced from customers and refilling trucks coming onsite.

- C. Expose sensitive receptors to substantial pollutant concentrations; or
- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The nearest sensitive receptor is a single-family residence located approximately 118 feet west of the project site. Based on the projects proximity to the single-family residence, the increase of criteria pollutants from project construction could affect the receptor. The Applicant has indicated the sale of propane from the liquefied petroleum gas tank. Propane is odorless and typically an additive is combined to provide an odor to propane to provide a warning indication in the event of a leak or when being used. Although the emission could expose people to odors, the tank is located outside and the gas and odor should dissipate quickly before affecting a substantial amount of people.

#### IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

FINDING: NO IMPACT:

The project site is located in an area of agricultural and residential uses. As the project site is located on the corner of a road intersection, human disturbance from road traffic, agricultural operations, and human occupation occurs on a daily basis. Staff believes that due to the common occurrence of human disturbance, there will be no impact to

special status species. Additionally, the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife were given the opportunity to comment on the project proposal. Neither agency expressed concerns with the project.

- 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 Wildlife or U.S. Fish and Wildlife Service?

FINDING: NO IMPACT:

No riparian habitat or other sensitive natural community has been identified on or near the project site.

- C. Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the National Wetlands Inventory (NWI), there is an identified riverine system located on the eastern portion of the project site. Although there is an identified riverine system, the Fresno Irrigation District has identified the presence of a private pipeline known as Rodgers E. BR. No. 571, which is located in the same area identified in the National Wetlands Inventory. Submitted photos from the Applicant suggest that there are no visible signs of a wetland located in the identified area from the NWI. A less than significant impact is seen as the proposed structures are located approximately 100 feet west of the facility and that the facility is an underground manmade pipeline for irrigation purposes.

- 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?

FINDING: NO IMPACT:

The project site is located in an area of agricultural and residential uses. No wildlife corridor or native wildlife nursery site have been identified on or near the project site. The proposal will not interfere substantially with the movement of any native resident or migratory fish or wildlife species.

- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- 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?

FINDING: NO IMPACT:

The project will not conflict with any local policies or ordinances protecting biological resources and will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan.

V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project site is located in an agricultural and residential area. Ground-disturbance has likely occurred due to improvements being made to the subject parcel and surrounding area. Additionally, an underground pipeline has been identified on the eastern property line. No historical resource has been identified on or in the vicinity of the project site. According to County records, the project site is not located in areas of archaeological sensitivity. A Mitigation Measure will be incorporated to address cultural resources or human remains in the slight chance that they are encountered during ground-disturbing activity related to the project proposal.

\* **Mitigation Measure(s)**

1. *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archaeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sherriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, videos, etc. If such remains are determined to be Native American, the Sherriff-Coroner must notify the Native American Commission within 24 hours.*

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or
- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project proposal will be subject to current California Building Codes that address energy efficiency and will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. A Mitigation Measure related to the avoidance of idling of onsite equipment and vehicles will be incorporated to reduce potential of wasteful or inefficient consumption of energy resources during project construction.

\* **Mitigation Measure(s)**

1. *The idling of onsite vehicles and equipment will be avoided to the most possible extent to avoid wasteful or inefficient energy consumption during the construction of the project.*

VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause 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?

FINDING: NO IMPACT:

According to the California Earthquake Hazards Zone Application, the project site is not located on or near a known rupture of an earthquake fault. Additionally, Figure 9-3 of the Fresno County General Plan Background Report (FCGPBR), the project site is not located near identified earthquake hazard zones.

2. Strong seismic ground shaking?
3. Seismic-related ground failure, including liquefaction?

FINDING: NO IMPACT:

According to Figure 9-5 of the FCGPBR, the project site is not located in probabilistic seismic hazard areas. As strong seismic ground shaking is not likely to occur on or near the project site, liquefaction and other seismic-related ground failure risks are also minimal.

4. Landslides?

FINDING: NO IMPACT:

Per Figure 9-6 of the FCGPBR, the project site is not located near identified landslide hazard areas.

B. Result in substantial soil erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will result in the loss of topsoil as portions of the project area will be paved to accommodate vehicle access and structures. The project site is located on flat land and will not result in substantial soil erosion. Any grading proposed for the project will be subject to review and permitting by the Development Engineering Section of the Development Services and Capital Projects Division.

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?

FINDING: NO IMPACT:

No unstable geologic unit or soil has been identified on the project site. The project will be subject to review and permitting by the Development Engineering Section and the Building and Safety Section of the Development Services and Capital Projects Division and verify that the proposal will not result in on or offsite landslides, lateral spreading, subsidence, liquefaction, or collapse.

C. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

Per Figure 7-1 of the FCGPBR, the project site is not located on any identified expansive soil areas.

D. 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; or

E. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: NO IMPACT:

No septic tanks or alternative wastewater disposal system is being proposed with the subject application. No unique paleontological resource or unique geologic feature were identified on or near the project site.

## VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposal is for small-scale retail sales of liquefied petroleum gas. The Applicant estimates that one delivery truck will provide refills of the propane on a monthly basis and estimates the operation to serve 10 customers per day. The use is intended to provide a necessary service closer to the agricultural community, which in turn can reduce the total amount of greenhouse gas emissions by reducing travel times compared to a similar use located closer to urban areas. The operation of the retail sales will not generate a significant amount of greenhouse gas emissions. The project will not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

## VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Department of Public Health, Environmental Health Division (EHD) has reviewed the subject application and has commented that the use and storage of hazardous materials involved in the project involves risk of accidental release of hazardous substances. The operator will be required to follow California Health and Safety Code, the California Code of Regulations regarding hazardous materials and waste to minimize risk of upset and accidents. Additionally, the project will be subject to the California Building Code and will require building permits that address the stability and safety measures in place to reduce risk of a potential accidental release from the tank.

- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

FINDING: NO IMPACT:

There are no existing or proposed schools within a one-quarter mile of the project site.

- 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?

FINDING: NO IMPACT:

According to a NEPAssist report generated for the project site, there are no listed hazardous materials sites located on or near the subject property.

- 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 or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located within two miles of a public airport or public use airport.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

The Fresno County Fire Protection District and other reviewing agencies did not express concern with regard to the implementation of an adopted emergency response plan or emergency evacuation plan. According to the 2007 Fire Hazard Severity Zones in LRA Map by the California Department of Forestry and Fire Protection (CalFire), the project site is not located in an identified fire hazard zone.

## X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; or



- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: NO IMPACT:

The project is proposing to use an existing domestic well for water use associated with the project. The Water and Natural Resources Division and the State Water Resources Control Board did not express concern that the proposal would violate water quality standards, waste discharge requirements, or substantially degrade surface or ground water quality. Reviewing departments and agencies also did not express concern related to groundwater supplies or interference with groundwater recharge.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on or off site?
  1. Result in substantial erosion or siltation on- or off-site;
  2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?
  3. 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; or
  4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Development Engineering Section of the Department of Public Works and Planning reviewed the subject application and did not express concern with regard to erosion or siltation on- or off-site. In addressing surface runoff and planned stormwater drainage systems, with the additional impervious surfaces proposed with the project, an Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. According to FEMA FIRM Panel C1615H, the parcel is not subject to flooding from the 100-year storm, therefore no impact is seen on flood flows.

- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

FINDING: NO IMPACT:

According to Figure 9-8 of the Fresno County General Plan Background Report, the project site is located outside of Dam Failure Flood Inundation Areas. FEMA FIRM Panel C1615H indicates that the project site is not subject to flooding from the 100-year

storm. The project site is not located near a body of water subject to tsunami or seiche risks.

- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: NO IMPACT:

The project will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Both the Water and Natural Resources Division and the State Water Resources Control Board did not express concerns that indicate the project could conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

## XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project will not physically divide an established community.

- B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Policy Planning Section of the Development Services and Capital Projects Division states that the subject parcel is designated Agricultural in the Fresno County General Plan. The proposed non-agricultural use is allowed by the Fresno County General Plan, provided that the use meets General Plan Policy LU-A.3, Criteria a., b., c., and d.

General Plan Policy LU-A.3 states that the County may allow by discretionary permit in areas designated as Agricultural, special agricultural uses and agriculturally-related activities, including value-added processing facilities, and certain non-agricultural uses. Approval of these and similar uses in area designated as Agricultural shall be subject to the following criteria. Criteria LU-A.3.a states that the use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics. Criteria LU-A.3.b states that the use should not be sited on productive agricultural lands if less productive land is available in the vicinity. Criteria LU-A.3.c states that the operational or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one-quarter (1/4) mile radius.

Criteria LU-A.3.d states that a probable workforce should be located nearby or be readily available.

In regard to Criteria “a”, the proposed operation will provide a retail liquefied petroleum location to serve the surrounding agricultural community. The Applicant has indicated that there are no other operations similar to the proposal in the vicinity of the project area and that the closest similar operation is located approximately 2.9 miles west of the project site. In regard to Criteria “b”, the project site is not being actively farmed. The primary use of the site is residential with the project located on a vacant portion of the subject parcel. Therefore, the project will not be sited on productive agricultural lands. In regard to Criteria “c”, the project is proposing to utilize the existing well for maintenance of the site. The Applicant estimates that 20-50 gallons of water per day will be used. The Water and Natural Resources Division of the Department of Public Works and Planning did not express any concerns with the proposal and water usage. With regard to Criteria “d”, the project site is located approximately 2.3 miles southeast of the City of Clovis, approximately 2.9 miles east of the City of Fresno, and approximately 2.7 miles northwest of the City of Sanger. All three of those cities are located within proximity of the project site and can be considered for probable workforces. Additionally, the Applicant has indicated that they are currently not looking for employees and will manage the operation with a business partner.

General Plan Policy PF-C.17 states that the County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following. Criteria PF-C.17.a states that a determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made “firm” by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. Criteria PF-C.17.c states that a determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within Fresno County. If use of groundwater is proposed, a hydrogeologic investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the property in question, those impacts shall be mitigated.

The Applicant has indicated that the proposed use will utilize approximately 20-50 gallons of water a day to maintain the project site. The Water and Natural Resources Division did not express concerns in regard to availability of groundwater to service the proposal nor did they require a hydrogeologic study.

## XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- 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?

FINDING: NO IMPACT:

According to Figure 7-7 of the FCGPBR, the project site is not located on any identified Mineral Resource Location. Therefore, the project will not result in the loss of availability of a known mineral resource or the loss of availability of a locally-important mineral resource recovery site.

### XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Construction of the project is expected to temporarily increase noise levels. Once construction is completed, operation of the project will not increase noise levels above thresholds established in the Fresno County Noise Ordinance. Minor increases of noise could occur when the delivery truck to refill the tank is brought onsite, but is not expected to exceed noise thresholds established by the County. Adherence to the County Noise Ordinance is a project requirement.

- C. For a project located within the vicinity of a private airstrip or 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; or

FINDING: NO IMPACT:

The project site is not located within two miles of a public airport or public use airport.

### XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned 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)?; or

- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

The project site is located on a vacant portion of a parcel that is mainly used for residential purposes. The subject parcel is located in an agricultural area with established single-family residences and agricultural operations. The project is a small scale liquefied petroleum retail operation, which will not induce substantial unplanned population growth nor displace people or housing.

## XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

- 1. Fire protection;

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Fresno County Fire Protection District has reviewed the subject application and has stated that the project shall comply with California Code of Regulations Title 24 – Fire Code, the commercial property shall annex into the Community Facilities District No. 2010-01, and the project/development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. No concerns were expressed by the Fresno County Fire Protection District in regard to requiring the provision of new or physically-altered governmental facilities.

- 2. Police protection;

- 3. Schools;

- 4. Parks; or

- 5. Other public facilities?

FINDING: NO IMPACT:

No other reviewing agency expressed concerns in regard to providing new or physically-altered governmental facilities.

## XVI. RECREATION

Would the project:

- A. 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; or
- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: NO IMPACT:

The project will not increase the use of existing neighborhood and regional parks or other recreational facilities. The project will not require the construction or expansion of recreational facilities.

## XVI. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is located on the northwest corner of Belmont Avenue and McCall Avenue. As discussed in Section I. Aesthetics, the project is located on a scenic drive, which provides further restrictions on development. Belmont Avenue and McCall Avenue are classified as arterial roads. Policies and standards listed in the Fresno County General Plan provide specifications for access design for properties located on arterial class roads. Based on the design provided by the Applicant, the project proposes to utilize existing driveways for access to the project site. Both existing driveways are located in excess of 100 feet from the intersection of Belmont Avenue and McCall Avenue. In proposing to utilize the existing driveways, no conflict with policies related to the road classifications and associated design standards exists.

- B. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposal is to allow a propane tank refilling station located close to rural residential and agricultural communities. The next closest similar use is approximately 2.9 miles west of the project site. Considering the proximity of the closest similar operation, it can be considered that the project will reduce vehicle miles traveled by providing the use closer to the rural residential and agricultural community. Therefore, the project will reduce vehicle miles traveled and not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Based on proposed site design and implementation of comments provided by the Design Division, Road Maintenance and Operations Division, and Development Engineering Section, hazards due to geometric design features or incompatible uses will not occur.

- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

The Fresno County Fire Protection District (FCFPD) reviewed the subject application and did not express concerns that would indicate that the project will result in inadequate emergency access.

#### XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
  - 1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
  - 2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Per Assembly Bill 52 (AB52), participating California Native American Tribes were given the opportunity to review the project and enter consultation with the County to address impacts to tribal cultural resources that may occur due to the project. No participating California Native American Tribe expressed concerns with regard to the project. A Mitigation Measure will be implemented to address cultural resources and tribal cultural resources, in the event they are discovered during the construction of the project.

\* **Mitigation Measure(s)**

1. See Section V. Cultural Resources A., B., and C., Mitigation Measure No. 1

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

FINDING: NO IMPACT:

The project will not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities.

- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Applicant has indicated that the project will be served by an existing well. The Applicant estimates that water usage will be from 20 to 50 gallons of water a day ranging from maintenance of the site to irrigation of landscaping. No concerns were expressed from either the Water and Natural Resources Division or the State Water Resource Control Board to indicate that the project would have an effect on water supplies.

- C. 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?

FINDING: NO IMPACT:

No wastewater treatment system has been proposed with the project. The Applicant has indicated that if required, a portable sanitary facility will be made available onsite and maintained by the rental company. The operation proposes to have customers onsite for a short time to refill propane tanks. Considering the short-term aspect, the project is not expected to impact existing wastewater treatment systems.

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or



- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

The Applicant anticipates solid waste generation to be minimal. Based on the Applicant's description of the operation, the proposed use will require customers to refill their propane container, which takes an average of ten minutes. Minimal solid waste generation will occur due to the average length of the customer's visit and nature of the service. The project will comply with federal, state and local management and reduction statutes and regulations related to solid waste.

## XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or
- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT:

Based on the California Department of Forestry and Fire Protection (Cal Fire) 2007 Fire Hazard Severity Zones for Fresno County, the project site is not located in a fire hazard severity zone.

## XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. Have the potential to substantially 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, substantially 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not substantially reduce the habitat of a fish or wildlife species. The project will have a less than significant impact on Cultural and Tribal Cultural Resources with mitigation measures incorporated and will not eliminate important examples of major periods of California history or prehistory.

- B. 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)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Cumulative impacts identified in the analysis were related to Aesthetics, Cultural Resources, Energy, Hazards and Hazardous Materials, and Tribal Cultural Resources. These impacts will be reduced to a less than significant impact with incorporated Mitigation Measures discussed in Section I.D., Section V.A., B., and C., Section VI.A. and B., Section VIII.A. and B., and Section XVIII.A.1., and 2.

- C. Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No substantial impacts on human beings, either directly or indirectly, were identified in the project analysis.

## **CONCLUSION/SUMMARY**

Based upon the Initial Study prepared for Classified Conditional Use Permit Application No.3640, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Agricultural and Forestry Resources, Mineral Resources, Population and Housing, Recreation, and Wildfire.

Potential impacts related to Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Land-Use Planning, Noise, Public Services, Transportation, Hazards and Hazardous Materials, and Utilities and Service Systems have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, Energy, and Tribal Cultural Resources have determined to be less than significant with compliance with the incorporated Mitigation Measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and “M” Street, Fresno, California.

File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below For County Clerk Only.  CLK-2046.00 E04-73 R00-00	
Agency File No: <b>IS 7602</b>	<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>		County Clerk File No: <b>E-</b>
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Thomas Kobayashi Planner	Area Code: 559	Telephone Number: 600-4224	Extension: N/A
Project Applicant/Sponsor (Name): Troy Turner	Project Title: Classified Conditional Use Permit Application No. 3640		
Project Description: Allow retail liquefied petroleum gas distribution and storage on a 5.54-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.			
Justification for Negative Declaration:  Based upon the Initial Study prepared for Classified Conditional Use Permit Application No. 3640, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Agricultural and Forestry Resources, Mineral Resources, Population and Housing, Recreation, and Wildfire.  Potential impacts related to Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Land-Use Planning, Noise, Public Services, Transportation, and Utilities and Service Systems have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, Energy, Hazards and Hazardous Materials, and Tribal Cultural Resources have determined to be less the significant with compliance with the incorporated Mitigation Measures.  A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Street, Fresno, CA.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – August 9, 2019		Review Date Deadline: Planning Commission – September 12, 2019	
Date:	Type or Print Signature: Marianne Mollring Senior Planner	Submitted by (Signature): Thomas Kobayashi Planner	

State 15083, 15085

County Clerk File No.: \_\_\_\_\_

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**

G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3600-3699\3640\IS-CEQA\CUP 3640 Draft MND.docx

**EXHIBIT 9**



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

## Planning Commission Staff Report Agenda Item No. 4 September 12, 2019

**SUBJECT:** Variance Application No. 4054

Allow waiver of the public road frontage requirement for all seven lots within Tract No. 3057, and allow the construction of a six-foot tall vehicle gate, a 6-foot tall pedestrian gate, and a 6-foot tall fence, where a maximum of three feet is allowed, within the front-yard setback of Lot Nos. 1 and 7 of said tract, in the R-R (Rural Residential, two-acre minimum parcel size) Zone District.

**LOCATION:** The subject parcels (Tract No. 3057) are located on East Cole Avenue on the east side of North Fowler Avenue, between East Teague Avenue and the Enterprise Canal, easterly, northerly, and westerly adjacent to the nearest city limits of the City of Clovis, and within the City of Clovis Sphere of Influence (SUP. DIST. 5) (APN's 559-012-21, 22, 23, 24, 25, 26, and 27).

**OWNERS:** Joseph and Ashley Coelho; Daniel J. and Deborah S. Mueller, Trustees; Thomas L. and Linda L. Bell, Trustees; Kourosh and Golnaz Malakan, Trustees; Casey A. and Jamie R. Belmont; Erik Ibach and Jill Marie Lott; and Ronald A. and Carole D. Day

**APPLICANT** Thomas L. Bell

**STAFF CONTACT:** Jeremy Shaw, Planner  
(559) 600-4207

Marianne Mollring, Senior Planner  
(559) 600-4569

### RECOMMENDATION:

- Deny Variance No. 4054; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans and Detail Drawings
6. Approved Variances Map
7. Applicant's Findings

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Rural Density Residential in the County-Adopted Clovis Community Plan	No change
Zoning	R-R (Rural Residential, two-acre minimum parcel size) Zone District	No change
Parcel Size	Parcel sizes in Tract No. 3057 range from 2.03 acres to 2.70 acres	If the Variance is approved, and the public right-of-way for East Cole Avenue is vacated by the Board, the property lines for each lot within Tract No. 3057 would be extended to the center of the road, which will become a private easement for the exclusive use of the properties within the tract. The removal of the public right-of-way will increase the individual lot sizes by 30 feet in depth across the existing width of each lot. A cross access agreement will be required so that each property will retain access rights, as required in Section 820.5 of the Zoning Ordinance (Property Development Standards) for the Rural Residential Zone District.

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Project Site	Lots 1 through 7 of Tract No. 3057 (APN's 559-012-21, 22, 23, 24, 25, 26, and 27)	No change
Structural Improvements	Single-family residences and accessory buildings	A 16-foot-wide by 6-foot-tall vehicle gate with a remote call box and 4-foot-wide by 6-foot-tall pedestrian access gate across East Cole Avenue, and a six-foot-tall fence on both sides of the gates within Lot Nos. 1 and 7 of Tract 3057 The gates will be located approximately 57 feet east of the nearest right-of-way of North Fowler Avenue.
Nearest Residence	North: Approximately 185 feet South: Approximately 1,000 feet East: Approximately 115 feet West: Approximately 60 feet	No change
Surrounding Development	North: Residential East: Residential South: Rural Residential West: Rural Residential	No change

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N**

**ENVIRONMENTAL ANALYSIS:**

It has been determined that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) guidelines pursuant to Section 15061(b)(3), and that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

**PUBLIC NOTICE:**

Notices were sent to 102 property owners within 600 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

A Variance (VA) may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 877 are made by the Planning Commission.

The decision of the Planning Commission on a Variance Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

**BACKGROUND INFORMATION:**

Tract No. 3075 was recorded on March 2, 1981, creating seven lots ranging between 2.03 and 2.65 acres in size, including the dedication of road right-of-way for East Cole Avenue across the parcel frontages of lot Nos. 1 and 7 for street purposes, and the dedication of an easement for street purposes, which provides for access to the seven lots, and for public utility easements. East Cole Avenue is classified as a Local road, and was designed as an approximately 897-foot (0.17 mile)-long cul-de-sac, with a 60-foot right-of-way, and no other outlets.

This Variance request proposes to allow the waiver of the public road frontage requirement for the seven parcels accessed by East Cole Avenue, located east of Fowler Avenue, within Tract No. 3057, and allow for the construction of vehicle and pedestrian access gates within the front-yard setback area of Lot Nos. 1 and 7, with the intent of restricting public (non-resident) access to that section of East Cole Avenue. In order to restrict public access to Cole Avenue, the public right-of-way must be vacated by the County Board of Supervisors. A Feasibility Study and Vacation Application were submitted to the Fresno County Department of Public Works and Planning on October 31, 2016, and a subsequent Feasibility Study was completed on February 22, 2017, which established the requirements for the road vacation.

If this Variance is approved, the road vacation must be approved by the Board of Supervisors before construction of the gated entry. Additionally, per the California Streets and Highways Code (SHC) the Applicant will be required to demonstrate that continued maintenance of the road has been provided for through the formation of a funding mechanism acceptable to the County, prior to the vacation being scheduled for a Board hearing. Reciprocal cross access agreements authorized by all property owners affected must be completed.

Since 2001, there have been three similar variances approved within 15 miles of the subject property that allowed for the waiver of the public road frontage requirement and/or the vacation of public right-of-way of a County-maintained road. The approved variances are detailed in the following table.

<b>Application/Request</b>	<b>Date of Action</b>	<b>Staff Recommendation</b>	<b>Final Action</b>
VA No. 3714: Waive the public road frontage for all 9 lots within Tract No. 1302 fronting on W. Morris Avenue, and allow a six-foot-tall gate and fence within the front and street side-yard setbacks for two lots in the R-1-AH Zone District	12/20/2001	Denial	Denied by Planning Commission
	1/29/2002	Denial	Approved by Board of Supervisors
VA No. 3872: Allow the creation of four parcels without public road frontage in the R-R Zone District	8/28/2008	Approval	Approved by Planning Commission

VA No. 3956: Waive the public road frontage requirement for parcels 3 and 4 of Parcel Map No. 7873 in the R-R Zone District	2/06/2014	Denial	Approved by Planning Commission
---	-----------	--------	---------------------------------

**DISCUSSION:**

*Findings 1 and 2: There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification; and*

*Such variance is necessary for the preservation of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	<u>R-R Zone District</u> Front: 35 feet Side: 20 feet Rear: 20 feet	<u>Parcel 1</u> Six-foot-tall gate within the front-yard setback  <u>Parcel 7</u> Six-foot-tall gate within the front-yard setback	No  No
Parking	One parking space covered or uncovered for each dwelling unit	No change	Yes
Lot Coverage	No requirements	No change	Yes
Space Between Buildings	Accessory buildings, detached or connected to a main building by a breezeway roof, shall be a minimum of 6 feet from the main building.  Where an accessory building is used for garage purposes and located within the area defined by the side lines of any main building, the garage shall be not less than 25 feet from the main building.  All structures housing livestock and poultry shall be located a minimum of forty (40) feet from all buildings used for human habitation, twenty-five feet from side and rear property lines, and one hundred feet from front property lines.	No change	Yes



	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Wall Requirements	No requirements	No change	N/A
Septic Replacement Area	100 percent	No change	Yes
Water Well Separation	Septic tank: 50 feet Disposal field: 100 feet Seepage pit/cesspool: 150 feet	No change	N/A

**Reviewing Agency/Department Comments:**

Fresno County Department of Public Health, Environmental Health Division; Development Engineering Section of the Fresno County Department of Public Works and Planning: No comment.

Fresno Metropolitan Flood Control District: Any drainage and grading plan shall be reviewed and approved by the District prior to approval by the County.

Design Division of the Fresno County Department of Public Works and Planning: Staff recommends a Condition of Approval requiring that property owners of Tract No. 3057 maintain the road condition at an adequate level to support daily use. The property owners should not allow the road to fall into disrepair. Should emergency services need to gain access to the area, the roadway must support safe ingress and egress of emergency vehicles and equipment.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: The proposed gate cannot be installed until the vacation of the road is complete, including the reciprocal cross access agreements.

Development Engineering Section of the Department of Public Works and Planning: Cole Avenue is classified as a Local road with an existing 60-foot right-of-way from its intersection with Fowler Avenue to the end of Cole Avenue, per Tract Map No. 3057. The minimum width for a Local road right-of-way is 60 feet. Cole Avenue is a County-maintained road, and records indicate that this section of Cole Avenue, from its intersection with Fowler Avenue to the end of the road, has an Average Daily Traffic count of 200, a paved width of 24.5 feet, an unknown structural section, and is in fair condition.

Fowler Avenue is classified as an Arterial road in the County General Plan, with an existing 53-foot right-of-way east of the section line along the parcel frontages, per the Plat Book. The minimum width for an Arterial road right-of-way east of the section line is 53 feet. Fowler Avenue is a County-maintained road, and records indicate that this section of Fowler Avenue has an Average Daily Traffic count of 7,000, a paved width of 32.4 feet, a structural section of 0.25 feet asphaltic concrete, and is in very good condition.

City of Clovis Engineering Division: The Applicant shall obtain an encroachment permit from the City for any work performed within the City's right-of-way easements.

For gated developments, the Applicant shall provide ample vehicle stacking area outside the travel lanes of Fowler Avenue that will allow vehicles to wait while other vehicles are accessing the security gate control panel. The Applicant shall design a turnaround to allow vehicles unable to enter the gate to return to the street without backing up. The Applicant shall also provide the Solid Waste Division with remote controls to allow access for all solid waste and recycling service vehicles.

East Cole Avenue, east of Fowler Avenue, shall be private, allowing for two-way traffic with no parking on either side. The minimum travel width shall be 25 feet, with a clear width of 30 feet. For two-way traffic with parking on one side, the minimum travel width shall be 32 feet. For two-way traffic with parking on both sides, the minimum travel width shall be 36 feet.

The Applicant shall provide for the abandonment of East Cole Avenue east of Fowler Avenue. The abandonment shall retain a public utility easement for existing and future utilities.

For new on-site ADA paths of travel that connect to City sidewalks, the Applicant shall replace enough of the sidewalk to provide a compliant landing with appropriate transitions to existing sidewalk grades.

City of Clovis Fire Department: Gate plans must be approved by the fire department prior to construction. Gates shall be of the sliding, swinging, or cross-arm type. When the gate is open, there cannot be any obstruction due to the overhead cross arms, braces or other structures. Overhead clearance of a minimum of 14 feet shall be provided. When open, gates shall provide a clear width of not less than 14 feet for one-direction travel or 20 feet for gates with two-way travel.

The proposed access gate shall be installed with the following features: A lock box with a Best padlock, according to the Fire Department specifications. The entrance and exit gates shall default to an open position and remain open in the event of a power failure at residential developments. A manual gate release shall be provided and accessible for emergency use. All vehicle gates for developments containing dwellings or as required by the Fire Department, shall be equipped with an approved Class II modulated light detection system capable of receiving a modulated frequency of 14.035 Hz, plus or minus 0.250 Hz. The detection system shall be installed according to the manufacturer's specifications. The light detection system shall be installed to operate from any angle of approach by Clovis Fire Department Emergency Vehicles. Multiple light detection sensors may be required to be installed to allow access from different angles of approach. All light sensors are required to be tested by the Clovis Fire Department for approval.

All entrance and exit gates, when made active, shall move from completely closed to fully open, taking no more than 15 seconds. Once the gate is activated via the detection system or lock box, the gate shall remain open for a minimum of 10 seconds. All electrical devices shall be UL listed. All gates shall open automatically when a vehicle is prepared to exit the area.

Developments containing dwellings shall also provide a pedestrian gate in the area of the main gate that can be opened from the inside without a key or special knowledge. Other pedestrian gates may be required. Fire Department approval must be obtained prior to gate entering operation. Approval is granted only after passing a final inspection by the Fire Department.

Fresno Irrigation District: The District's requirements have been met; FID has no other concerns with this project.

Fresno Metropolitan Flood Control District (FMFCD): The District recommends that the County require a temporary on-site storm water storage facility for any additional development or street improvements. Said facility should be located and constructed so that once permanent FMFCD facilities become available, drainage can be directed to the street.

**Analysis:**

In support of Finding 1, the Applicant states that development within the City of Clovis to the north and poor traffic patterns have resulted in East Cole Avenue being used as a u-turn area for residents who reside north of the Enterprise Canal, which has resulted in numerous accidents at the intersection of E. Cole and Fowler. Additionally, vehicles speed on East Cole Avenue seeking an outlet, despite the posted sign indicating that this section of E. Cole Avenue is not a through street. There are a number of children residing in the Tract, for which this situation has created a safety and traffic hazard.

Additionally, in support of Finding 1, the Applicant's Findings assert that due to the subject Tract No. 3057 being substantially surrounded by the City of Clovis, this creates an exceptional and extraordinary circumstance, and that additional residential development within the City will exacerbate the situation.

Regarding Finding 1, staff acknowledges that Tract 3057 does indeed abut the City of Clovis on three sides (north, west and east), and staff also acknowledges that the existence of the Enterprise Canal along the northern border of Lot Nos. 1 and 2 does create a limitation on the usable area of those two lots. The residential development in Clovis, particularly the tract to the north of the Enterprise Canal and new development on the west side of Fowler Avenue, is situated such that vehicles exiting that neighborhood and wishing to travel north on Fowler Avenue would have to make a u-turn at Cole Avenue. The intersection of East Cole and Fowler provides the only place along that segment of North Fowler, between the Enterprise Canal and East Teague Avenue, where a u-turn is feasible. Staff notes that the residential development to the north of the canal and on the east side of Fowler does provide a turn lane from the southbound side of Fowler for vehicles entering the development or making a u-turn to go north.

While the traffic pattern along Fowler Avenue adjacent to the subject development does create a situation whereby drivers may be inclined to utilize the East Cole Avenue intersection as a u-turn point, staff was unable to identify any extraordinary or exceptional circumstances or physical characteristics relating to the subject development or generally to the individual properties therein that would justify the need for a Variance, as left turns and u-turns are typically located on Arterial streets at street intersections.

Additionally, staff does not concur that the development's proximity to the boundaries of the City of Clovis in and of itself creates an exceptional circumstance. The increase in residential density and traffic from surrounding development is considerable but not unusual for property located within a city sphere of influence.

In support of Finding 2, the Applicant states that the Variance request to allow the waiver of public road frontage requirement, and a reduction of the front-yard setbacks for Lot Nos. 1 and 7, for the ultimate purpose of vacating the public right-of-way on East Cole Avenue is necessary in order to preserve the rural residential character of the neighborhood as the City's residential development encroaches, and to protect against the potential increase in crime and other unwanted activity resulting from the higher residential densities. This section of East Cole Avenue has no street lights and is lined by many mature trees and other vegetation, which may provide visual cover for such undesirable activities.

A consideration in addressing Findings 1 and 2 is whether there are alternatives available that would avoid the need for the Variance. In this case, there are no other options which would achieve the Applicant's stated intention, which is to restrict public access to East Cole Avenue for safety and security purposes. All properties within the Rural Residential Zone District are subject to the same property development standards, particularly where road frontage is concerned. As noted previously, there have been several other variances approved which allowed for a waiver of public road frontage for the express purpose of subsequent vacating of the public right-of-way, and the request for a waiver or reduction of road frontage requirements is not in itself uncommon. However, staff does not believe that the lack of a private road with a security gate constitutes the deficit of a substantial property right requiring a Variance to fulfill.

Based on the above analysis, staff does not believe that there are exceptional or extraordinary circumstances particular to the subject development, nor that there is a substantial property right at issue which would require a variance to be preserved, and is therefore unable to make Findings 1 and 2.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Findings 1 and 2 cannot be made.

*Finding 3:* *The granting of the Variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.*

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence:
North	N/A	Single-Family Residential	City of Clovis (R-1)	Approximately 120 feet
South	4.18 acres 4.35 acres 2.04 acres	Single-Family Residential Single-Family Residential Single-Family Residential	Fresno County (Rural Residential)	Approximately 25 feet Approximately 260 feet Approximately 45 feet
East	N/A	Single-Family Residential Single-Family Residential	City of Clovis (R-1-AH)	Approximately 65 feet
West	6.73 acres 2.42 acres	Single-Family Residential Single-Family Residential	City of Clovis (R-1)	Approximately 100 feet Approximately 210 feet

**Reviewing Agency/Department Comments:**

Fresno County Fire Protection District: No requirements at this time.

No other comments specific to land use compatibility were expressed by any reviewing agencies or departments.

**Analysis:**

In support of Finding 3, the Applicant states that the granting of the Variance would allow for the vacation of the public right-of-way for East Cole, subsequent construction of a private gated entrance for the purpose of limiting access to the seven parcels of Tract No. 3057, and would not have a detrimental effect on surrounding properties. This section of East Cole Avenue has no other outlet and only provides access to this development. The Applicant also states that should the Variance be approved, there would be no impacts to traffic, and the gate would be constructed in such a way as to avoid impacts to the flow of traffic on Fowler Avenue that may be caused by vehicles queuing at the entry gate. Additionally, the design of the gate entrance will allow for vehicles to make u-turns safely, and in effect create a remedy for the ongoing problem of vehicles making an unsafe u-turn at the intersection of Cole and Fowler in order to go north on Fowler Avenue.

Staff concurs that the installation of the gate and restriction of public access to the development on East Cole Avenue would not likely result in any adverse impact on the public welfare or surrounding property, including the abutting roadway, with adherence to the included Conditions of Approval. With regard to the effects on traffic from the installation of the gate, the number of vehicles that currently utilize East Cole to make a u-turn to go north on Fowler is unknown, and any impact on such occurrences would be speculative, without supporting traffic data. In this case no traffic study was required.

If this Variance is approved, the section of East Cole Avenue serving the seven parcels of Tract No. 3057 east of Fowler Avenue would be proposed for vacation of the public right-of-way, requiring an additional review process by the Department of Public Works and Planning, before being scheduled for a hearing before the Board of Supervisors. If the Board approves the vacation, the property lines of the seven parcels would extend to the center of the road, requiring reciprocal cross access agreements between the affected property owners. The road vacation process must be complete before permits will be issued for construction of the gate. The proposed access gate will be required to have adequate turnaround area for vehicles that are denied access to the development, so that they do not have to back up onto Fowler Avenue.

Based on this analysis, staff believes that this proposal will not have an adverse or detrimental effect on surrounding property; therefore, Finding 3 can be made.

**Recommended Conditions of Approval:**

*See recommended Conditions of Approval attached as Exhibit 1.*

**Conclusion:**

Finding 3 can be made.

Finding 4: That the proposed development is consistent with the General Plan.

<b>Relevant Policy:</b>	<b>Consistency/ Considerations:</b>
<p>General Plan Policy LU-G.1 The County acknowledges that the cities have primary responsibility for planning within their LAFCo-adopted spheres of influence, and are responsible for urban development and the provision of urban services within their spheres of influence</p>	<p>The City of Clovis Planning Division reviewed this project and had no concerns with this proposal to allow the construction and installation of vehicle and pedestrian gates across East Cole Avenue and vacation of the public right-of-way</p> <p>The City of Clovis Engineering Division comments have been included as Project Notes</p> <p>The City of Clovis Fire Department requirements have been included as Conditions of Approval</p>
<p>General Plan Policy HS.B.5 The County shall require development to have adequate access for fire and emergency vehicles and equipment.</p>	<p>Conditions of approval have been included that would require the proposed gate to meet access standards of both the City of Clovis Fire Department and the Fresno County Fire Protection District</p>

**Reviewing Agency Comments:**

Zoning Section of the Fresno County Department of Public Works and Planning: No comment.

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcels are located within the City of Clovis Sphere of Influence and are designated as Rural Density Residential in the County-Adopted Clovis Community Plan.

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: No comment.

No other comments specific to General Plan Policy were expressed by reviewing agencies or departments.

City of Clovis Planning and Development Department: The subject property is located within the Dry Creek Preserve, is designated for rural residential use, and is currently developed.

**Analysis:**

In support of Finding 4, the Applicant states that the subject property is within the City of Clovis Dry Creek Preserve Master Plan area, and that the property owners have negotiated an annexation agreement with the City which will preserve the rural residential designation of the property after annexation. After review of this proposal, the City of Clovis did not identify any conflicts with any City-adopted land use plans. Approval of this Variance with included conditions would not conflict with any of the provisions of the County General Plan.

The subject property is designated medium-low density residential in the Clovis Community Plan within the City of Clovis Sphere of influence and bounded on the north, east, and west by the City of Clovis. The subject property, Tract No. 3057, is located within the City's Dry Creek Preserve Master Plan Area, and designated as Rural Residential. The General Plan does not specifically address road frontage requirements. Staff is currently not aware of plans for annexation of the area around the subject parcel by the City.

The section of East Cole Avenue at issue is classified as a Local road, which in the General Plan states that Local roads provide direct access to abutting property and connect with other Local roads, Collectors, Arterials and Expressways. Local roads are typically developed as two-lane undivided roadways, and access to abutting private property and intersecting streets shall be permitted. In this case, East Cole provides access to the subject development from North Fowler Avenue, classified as an Arterial, with an ultimate right-of-way width of 106 feet. The proposed access gate will be required to be outside of that ultimate right-of-way.

Staff does not believe this proposal would conflict with the circulation and transportation element, nor be inconsistent with the overall objectives of the General Plan or the County-adopted Clovis Community Plan. The General Plan does not contain policies that specifically address a road frontage requirement, just that residential subdivisions must provide internal and external street systems, and adequate access for fire and emergency vehicles and equipment.

Staff believes that the proposal to vacate the public right-of-way, install a gate, and essentially privatize East Cole Avenue would still provide for property owners, emergency services and utility services to safely access the properties within the tract without impacting the efficiency of the abutting segment of North Fowler Avenue or the overall circulation system.

Based on the above analysis, and with adherence to the included Conditions of Approval and Project Notes, staff believes that the proposal to allow the waiver of the public frontage is consistent with the objectives of the General Plan; therefore, Finding 4 can be made.

**Recommended Conditions of Approval:**

*See recommended Conditions of Approval attached as Exhibit 1.*

**Conclusion:**

Finding 4 can be made.

**PUBLIC COMMENT:**

None.

**CONCLUSION:**

Based on the factors cited in the analysis, and due to the inability to make Findings 1 and 2, staff believes that the required Findings for granting the Variance cannot be made and therefore recommends denial of Variance No. 4054.

## **PLANNING COMMISSION MOTIONS:**

### **Recommended Motion** (Denial Action)

- Move to determine that the required Findings cannot be made and move to deny Variance No. 4054; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

### **Alternative Motion** (Approval Action)

- Move to determine the required Findings can be made (state basis for making the Findings), and move to approve Variance No. 4054, subject to the Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

### **Recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

JS:ksn

G:\4360Devs&PIn\PROJSEC\PROJDOCS\VA\4000-4099\4054\SR\VA 4054 SR.docx



**Variance Application (VA) No. 4054  
Conditions of Approval and Project Notes**

<b>Conditions of Approval</b>	
1.	Development shall be in accordance with the site plan as approved by the Planning Commission.
2.	Prior to issuance of permits for construction of the gates, the Applicant shall demonstrate that provision for continuing maintenance of the private access easement, formerly East Cole Avenue, has been made by a property owners' association or other method acceptable to the Department of Public Works and Planning.
3.	Prior to the issuance of permits for gate construction, the road vacation process shall be completed, including the reciprocal cross access agreements, to provide access to the individual lots within Tract No. 3057.
4.	<p>The entrance gates shall be constructed and maintained in accordance with the requirements of the Fresno County Fire Protection District and the City of Clovis Fire Department.</p> <ul style="list-style-type: none"> <li>a) If the vehicle entrance gate is a swing type, the gate shall open inward toward the development.</li> <li>b) The call box or actuator shall be located a minimum of 25 feet from the public right-of-way of North Fowler Avenue.</li> <li>c) When gate is open there can be no obstruction due to overhead cross-arms, braces or other structures, and gate shall provide an overhead clearance of a minimum of 14 feet. When open, gate shall provide a clear width of not less than 14 feet for one direction travel, or 20 feet for two direction travel.</li> </ul>
5.	<p>For electronically operated gates: A lock box with a Best Lock Company padlock Model No. 21B722-L, and must have a CX-1 core, and not an X-1 core.</p> <ul style="list-style-type: none"> <li>a) The lock box shall be a Door King lock box Model 1400 or similar product.</li> <li>b) The color of the box shall be red with FIRE DEPT painted on the door.</li> <li>c) The entry and exit gates are to remain open while lock box door is open.</li> <li>d) The lock box shall be installed in an area that is easily located but protected from vehicular damage.</li> <li>e) The lock box shall be locked using a Best Lock Company padlock with the specifications previously listed.</li> </ul>
6.	<p>For non-electric gates – vehicle and pedestrian:</p> <ul style="list-style-type: none"> <li>a) A Best Lock Company padlock with CX-1 core shall be used.</li> <li>b) A lock box or rapid entry box shall be installed.</li> <li>c) Non-electric vehicle gates will require an “Emergency Access No Parking” sign installed on both sides of the gate. Refer to Clovis Fire Department standard No. 1.</li> <li>d) Emergency pedestrian gates shall require a sign on both sides. The sign shall be made of aluminum and read “FIRE DEPT ACCESS” with lettering a minimum of one and one-half inches tall that contrasts with the background, which shall be white and reflective.</li> </ul>

Conditions of Approval reference recommended Conditions for the project.

**EXHIBIT 1**

**Notes**

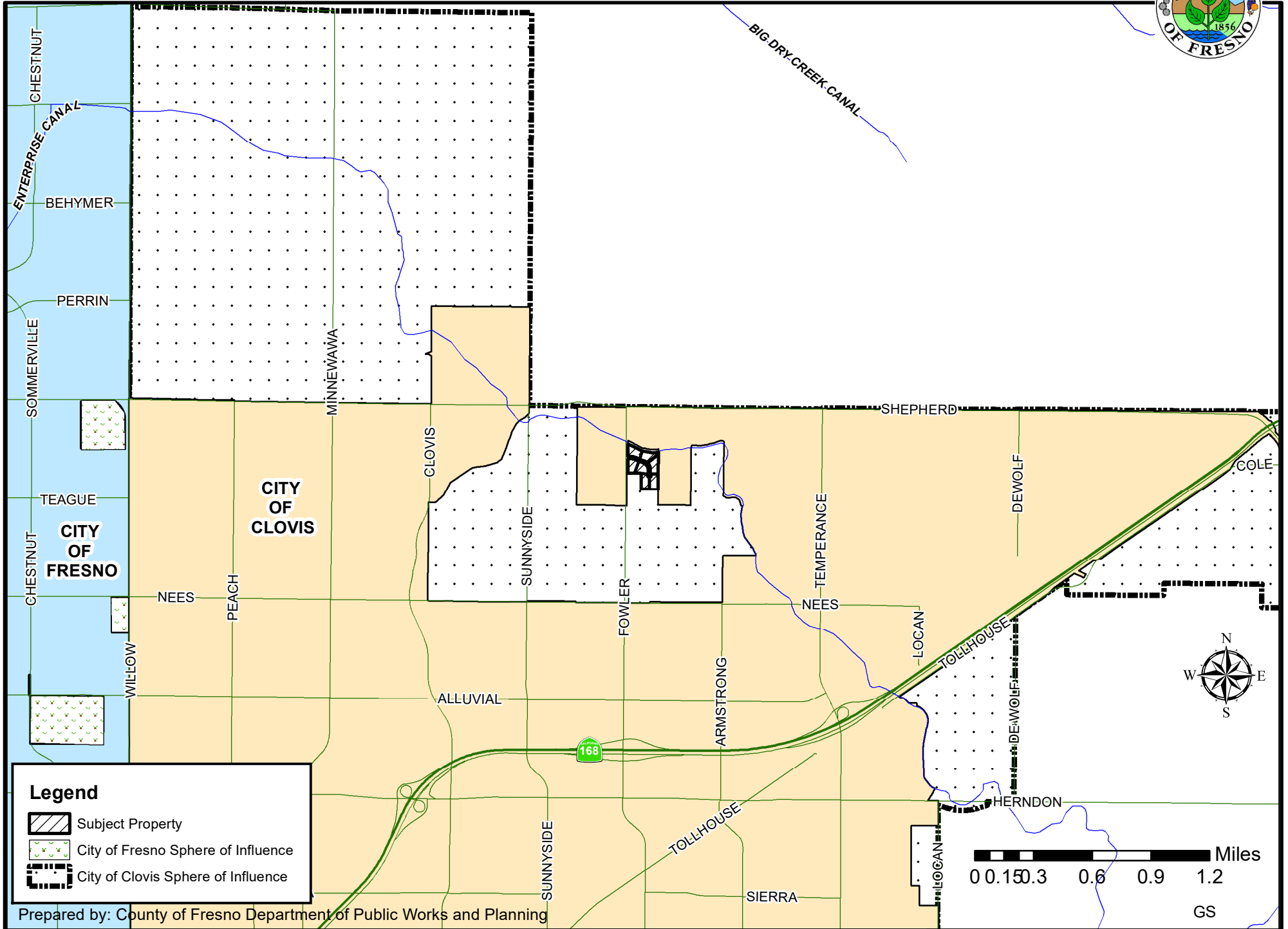
**The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.**

1.	The approval of this Variance will expire one year from the date of approval unless the required road vacation is completed and reciprocal cross access agreements completed and recorded.
2.	If not already present, 30-foot by 30-foot corner cutoffs shall be improved for sight distance purposes at the intersection of East Cole Avenue and North Fowler Avenue.
3.	An engineered grading and drainage plan with grading permit shall be required. Improvement plans shall be submitted to the Fresno County Department of Public Works and Planning, Development Engineering Section for review and approval. Any work proposed within the right-of-way of North Fowler Avenue shall require an encroachment permit from the Fresno County Department of Public Works and Planning, Road Maintenance and Operations Division.
4.	A Grading Permit or Voucher shall be required for any grading that has been done without a permit and any grading associated with future development of the existing and proposed parcel(s).
5.	Any additional runoff generated by development cannot be drained across property lines and must be retained or disposed of per County standards.




JS:ksn

G:\4360Devs&Pln\PROJSEC\PROJDOCS\VA\4000-4099\4054\SR\VA 4054 Conditions & PN (Ex 1).docx

# LOCATION MAP

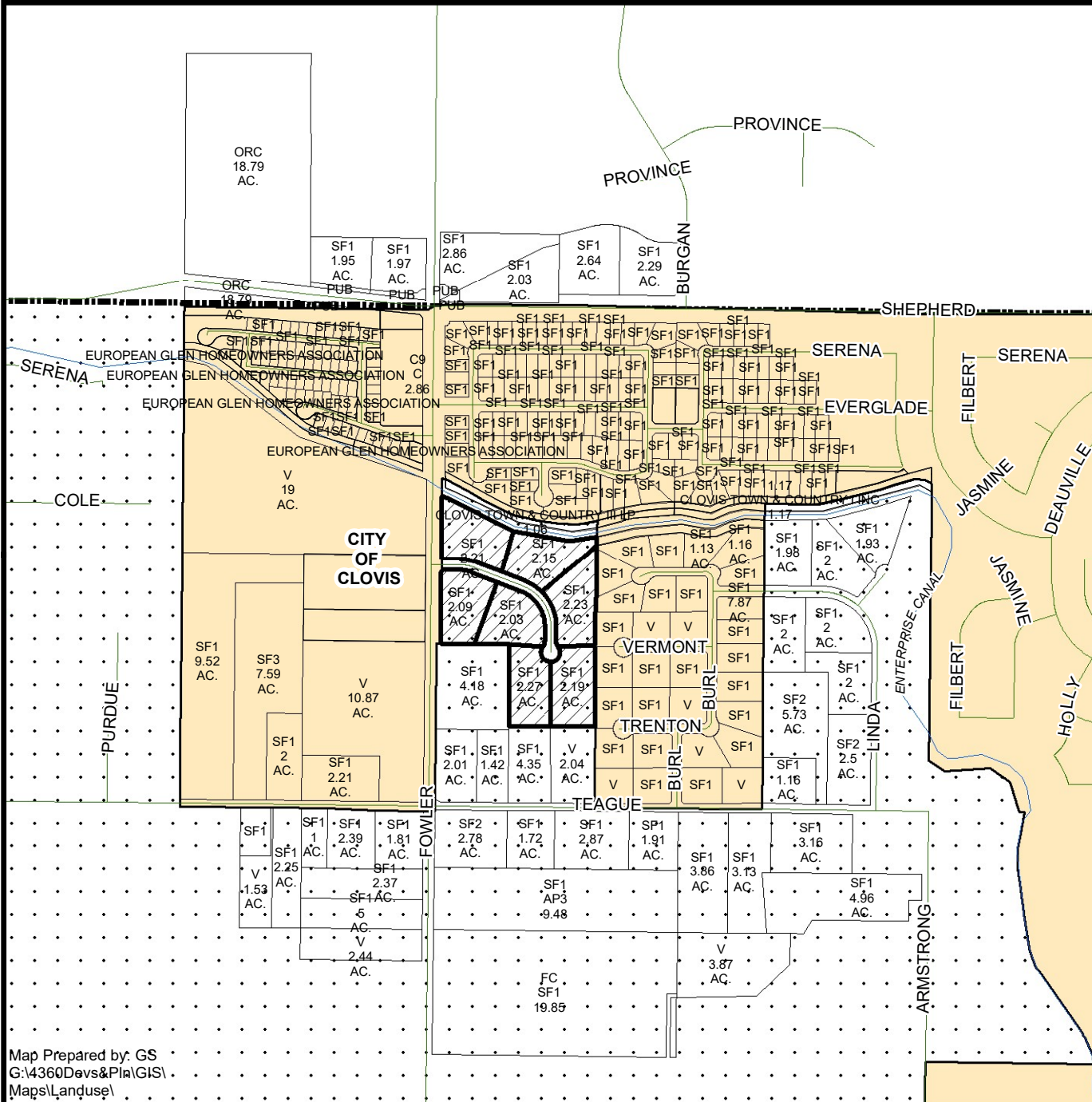


### Legend

-  Subject Property
-  City of Fresno Sphere of Influence
-  City of Clovis Sphere of Influence





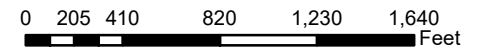
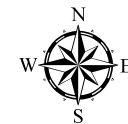
# EXISTING LAND USE MAP



LEGEND	
AP1	- APARTMENT
C#	- COMMERCIAL
FC	- FIELD CROP
ORC	- ORCHARD
PUB	- PUBLICLY OWNED
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

## Legend

-  Subject Property
-  City of Clovis Sphere of Influence



Map Prepared by: GS  
 G:\4360D\evs&Plan\GIS\Maps\Landuse\

Department of Public Works and Planning  
 Development Services Division

FOWLER AVE

CENTER LINE

POSSIBLE ROAD EXPANSION TO 4 LANES

COLE AVE

EXISTING 24' COLE AVE

53' EASEMENT

ASPHALT EXTENSION 8 FEET

ASPHALT EXTENSION 8 FEET

60' to CENTER LINE  
CALL BOX  
50' to GATE

40' TURN AROUND

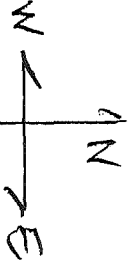
40'

24'

16' GATE

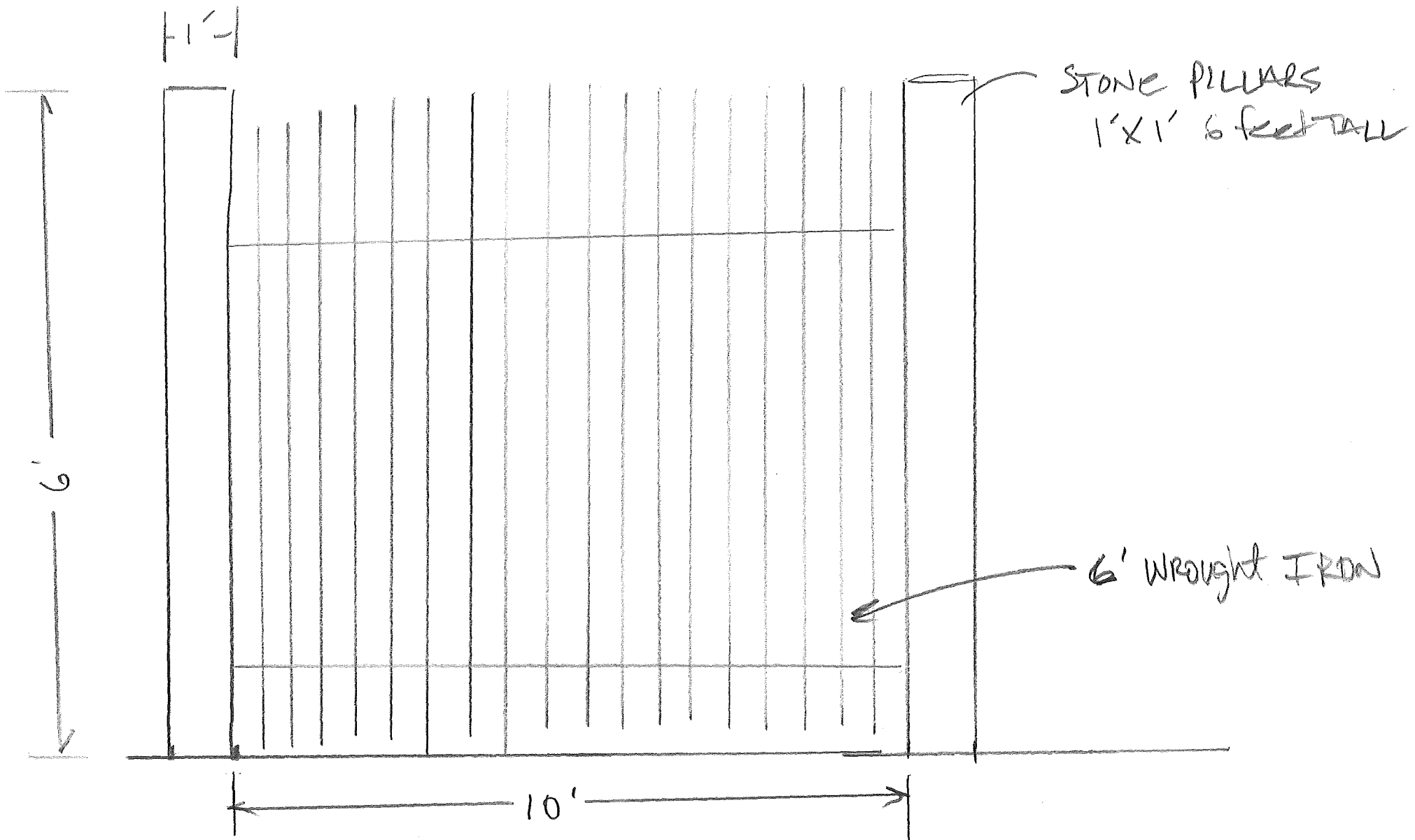
SWING

4' PEDESTRIAN GATE



1" = 1/8" = 1'

EXHIBIT 5



$\frac{1}{2}'' = 1'$

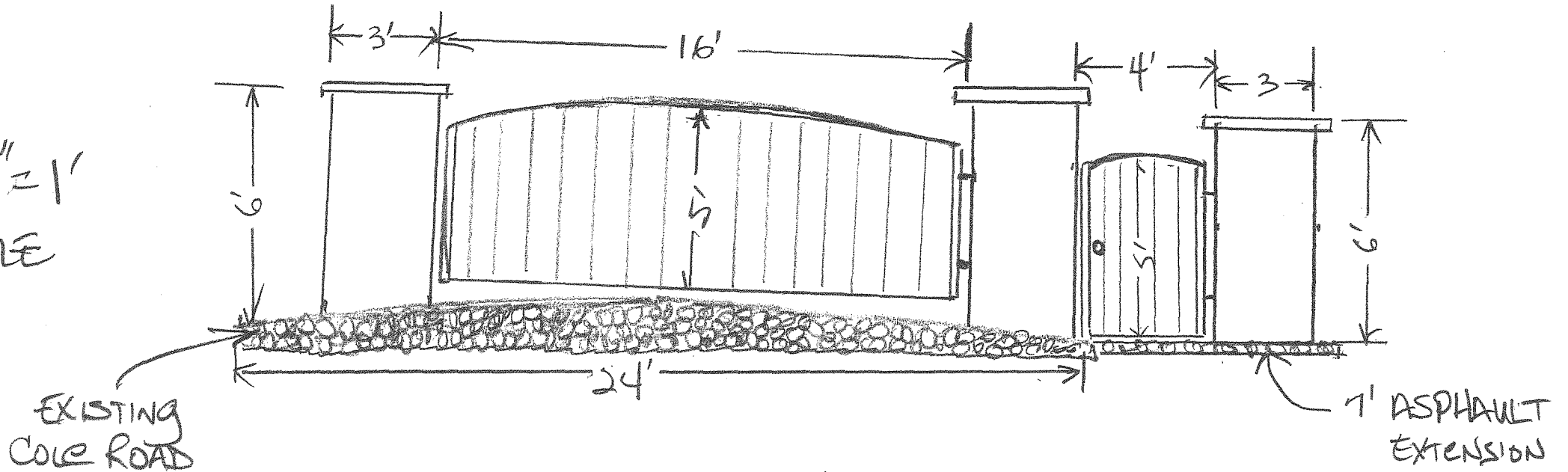
RECEIVED  
COUNTY OF FRESNO

AUG 15 2018

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

# COLE AVE GATE DETAIL

$\frac{1}{4}'' = 1'$   
SCALE





RECEIVED  
COUNTY OF FRESNO

AUG 15 2018

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

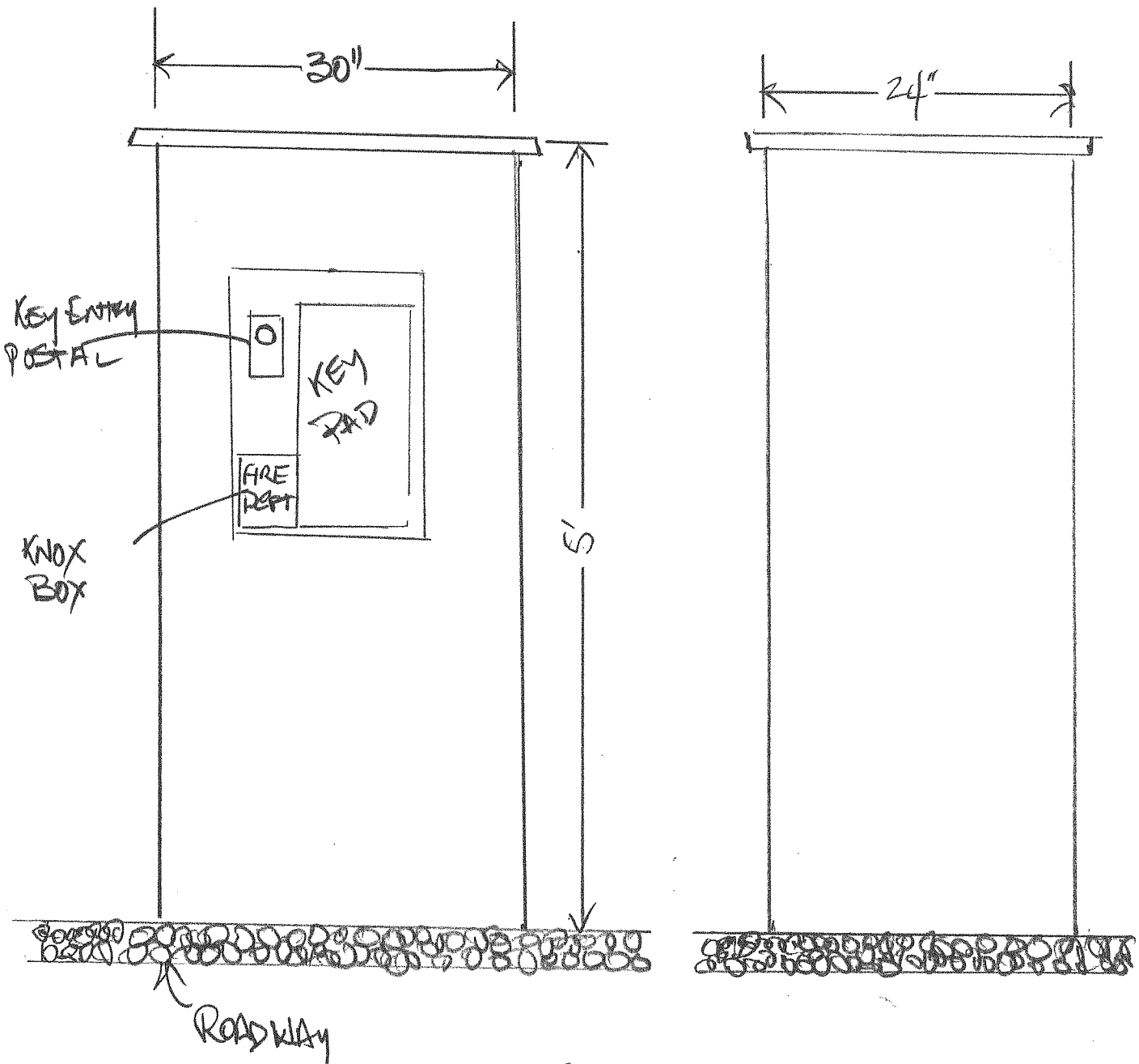
RECEIVED  
COUNTY OF FRESNO  
AUG 15 2018  
DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

COLE AVE

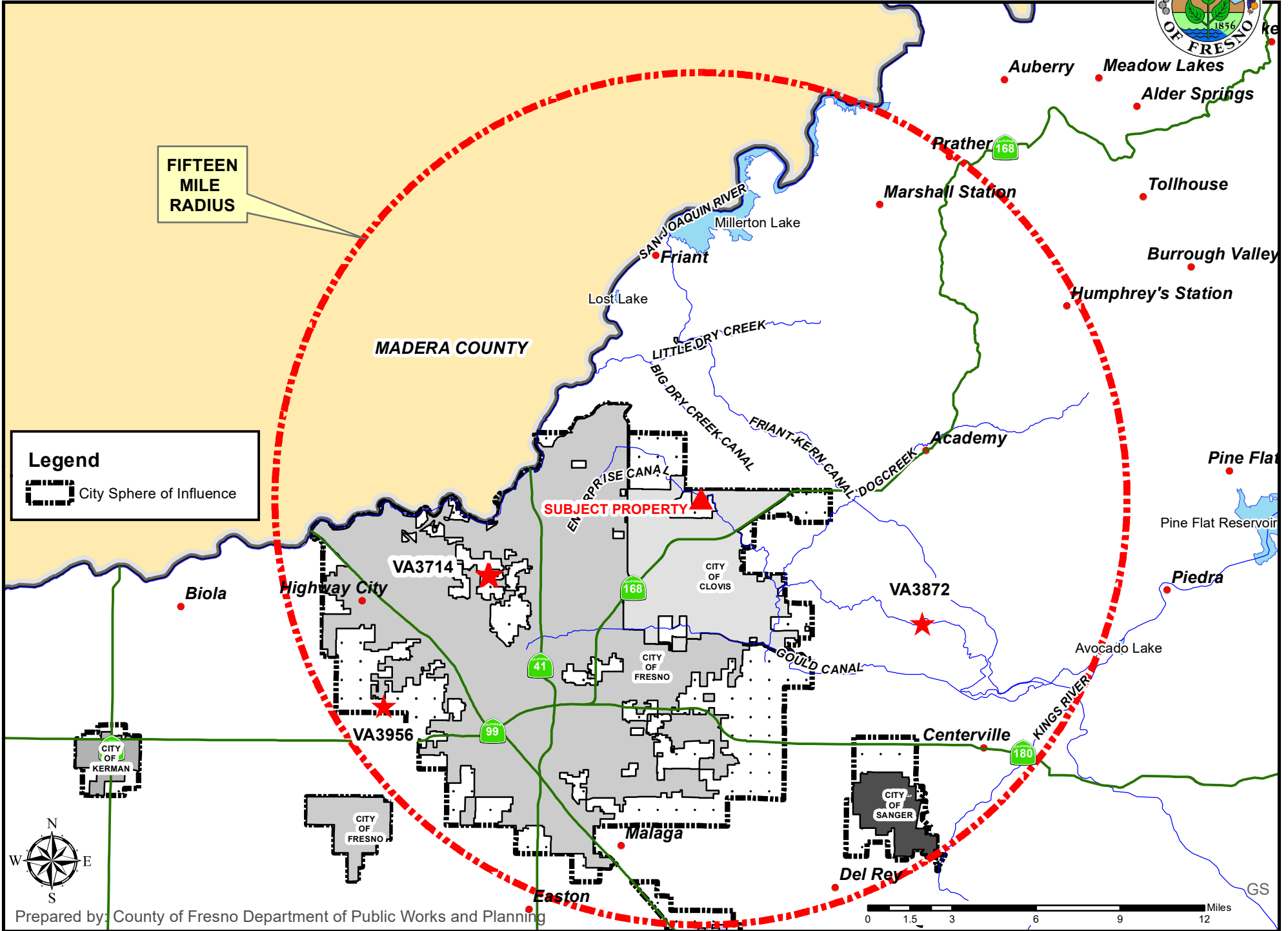
KEY PAD DETAIL


SIDE VIEW

END VIEW

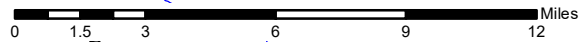


# VARIANCES IN A 15 MILE RADIUS



**Legend**  
 City Sphere of Influence

FIFTEEN MILE RADIUS



## EXHIBIT 6

July 19, 2018

Department of Public Works and Planning  
2220 Tulare Street, 6<sup>th</sup> Floor  
Fresno, California 93721

Re: Tract No. 3057 Variance Request

Dear Sirs:

You will find enclosed:

1. Our variance application and fees
2. Our pre-application review form
3. Copies of the Deeds and legal descriptions
4. Photographs of the sites
5. 4 copies of the parcel maps and site plans
6. Proposed gate entrance specifications
7. This letter, which includes a statement of variance findings

#### BACKGROUND FOR THE APPLICATION

Tract No. 3057 consists of seven single family residence parcels all ranging in size from 2.03 acres to 2.23 acres. Our community has had a significant increase of traffic going down Fowler Avenue and with the development of properties to the north of us and being annexed to the city it has placed an increased traffic burden on our community. The poor traffic design to the north of us has made it necessary for residents between the Enterprise Canal and Shepherd Avenue to use Cole Avenue as a U-turn option. Within our community there are twelve children under the age of 13 and we have found that the speeds on our dead-end road present a clear and present danger to the children who are playing in their front yard. In late 2016 we had a meeting of all the residents and discussed the option of having the county vacate the road and then installing a gated entrance to separate our community from the increasing traffic and speeds of traffic coming down our cul-de-sac road. At that time, we unanimously agreed that this would be a good idea. At the time there was no urgency as there was no planned development that would take us into the city through annexation, so we felt we had a great deal of time. Since then, we have worked on an annexation agreement with the city and the county so that our agricultural rights can be preserved if and when we are annexed. With the approval of the master plan for the Dry Creek Preserve and the annexation agreement it is our belief now that the potential annex of our parcels through the city will occur within the next year or two. Therefore, it is imperative for us to complete our vacation and variance applications and install our gate for the community before annexed to the city.

Therefore, we are respectfully submitting this application with all the attachments necessary to process our vacation and variance.

#### STATEMENT OF VARIANCE FINDINGS

1. There are exceptional and extraordinary circumstances or conditions applicable to the property involved, which do not apply generally to other property in the vicinity having the identical zoning and classification. Development by the City of Clovis to the north of us and poor traffic patterns have resulted in Cole Avenue becoming a turn around so that residents that reside to the north of the Enterprise Canal can go north on Fowler. This has resulted in numerous U-turns and accidents at the intersection of Cole and Fowler as well as cars speeding down Cole Avenue seeking an outlet even

though it is posted "Not a Through Street". We have a number of young children that reside on our street and this has created a safety and traffic hazard.

Our situation is exceptional and extraordinary in that the City of Clovis virtually surrounds our rural residential neighborhood. In addition, there is additional development which has been approved per the Dry Creek Master Plan. It will make conditions and situations in our neighborhood even worse.

2. Such a variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions of the vicinity having the identical zoning classification. Zoning of all of our parcels are rural residential and our roadway is a rural county road. This vacation and variance application is imperative for us to enjoy the rural residential lifestyle as the city continues to close in on us. With more development to the north of us and with the city closing we are concerned about drug activity and other illegal activities that are invited into our dark shielded properties by the vegetation. Our roadway is a rural county road and therefore, it is unlit, and a lot of vegetation exists on the sides of the road. We are increasingly concerned about our safety and illegal activities that are on the rise in our neighborhood. Therefore, this application is imperative so that we can continue to enjoy our rural residential lifestyle.
3. Granting of a variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located. Our proposal is to have a private gated entrance so that access will only granted to the seven properties on our road. This will not be detrimental to other properties or the community in so much as our roadway is a cul-de-sac and there is not an outlet. We will not be impeding traffic and the gate will be constructed in such a way as to not have an impact on any traffic flow on Fowler Avenue. Additionally, as you will see with our gate proposal and design we have included an enhanced ability for vehicles to accomplish U-turns legally. Essentially, our proposal will solve the problems that have been created by the city traffic patterns, which have not previously been provided. So, in essence the granting of our variance will materially take care of a problem that has been created and not addressed by the city or the county.
4. The granting of such a variance will not be contrary to the objectives of the general plan. In addition, I have been involved with the Dry Creek Preserve in developing the Dry Creek Preserve Plan. Also, I have been involved to great extent in the Annexation Agreement and all of the parcels in our neighborhood have executed the Annexation Agreement so that when we are brought into the city we will be able to maintain our rural residential lifestyle. The granting of this variance would simply ensure that we could continue even when annexation to the city is imposed on us, our rural residential lifestyle.

## CONCLUSION

All of the residents recently met and affirmed their desire to move forward with this application. You will find that we have provided a signature line for all of the 7 parcels and that everyone is in unanimous consent of our desire to vacate the road, apply for the variance, and to construct a private gated entrance. We have discussed all of the costs that will be incurred as well as establishing a bank account for us to provide a reserve for future gate and road maintenance. Our small neighborhood is a special place and will become even more unique as the City of Clovis grows in around us. Therefore, to maintain our rural lifestyle and the character of our neighborhood it is imperative that the county grant us the opportunity to protect our safety and security through the vacation, variance, and installation of a private gated entrance.