



PLANNING COMMISSION AGENDA

Room 301, Hall of Records
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Fresno, CA 93721-2198

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AGENDA February 13, 2020

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. 7568** and **CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3632** filed by **LUIS BRAVO** on behalf of **RITO GUTIERREZ**, proposing to allow an agricultural commercial center consisting of an approximately 6-acre flea market with related improvements on a 78.18-acre parcel in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District. The project site is located on the north side of W. Jayne Avenue approximately 2,556 feet west of its intersection with El Dorado Avenue and 6.4 miles east of the nearest city limits of the City of Coalinga (23436 W. Jayne Avenue, Coalinga) (Sup. Dist. 4) (APN 073-090-20S).

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

-Staff Report Included

-Individual Noticing

3. **VARIANCE APPLICATION NO. 4081** filed by **ROBERTO GARCIA**, proposing to allow the creation of an 0.88-acre parcel, a 1.38-acre parcel and a 2.66-acre parcel (20-acre minimum required) from a 2.39-acre parcel and a 2.53-acre parcel in the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District. The subject parcels are located at the southeast corner of West Dakota Avenue and North Blythe Avenue, adjacent to the nearest city limits of and within the Sphere of Influence (SOI) of the City of Fresno (4341 West Dakota and 3384 North Blythe Avenue) (SUP. DIST. 1) (APNs 511-031-54S and 511-031-55S).

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

-Staff Report Included

-Individual Noticing

4. **DIRECTOR REVIEW AND APPROVAL APPLICATION NO. 4592** and **VARIANCE APPLICATION NO. 4077** filed by **LAO DHAMMA SACCA TEMPLE, INC.**, proposing to amend Director Review and Approval Application No. 3280 to allow relocation and expansion of a Stupa and Social Hall, and waive the 35-foot maximum building height limit to allow construction of the social hall to a maximum height of 58 feet and the Stupa to a maximum height of 66 feet on a 9.62-acre parcel in the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the west side of South Fruit Avenue, approximately 650 feet north of its nearest intersection with West Annadale Avenue, and is approximately 1,340 feet south of the nearest city limits of the City of Fresno (2710 S. Fruit Avenue, Fresno, CA) (SUP. DIST. 1) (APN 328-050-17).

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

-Staff Report Included

-Individual Noticing

5. **GENERAL PLAN WORKSHOP: GENERAL PLAN BASICS AND COUNTY SPECIFICS**

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

6. **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



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 February 13, 2020

SUBJECT: Initial Study Application No. 7568 and Classified Conditional Use Permit Application No. 3632

Allow an agricultural commercial center consisting of an approximately 6-acre flea market with related improvements on a 78.18-acre parcel in AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District.

LOCATION: The project is located on the north side of W. Jayne Avenue approximately 2,556 feet west of its intersection with El Dorado Avenue and 6.4 miles east of the nearest city limits of City of Coalinga (23436 W. Jayne Avenue, Coalinga) (Sup. Dist. 4) (APN 073-090-20S).

OWNER: Rito Gutierrez
APPLICANT: Luis Bravo

STAFF CONTACT: Ejaz Ahmad, Planner
(559) 600-4204

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Recommend adoption of the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7568; and
- Recommend approval of the Master Plan prepared for the Agricultural Commercial Center; and
- Recommend approval of Classified Conditional Use Permit (CUP) No. 3632 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action and forwarding the above recommendation to the Board of Supervisors.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Agricultural Commercial Center Master Plan/Elevations
6. Applicant’s Submitted Operational Statement
7. Summary of Initial Study Application No. 7568
8. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Westside Rangeland in the Coalinga Regional Plan	No change
Zoning	AE-40 (Exclusive Agricultural, 40-acre minimum parcel size)	No change
Parcel Size	78.18 acres	No change
Project Site	Undeveloped	Allow an agricultural commercial center consisting of an approximately 6-acre flea market with related improvements on a 78.18-acre parcel.
Structural Improvements	None	<ul style="list-style-type: none"> • Vendors’ stalls • Restrooms • Music platform/sitting area under canopy • Fruit/vegetable stalls under canopy • Vendors’ parking • Patrons’ parking
Nearest Residence	Approximately 2,000 feet to the east	No change
Surrounding Development	Single-family residence, Coalinga State Hospital	No change

Criteria	Existing	Proposed
Operational Features	N/A	<p>The proposed agricultural commercial center (flea market) will:</p> <ul style="list-style-type: none"> • Allow outdoor merchandise sale in a field in designated lots or under a tent, selling or bartering used goods, collectibles, or antiques, including sale of food items from mobile food trucks. • Operate three days in a week (Friday, Saturday, Sunday) • Draw approximately 500 visitors (customers, patrons, members)
Employees	N/A	Five
Customers or Visitors	N/A	500 (estimated)
Traffic Trips	N/A	<p>Per the Traffic Impact Analysis (TIA) prepared by JBL Traffic Engineering, Inc., the project at build-out would generate a maximum of:</p> <ul style="list-style-type: none"> • 4,794 daily trips • 248 AM peak-hour trips • 140 PM peak-hour trips.
Lighting	N/A	Lighting within vendors' stalls and within parking area
Hours of Operation	N/A	From 5 a.m. to 10 p.m. on Friday, Saturday and Sunday

ENVIRONMENTAL ANALYSIS:

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act. Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is below and included as Exhibit 7.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: January 13, 2020

PUBLIC NOTICE:

Notices were sent to 9 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:

According to Section 867.A.1.r. of the Zoning Ordinance, a Classified CUP is required to allow an agricultural commercial center consisting of a flea market in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District.

A Conditional Use Permit for an agricultural commercial center may be approved only if five findings specified in the Zoning Ordinance Section 873-F are made by the Board of Supervisors.

Per Section 873.E.2 of the Fresno County Zoning Ordinance, the Planning Commission's action on agricultural commercial centers is advisory to the Board. Should the Planning Commission recommend approval, a subsequent hearing date before the Board of Supervisors will be scheduled as close to the Commission's action as practical to make the final decision on the classified Conditional Use Permit. Information for that hearing will be provided under separate notice.

BACKGROUND INFORMATION:

The project site is a grazing land located near the City of Coalinga. Adjacent land to the north and east is also grazing land. The California Department of Fish and Wildlife Pleasant Valley Ecological Reserves are located to the west and south of the property. Most agricultural fields with farming operations are located approximately 1.5 miles to the east and sparse agricultural fields are located to the south and west of the project site. The nearest residential dwelling is located approximately 2,000 feet to the east, and Coalinga State Hospital is located 0.8 mile west of the project site.

The proposed improvements include vendors' stalls, restrooms, music platform/sitting area under canopy, fruit/vegetable stalls under canopy, and vendors' and patrons' parking. The restroom building and canopies will be permanent structures on the property. Vendors' stalls under tents are removeable and will be setup at the start of the business day and will be removed at the end of business day. The project site gains access from Jayne Avenue via separate designated access for vendors and patrons.

As a point of note, the California Department of Toxic Substances Control (CDTSC) reviewed the Initial Study (IS) prepared for the project during the public comment period and suggested that the potential for site activities to result in the release of hazardous wastes/substances be evaluated in the Hazards and Hazardous Materials Section of the Initial Study. The changes have been included as Mitigation Measures in **bold/underline** in Section IX. A. B. C. HAZARDS AND HAZARDOUS MATERIALS of Initial Study No. 7568 (Exhibit 7).

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

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet Side: 20 feet Street Side: 25 feet Rear: 20 feet	Front (south property line): 220 feet Rear (north property line): 1,960 feet Side (east property line): 120 feet Side (west property line): 740 feet	Yes
Parking	Two (2) square feet of off-street parking area for each one square foot of commercial floor area	127 parking spaces required (201 parking spaces provided, including six handicap-accessible spaces)	Yes
Lot Coverage	No requirement	No requirement	N/A
Separation Between Buildings	Six-foot minimum	N/A	N/A
Wall Requirements	No requirement	No requirement	N/A
Septic Replacement Area	100 percent	100 percent	Yes
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	Will utilize the existing onsite well	Yes

Zoning Section of the Fresno County Department of Public Works and Planning: The proposed improvements meet the building setback requirements of the AE-20 Zone District. Completion of a Site Plan Review is recommended as a Condition of Approval.

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

Analysis:

Staff review of the Site Plan demonstrates that the 78.18-acre project site can accommodate all improvements related to the proposed agricultural commercial center (flea market) which includes vendors' stalls, restrooms, music platform/sitting area under canopy, fruit/vegetable stalls under canopy, and parking for vendors and patrons. All improvements will be set back approximately 220 feet from the south property line (35 feet required along Jayne Avenue), 1,960 feet from the north property line (20 feet required), 120 feet from the east property line (20 feet required) and 740 feet from the west property line (20 feet required), and meet the minimum building setback requirements of the AE-20 Zone District.

Regarding off-street parking, the Zoning Ordinance requires two square feet of off-street parking area for each one square foot of commercial floor area, and the California Building Code requires one parking space for the physically handicapped per every 25 parking spaces. According to the Site Plan Review Unit of the Fresno County Department of Public Works and Planning, the project requires 127 parking spaces. The Applicant-submitted project Site Plan (Exhibit 5) depicts 201 parking spaces (including handicapped-accessible spaces), which meets the requirement.

Based on the above information, staff believes that the project site is adequate in size and shape to accommodate the proposal.

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

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Jayne Avenue; fair condition	No change
Direct Access to Public Road	Yes	Jayne Avenue	No change
Road ADT (Average Daily Traffic)		4600	No change
Road Classification		Rural Expressway	No change
Road Width		90 feet of road right-of-way for Jayne Avenue (60 feet north and 30 feet south of section line)	No change
Road Surface		Asphalt	Additional pavement construction may be required for the widening of Jayne Avenue to accommodate the left-turn lane into the patrons' access driveway off Jayne Avenue.
Traffic Trips		N/A	Per the Traffic Impact Analysis (TIA) prepared for the project

		Existing Conditions	Proposed Operation
			by JBL Traffic Engineering, Inc., at build-out, the project is estimated to generate a maximum of: <ul style="list-style-type: none"> • 4,794 daily trips • 248 AM peak-hour trips • 140 PM peak-hour trips.
Traffic Impact Study (TIS) Prepared	Yes		The Traffic Impact Analysis prepared for the project was reviewed and approved by the County's Design and Road Maintenance and Operations Divisions, and the California Department of Transportation. Suggested Mitigation Measures have been included in the project.
Road Improvements Required		Jayne Avenue; fair condition	See "Road Surface" above

Reviewing Agency/Department Comments:

Design Division of the Fresno County Department of Public Works and Planning: Per the Traffic Impact Analysis recommendations, the project proponent shall construct an eastbound left-turn lane of such length recommended by a traffic engineer and approved by the County on Jayne Avenue into the patron access driveway.

The California Department of Transportation: Per the Traffic Impact Analysis recommendations, should traffic impacts be observed for either the northbound or southbound off-ramp at the Interstate 5 and Jayne Avenue interchange, the project proponent shall prepare a Transportation Management Plan to alleviate such impacts.

The Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: A Traffic Management Plan shall be prepared to include a 220-foot-long driveway off Jayne Avenue as a queueing area, excluding visitors' checkpoint/fee collection and the existing 60-foot right-of-way north of Jayne Avenue.

The above-noted requirements have been included as Mitigation Measures.

Any public access to the parcel shall be provided with right- and left-turn lanes off Jayne Avenue and be improved as part of the frontage improvements. The 220-foot-long public access driveway prior to entry into the visitor parking area shall be paved and shall include a paved drive approach that ties into Jayne Avenue. The vendor access drive shall be paved for the first 100 feet and shall include a paved drive approach that ties into Jayne Avenue. Onsite signs shall indicate that vendor access is for vendors only and be restricted for use only during the set-up operations at the start of the day and the tear-down operations at the end of the day. All

other times during the day, traffic shall be confined to the patrons' access only. Patrons' parking and circulation areas shall be surfaced with base rock and be covered with either asphalt concrete grindings or road oil.

The above-noted requirements have been included as Conditions of Approval.

Development Engineering Section of the Fresno County Department of Public Works and Planning: A 30-foot by 30-foot corner cut-off for sight distance purposes shall be maintained at the proposed drive approaches. This has been included as a Project Note.

Analysis:

The project site fronts Jayne Avenue which is a County-maintained road from El Dorado to Solano Alignment, is in fair condition, has pavement width of 32 feet, and carries Average Daily Traffic of 4,600.

Jayne Avenue is classified as a rural Expressway in the County General Plan, requiring 106 feet to 126 feet of road right-of-way. There is 90 feet of road right-of-way (60 feet north of the section line and 30 feet south of the section line) existing for Jayne Avenue.

Per the Design and Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning and the California Department of Transportation review of the Traffic Impact Analysis (TIA) prepared for the project and discussed in the TRANSPORTATION Section of the Initial Study (Exhibit 7), with the Mitigation Measures incorporated in project, the project impact on Jayne Avenue and adjacent road intersections would be less than significant.

Based on the above information, and with adherence to the Mitigation Measures, recommended Conditions of Approvals, and mandatory Project Notes, staff believes Jayne Avenue at the project site can accommodate the traffic generated by the proposal.

Recommended Conditions of Approval:

See Mitigation Measures, recommended Conditions of Approval and mandatory Project Notes 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

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	119.4 acres	Grazing land	AE-40	None
South	156 acres 6.52 acres	Grazing land	AE-40	None

Surrounding Parcels				
East	78 acres	Grazing land	AE-40	2,000 feet
West	316.3 acres	Pleasant Valley Ecological Reserve	AE-40	None

Reviewing Agency Comments:

California Department of Fish and Wildlife (CDFW): To mitigate impact on special-status species, the project shall adhere to Mitigation Measures recommended by CDFW in its February 11, 2019 letter. (Note: The CDFW suggested mitigation measures have been included in Exhibit 1 of this report, and a Biological Habitat Assessment prepared by Colibri Ecological Consulting, LLC, dated April 2019 was provided to CDFW.)

U.S. Fish and Wildlife Service (USFWS): A habitat assessment of the project site shall be conducted by a qualified biologist to determine whether the site contains suitable habitat for San Joaquin kit fox and blunt-nosed leopard lizard. (Note: A Biological Habitat Assessment prepared by Colibri Ecological Consulting, LLC, dated April 2019 was provided to USFWS.)

State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW): The proposed facility shall be permitted as a public water system classified as a transient non-community water system and shall comply with Senate Bill (SB) 1263. The Bill requires that prior to applying for a permit for a proposed new public water system, the Applicant first submit a preliminary technical report before initiating construction of any water-related improvement, which will analyze the feasibility of connecting to an existing community water system for water service. The Applicant shall conduct water quality testing of the existing well in accordance with the requirements for a community water system, as the wells proposed to provide drinking water must be demonstrated to meet Title 22 drinking water standards. The Applicant shall obtain a permit to operate the public water system from SWRCB-DDW.

California Department of Toxic Substances Control (DTSC): If buildings or other structures are to be demolished on any project site included in the proposed project, surveys shall be conducted for the presence of lead-based paints or products, mercury, asbestos-containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals shall be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings shall be conducted in accordance with *DTSC's 2006 Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers*.

If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling shall be conducted to ensure that the imported soil is free of contamination and the imported materials are characterized according to *DTSC's 2001 Information Advisory Clean Imported Fill Material*.

If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, the current and former agricultural lands shall be evaluated in accordance with *DTSC's 2008 Interim Guidance for Sampling Agricultural Properties (Third Revision)*.

The above-noted requirements have been included as Mitigation Measures.

Fresno County Agricultural Commissioner's Office: The Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniences and discomfort associated with normal farm activities surrounding the proposed development. This requirement has been included as a Condition of Approval.

San Joaquin Valley Air Pollution Control District: The project shall adhere to Regulation VIII (Fugitive PM10 Prohibitions); Rule 4601 (Architectural Coatings); Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations); Rule 4102 (Nuisance); and Rule 9510 (Indirect Source Review).

Fresno County Department of Public Health, Environmental Health Division (Health Department): An onsite sewage disposal system shall be installed under permit and inspection by the Department of Public Works and Planning, Building and Safety Section. If any underground storage tank(s) are found during construction, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Health Department. To protect groundwater, all abandoned water wells on the parcel shall be properly destroyed by an appropriately-licensed contractor. Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil. Should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements.

Fresno County Fire Protection District: The project shall comply with the California Code of Regulations Title 24 – Fire Code, require approval of County-approved site plans by the Fire District prior to issuance of building permits by the County, and annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.

Development Engineering Section of the Fresno County Department of Public Works and Planning: An Engineered Grading and Drainage Plan and a grading permit shall be required for the project. Any proposed entrance gate shall 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. An encroachment permit from the Road Maintenance and Operations Division is required for any work done within the road right-of-way. Accessible parking stalls shall be paved, and the path of travel shall be a hard surface per County codes. All storm water runoff shall be retained on site per County standards.

Site Plan Review (SPR) Unit of the Fresno County Department of Public Works and Planning: A dust palliative should be required on all unpaved parking and circulation areas. Proposed driveways shall be a minimum of 24 feet and a maximum of 35 feet in width and be asphalt concrete paved as approved by the Road Maintenance and Operations Division. Parking spaces shall be constructed in compliance with the County and the state standards. All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. Proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO) and require submittal of Landscape and Irrigation plans per the Governor's Drought Executive Order of 2015. The Landscape and Irrigation plans shall be submitted to the SPR unit for review and approval prior to the issuance of Building Permits.

Building and Safety Section of the Department of the Fresno County Department of Public Works and Planning: Plans, permits and inspections shall be required for all onsite improvements.

Mapping unit of the Fresno County Department of Public Works and Planning: Prior to site development, all survey monumentation (Property Corners, Section Corners, County benchmarks, Federal benchmarks and triangulation stations) within the subject area shall be preserved in accordance with Section 8771 of the Professional Land Surveyors Act and Section 6730.2 of the Professional Engineers Act.

The above-noted requirements have been included as Project Notes.

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning; Regional Water Quality Control Board; Westlands Water District: No concerns with the proposal.

Analysis:

The project site is a grazing land located approximately 6.4 miles east of the City of Coalinga. Adjacent land to its north and east is also grazing land. The California Department of Fish and Wildlife Pleasant Valley Ecological Reserve is located to the west and south of the property. Most agricultural land is located approximately 1.5 miles to the east; however, some sparse agricultural lands are also located to the south and west of the project site. The Coalinga State Hospital is located 0.8 mile to the west, and a residential dwelling is located approximately 2,000 feet to the east of the project site.

The proposed agricultural commercial center (flea market) will utilize an approximately 6-acre portion of a 78.18-acre project site to be improved with vendors' stalls, music platform/sitting area under canopy, fruit/vegetable stalls under canopy, restrooms, and vendors' and patrons' parking. The remainder 72.18 acres of the site will remain in the current state as a grazing land and undisturbed by the project. The project will operate three days a week (Friday, Saturday and Sunday).

An Initial Study prepared for the project has identified potential impacts to aesthetics, air quality, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, and transportation. To mitigate impact to aesthetics, all outdoor lighting will be hooded and directed downward to avoid glare on adjoining properties. To mitigate impact to air quality, the project will adhere to Regulation VIII to reduce the short-term construction period air quality impacts. To mitigate impact on biological resources, the project will adhere to the Mitigation Measures recommended by CDFW and those contained in the Biological Habitat Assessment prepared for the project. To mitigate impact to cultural resources, any artifacts/human remains unearthed during ground disturbance will require stopping of all work and the evaluation of findings by an archeologist. To mitigate impact related to hazards and hazardous materials, the project will comply with the California Department of Toxic Substances Control requirements. To mitigate impact to hydrology and water quality, the project will comply with SWRCB-DDW requirements for a public water system. To mitigate impact to transportation, the project will require construction of an eastbound left-turn lane and the preparation of traffic management plans. With adherence to these requirements, included as Mitigation Measures (Exhibit 1), the project impact on abutting properties and the surrounding area would be less than significant.

Potential impacts related to agriculture and forestry resources, geology and soils, and public services are less than significant. The project will acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniences and discomfort associated with normal farm

activities surrounding the proposed development; require Engineered Grading Plans and a Grading Permit; adhere to the current Fire Codes and Building Code; and annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. These requirements have been included as a Condition of Approval and Project Notes, and will be addressed through the Site Plan Review recommended as a Condition of Approval.

Pursuant to Assembly Bill (AB) 52, the subject proposal was routed to the Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, and Dumna Wo Wah Tribal Government offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No tribe requested consultation, resulting in no further action on the part of the County. Because the property is moderately sensitive to archaeological resources, a Mitigation Measure has been included in the CULTURAL ANALYSIS section of this report (Exhibit 7); implementation of which will reduce impact to tribal cultural resources to less than significant.

Based on the above information and with adherence to the Mitigation Measures, recommended Conditions of Approval, and mandatory Project Notes identified in the Initial Study (IS) prepared for this project and discussed in this Staff Report, staff believes the proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

See Mitigation Measures, recommended Conditions of Approval, and mandatory Project Notes attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.3 allows agriculturally-related uses by discretionary permit, provided that they meet the following criteria:</p> <ul style="list-style-type: none"> a. Criteria LU-A.3.a state that the use shall provide a needed service to the surrounding area which cannot be provided more effectively within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics. b. Criteria LU-A.3.b states that the use shall not be sited on productive agricultural land if less productive land is available in the vicinity. 	<p>Regarding Criteria “a”, currently there exist no agricultural commercial center consisting of a flea market in the project area to provide for the shopping needs of the local population. The project location in a remote area away from any urban development fits to the nature of proposed use. Regarding Criteria “b”, the project site is not a prime farmland. The site is a grazing land and not suited for farming. Regarding Criteria “c”, the limited water usage by the project will not significantly deplete groundwater or impact other water users within one quarter-mile radius. Alternatively, the project could be connected to a community water system, per the determination made by the State Water Resources Control Board, Division of Drinking Water. Regarding Criteria “d”, the nearby communities of Coalinga, Huron and others can provide a probable workforce.</p>

Relevant Policies:	Consistency/Considerations:
<p>c. Criteria LU-A.3.c states that the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one-quarter mile radius.</p> <p>d. Criteria LU-A.3.d states that a probable workforce should be located nearby or readily available.</p> <p>e. Criteria LU-A.3.e states that for proposed agricultural commercial center, the following criteria shall apply:</p> <ol style="list-style-type: none"> 1. Commercial uses should be clustered in centers instead of single uses. 2. Commercial centers should be located a minimum of four (4) miles from any existing or approved agricultural or rural residential commercial center or designated commercial area of any city or unincorporated community. 3. New commercial uses should be located within or adjacent to existing centers. 4. Commercial centers should be located on a major road serving the surrounding area. 5. Commercial centers should not encompass more than one quarter-mile of road frontage, or one-eighth of a mile if both sides of the road are involved, and should not provide potential for developments exceeding ten separate business activities, exclusive of caretakers' residences 	<p>Regarding Criteria “e” items 1 and 3, the proposed flea market operation is a cluster of retail uses involving buying and trading goods and supplies and requires a large piece of land to accommodate all activities at a single location. The dynamics of the project could not allow it to fit into an existing commercial center and there is no similar facility in the area the project could add to. Regarding item 2, the proposal is more than four miles away from any commercial uses in the area. Regarding Items 4 and 5, the project is located on a major thoroughfare (Jayne Avenue); will use 580 feet of road frontage which is less than one quarter-mile (1,320) of road frontage; involves less than ten separate business activities and includes no caretaker’s residence. The project is consistent with this policy.</p>
<p>General Plan Policy LU-A.13: County shall require buffers between proposed non-agricultural uses and adjacent agricultural operations.</p> <p>Policy LU-A.14 requires an assessment of the conversion of productive agricultural land and that mitigation shall be required where appropriate.</p>	<p>The project site is not a productive agricultural land. It is a grazing land suited to the grazing of livestock. Although, no farming operations exist adjacent to the project area, the proposed fencing around the flea market will separate the use from abutting land. The proposal is consistent with these policies.</p>
<p>General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply</p>	<p>Although the project site is in a water-short area of Fresno County, the Water and Natural Resources Division of the Fresno County Department of Public Works and</p>

Relevant Policies:	Consistency/Considerations:
adequacy, impact on other water users in the County, and water sustainability.	Planning expressed no concerns related to water supply to the project. As noted above, the project will use minimal water to be provided by an onsite well as a community water system or be connected to an existing public water system in the area as determined by the State Water Resources Control Board, Division of Drinking Water. The project is consistent with this policy.
General Plan Policy PF-D.6: County shall permit individual onsite sewage disposal systems on such parcels that have the area, soils, and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality or posing any other health hazards and where community sewer service is not available and cannot be provided.	An individual sewage disposal system will be installed to serve the proposed restrooms. No concerns related to such system having an impact on groundwater quality were expressed by the Fresno County Department of Public Health, Environmental Health Division. The project is consistent with this policy.
Coalinga Regional Plan, Section 403-01:1.00. b: Westside Rangeland shall mean land designated for grazing and other agricultural operations, mining, oil and gas development, wildlife habitats, various recreational activities and other appropriate open-space functions.	The project site is a grazing land, and the proposed agricultural commercial center consisting of a flea market conforms to the uses allowed in the subject policy.

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The property is designated Agriculture in the County General Plan. Policy LU-A.3 allows agriculturally-related uses by discretionary permit if they meet Criteria a - e. Policy LU-A.13 requires buffers between proposed non-agricultural uses and adjacent agricultural operations; and Policy LU-A.14 requires an assessment of the conversion of productive agricultural land. Policy PF-C.17 requires evaluation of adequacy and sustainability of the water supply for the project. Policy PF-D.6 requires individual onsite sewage disposal systems on parcels that have the area, soils, and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality.

Analysis:

As discussed above in General Plan consistency/consideration, the proposed agricultural center consisting of a flea market meets the intent of Policy LU-A.3, Criteria a - e. The proposed facility involves selling and bartering of daily use goods and supplies and draws many vendors and patrons. For such a facility, a large isolated area away from urban areas is desirable. The project site fits the nature of the proposed use, as it is in a remote area away from any urban development. Although, the project site and the surrounding area is designated Agriculture in the County General Plan, the project site is a grazing land with limited farming activities in its vicinity. As required by Fresno County Department of Agriculture (Ag Commissioner’s Office),

the project will adhere to the Right-to-Farm Ordinance regarding the inconveniences and discomfort associated with normal farm activities surrounding the proposed development.

Regarding consistency with Policy LU-A.13 and LU-A.14, the project site is a grazing land suited to the grazing of livestock, and will be separated by fencing from the abutting lands which are not farmland. Regarding consistency with Policy PF-C.17, the project will utilize limited groundwater via an onsite well or be connected to an existing public water system. Regarding consistency with Policy PF-D.6, the project will install an individual sewage disposal system which will have no impact on groundwater quality.

Based on the above information, staff believes the proposal is consistent with the Fresno County General Plan.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

Finding 5: That the conditions stated in the resolution are deemed necessary to protect the public health, safety and general welfare

Reviewing Agency Comments:

Refer to **Reviewing Agency Comments** in Finding 3 of this report.

Analysis:

As discussed above in Finding 3, the project will comply with the Site Plan Review included as a Condition of Approval in the Resolution. This Condition was deemed necessary to ensure that project-related onsite and offsite improvements are constructed in a manner which protects public health, safety and general welfare. This includes the requirements that the access drives into the project site be provided with adequate width meeting the County road development standards, and site grading be performed according to the County Ordinance code to protect adjacent properties from flooding hazards. Additional requirements deemed necessary to protect public health, safety and general welfare, and included in the Resolution, require that outdoor lighting be hooded in order to minimize glare on adjacent roads/properties, onsite work be stopped and proper authorities be notified if cultural resources are unearthed during ground disturbance, onsite hazardous materials be handled per the State of California requirements, the public water system requirements be met prior to the project operation, a left-turn lane be constructed at patrons entrance into the project site, and a Traffic Management Plan be completed prior to the project operation.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 5 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 (CUP) can be made. Staff therefore recommends adoption of the Mitigated Negative Declaration prepared for the project and approval of Classified Conditional Use Permit No. 3632, subject to the recommended Conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to recommend adoption of the Mitigated Negative Declaration prepared for Initial Study Application No. 7568; and
- Move to recommend approval of the Master Plan prepared for the Agricultural Commercial Center; and
- Move to determine the required Findings can be made and move to recommend approval of Classified Conditional Use Permit No. 3632, subject to the Mitigation Measures, Conditions of Approval and Project Notes attached as 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. 3632; 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.

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**Mitigation Monitoring and Reporting Program
Initial Study Application No. 7568
Classified Conditional Use Permit Application No. 3632**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	On-going; for duration of the project
2.	Air Quality	<p>Consistent with San Joaquin Valley Air Pollution Control District Regulation VIII (Fugitive PM10 Prohibitions), the following measures shall be implemented for dust control during grading and construction:</p> <ol style="list-style-type: none"> 1. The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust. 2. Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavating activities. Application of water should penetrate sufficiently to minimize fugitive dust during grading activities. 3. Fugitive dust produced during grading, excavation, and construction activities shall be controlled by the following activities: <ol style="list-style-type: none"> a. All trucks shall be required to cover their loads as required by California Vehicle Code Section 23114. b. All graded and excavated material, exposed soil areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. c. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll compaction as 	Applicant	Applicant/San Joaquin Valley Air Pollution Control District	As noted

EXHIBIT 1

		<p>appropriate. Watering shall be done as often as necessary by using reclaimed water whenever possible.</p> <p>4. Graded and/or excavated inactive areas of the construction site shall be monitored at least weekly for dust stabilization. Soil stabilization methods shall be periodically applied to portions of the construction site that are inactive for over four days. If no further grading or excavation operations are planned for the area within three weeks, it shall be seeded and watered until grass growth is evident, or periodically treated with environmentally-safe dust suppressants, to prevent excessive fugitive dust.</p> <p>5. Signs shall be posted on site, limiting traffic to 15 miles per hour or less.</p> <p>6. During periods of high winds, all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust from being an annoyance or hazard, either off site or on site.</p> <p>7. Adjacent streets and roads shall be swept at least once per day, preferably at the end of the day, if visible soil material is carried over to adjacent streets and roads.</p> <p>8. Personnel involved in grading operations, including contractors and subcontractors, shall wear respiratory protection in accordance with California Division of Occupational Safety and Health regulations.</p> <p>9. Rumble strips/shaker plates or base rock shall be installed at all truck exits from the site.</p> <p>10. Dust-control requirements shall be shown on all grading plans.</p>			
3.	Air Quality	<p>The following shall be implemented during construction to minimize emissions of ozone precursors:</p> <p>a. Construction contractors shall minimize equipment idling time throughout construction. Engines shall be turned off if idling would be for more than five minutes.</p> <p>b. Equipment engines shall be maintained in good condition and in proper tune as per manufacturers' specifications.</p>	Applicant	San Joaquin Valley Air Pollution Control District	As noted

		<p>c. The number of pieces of equipment operating simultaneously shall be minimized.</p> <p>d. Construction contractors shall use alternatively-fueled construction equipment (such as compressed natural gas, liquefied natural gas, or electric) when feasible.</p> <p>e. The engine size of construction equipment shall be the minimum practical size.</p> <p>f. Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally-mandated clean diesel engines) shall be utilized wherever feasible.</p> <p>g. During the smog season (May through October), the construction period should be lengthened.</p>			
4.	Biological Resources	A qualified biologist shall conduct a habitat assessment in advance of project implementation to determine if the project area or its immediate vicinity contains suitable habitat for San Joaquin kit fox (SJKF), assess presence/absence of SJKF by conducting surveys following the USFWS "Standardized Recommendations for Protection of SJKF Prior to or During Ground Disturbance" (2011), and upon SJKF detection, consult with CDFW to discuss how to avoid take, or if avoidance is not feasible, acquire an Incidental Take Permit (ITP) prior to the project activities, pursuant to Fish and Game Code Section 2081 (b).	Applicant	Applicant/ California Department of Fish and Wildlife (CDFW); U.S. Fish and Wildlife Service (USFWS)	As noted
5.	Biological Resources	A qualified biologist shall conduct a habitat assessment in advance of project implementation to determine if the Project area or its immediate vicinity contains suitable habitat for Blunt-nosed leopard lizard (BNLL). If suitable habitat is present, prior to initiating any project activities, conduct surveys in accordance with the "Approved Survey Methodology for the Blunt-nosed Leopard lizard" (CDFG 2004). Complete BNLL surveys no more than one year prior to initiation of ground disturbance. Protocol-level surveys must be conducted on multiple dates during late spring, summer, and fall, and that within these time periods there are specific protocol-level date, temperature, and time parameters which must be adhered to. If BNLL is detected during protocol level surveys, CDFW shall be consulted to discuss how to implement project activities and avoid take.	Applicant	Applicant/ CDFW/USFWS	As noted
6.	Biological Resources	A qualified biologist shall conduct a habitat assessment in advance of project implementation to determine if the project	Applicant	Applicant/ CDFW/USFWS	As noted

		<p>area or its immediate vicinity contains suitable habitat for San Joaquin Antelope Squirrel (SJAS). In areas of suitable habitat, a qualified biologist shall conduct focused daytime visual surveys for SJAS using line transects with 10- to 30-meter spacing. These surveys shall be conducted between April 1 and September 20, during daytime temperatures between 68-86° F (CDFG 1990). If suitable habitat is present and surveys or trapping are not feasible, a 50-foot minimum no-disturbance buffer shall be maintained around all small mammal burrows of suitable size for SJAS. If SJAS is detected, CDFW shall be consulted to discuss how to avoid take, or if avoidance is not feasible, to acquire an Incidental Take Permit (ITP) prior to ground-disturbing activities, pursuant to Fish and Game Code Section 2081 (b).</p>			
7.	Biological Resources	<p>A qualified wildlife biologist shall conduct surveys for nesting raptors following the survey methodology developed by the Swainson's Hawk (SWHA) Technical Advisory Committee (SWHA TAC 2000) prior to project initiation and assure that these surveys extend to a one half-mile radius surrounding the project area. If project activities take place during the normal bird breeding season (February 1 through September 15), additional pre-construction surveys for active nests shall be conducted by a qualified biologist no more than 10 days prior to the start of construction. If an active SWHA nest is found, a minimum one half-mile no-disturbance buffer shall be provided until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If SWHA are detected and the one half-mile no-disturbance nest buffer is not feasible, the California Department of Fish and Wildlife shall be consulted to determine if the project can avoid take. If SWHA cannot be avoided, an ITP prior to vegetation or ground-disturbing' activities is necessary to comply with the California Endangered Species Act.</p>	Applicant	Applicant/ CDFW/USFWS	As noted
8.	Biological Resources	<p>A qualified biologist shall conduct a habitat assessment in advance of project implementation to determine if the project area or its immediate vicinity contains suitable habitat for Giant Kangaroo Rat (GKR) and Short-nosed Kangaroo Rat (SNKR). If suitable habitat is present, a trapping plan for determining presence of GKR and SNKR shall be submitted to and approved by CDFW prior to subsequent trapping efforts. These surveys shall be conducted by a qualified biologist who holds a Memorandum of Understanding with the California Department of Fish and Wildlife (CDFW) for GKR and SNKR, and be conducted</p>	Applicant	Applicant/ CDFW/USFWS	As noted

		between April 1 and October 31, when kangaroo rats are most active. If suitable habitat is present and trapping is not feasible, a 50-foot minimum no-disturbance buffer shall be established around all small mammal burrows. If GKR or SNKR are found within the project area during pre-construction surveys or construction activities, CDFW shall be consulted to discuss how to implement the project and avoid take; or if avoidance is not feasible, to acquire an Incidental Take Permit for GKR prior to any ground-disturbing activities, pursuant Fish and Game Code Section 2081(b).			
9.	Biological Resources	The project site shall be surveyed for special-status plants by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities" (CDFW 2018). In the absence of protocol-level surveys being performed, additional surveys may be necessary. The special-status plant species shall be avoided whenever possible by delineation and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then the California Department of Fish and Wildlife (CDFW) shall be consulted to determine appropriate minimization and mitigation measures for impacts to special-status plant species. If a California Endangered Species Act (CESA)-listed plant species is identified during botanical surveys, CDFW shall be consulted to determine if the project can avoid take. If take cannot be avoided, take authorization may be warranted. Take authorization would occur through issuance of an Incidental Take Permit by CDFW, pursuant to Fish and Game Code Section 2081(b).	Applicant	Applicant/ CDFW/USFWS	As noted
10.	Biological Resources	A qualified biologist shall conduct a habitat assessment in advance of project implementation, to determine if the project area or its vicinity contains suitable habitat for Burrowing Owl (BUOW). If suitable habitat is present on or in the vicinity of the project area, a qualified biologist shall conduct surveys following the California Burrowing Owl Consortium's (CBOC) "Burrowing Owl Survey Protocol and Mitigation Guidelines" (CBOC 1993) and CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012). Three or more surveillance surveys shall be conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable. In addition, the surveys shall include a 500-foot buffer around the Project area. No-disturbance buffers, as outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG 2012) shall be implemented prior to and during any ground-disturbing activities. Specifically, any impacts	Applicant	Applicant/ CDFW/USFWS	As noted

		to occupied burrows shall be avoided in accordance with the following table unless a qualified biologist approved by the California Department of Fish and Wildlife verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.			
11.	Biological Resources	If Burrowing Owl (BUOW) are found within these recommended buffers and avoidance is not possible, burrow exclusion shall be conducted according to the Staff Report (CDFG 2012) by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. Also, occupied burrows shall be replaced with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially-significant impact of evicting BUOW.	Applicant	Applicant/ CDFW/USFWS	As noted
12.	Biological Resources	A qualified biologist shall conduct a habitat assessment in advance of project implementation, to determine if the project area or its immediate vicinity contain suitable habitat for Loggerhead shrike, LeConte's thrasher, American badger, San Joaquin coachwhip, western spadefoot, California legless lizard, California glossy snake, coast horned lizard, and American badger. If suitable habitat is present, a qualified biologist shall conduct focused surveys for applicable species and their requisite habitat features to evaluate potential impacts resulting from ground and vegetation disturbance. Avoidance whenever possible is encouraged via delineation and observance a 50-foot no-disturbance buffer around dens of mammals like the American badger as well as burrows which can provide refuge for small mammals, reptiles, and amphibians, and 100 feet around nests of special-status bird species.	Applicant	Applicant/ CDFW/USFWS	As noted
13.	Biological Resources	In addition to consultation with the California Department of Fish and Wildlife's (CDFW) Regional California Endangered Species Act staff, CDFW's Regional Ecological Reserve Management Unit staff shall also be consulted in advance of project initiation to demonstrate accurate delineation of property boundaries to prevent encroachment on CDFW-owned lands. Consultation is also recommended to discuss planned ingress and egress to the project area for the purposes of preventing encroachment on CDFW-owned lands. John Battistoni, Regional Ecological Reserve Management Unit Supervisor, shall be contacted via	Applicant	Applicant/ CDFW/USFWS	As noted

		email at John.Battistoni@wildlife.ca.gov. or via telephone at 559-243-4014 extension 219.			
14.	Biological Resources	<p>To mitigate impact to natural lands, the project proponent shall do the following:</p> <ul style="list-style-type: none"> a. To mitigate for permanent impacts to natural lands by permanently conserving similar vegetation communities (grassland, saltbush scrub) that provide habitat for San Joaquin kit fox, San Joaquin antelope squirrel, and short-nosed kangaroo rat, provide one acre of mitigation land for each acre of development authorized. b. Permanently protect mitigation land through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission. c. Develop and implement a mitigation land management plan to address long-term ecological sustainability and maintenance of the site. d. Fund the maintenance and management of mitigation land by establishing a long-term funding mechanism such as an endowment. e. Mitigation lands shall be on, adjacent to, or near the Project site where possible. f. Where there is insufficient habitat on, adjacent to, or near the Project site, acquire mitigation lands with habitat for San Joaquin kit fox, San Joaquin antelope squirrel and short-nosed kangaroo rat away from the Project site. g. Alternatively, if the project site is within the service area of a California Department of Fish and Wildlife-approved conservation bank, purchase available conservation bank credits from that bank. 	Applicant	Applicant/ CDFW/USFWS	As noted
15.	Biological Resources	To protect brittlescale, crownscale, San Joaquin woollythreads, and recurved larkspur, a qualified biologist shall survey the project site during the flowering period (February–May for San Joaquin woollythreads and recurved larkspur; June–October for brittlescale; March–October for crownscale) for these species following the Protocols for Surveying and Evaluating Impacts to Special Status Plant Populations and Sensitive Natural Communities (CDFW 2018b). If any of these species is present,	Applicant	Applicant/ CDFW/USFWS	As noted

		the qualified biologist shall stake and flag no-disturbance exclusion zones of 100 feet around these plants prior to construction activities. These exclusion zones shall remain in place throughout construction activities. If these exclusion zones cannot be maintained, the project proponent shall consult with the CDFW to determine appropriate measures to implement to minimize or mitigate impacts to special-status plants.			
16.	Biological Resources	To protect San Joaquin coachwhip and California glossy snake, a qualified biologist shall conduct pre-construction surveys where suitable habitat is identified within proposed work areas immediately prior to ground-disturbing activities. If either species is found, work shall not begin until the animal has moved out of the work area on its own. During construction, a qualified biologist shall inspect open trenches, pits, and construction equipment and materials left on site for snakes each morning prior to the start of work and at the end of each workday.	Applicant	Applicant/ CDFW/USFWS	As noted
17.	Biological Resources	To protect blunt-nosed leopard lizard, a qualified biologist shall establish no-disturbance exclusion zones of 50 feet around all occupied or potentially-occupied burrows. A qualified biologist shall inspect open trenches for blunt-nosed leopard lizards each day prior to the start of work and at the end of each workday. If a blunt-nosed leopard lizard is found, all construction activities shall halt until it has moved out of the work area on its own. If ground-disturbing activities cannot avoid burrows, surveys following the methods described in Approved Survey Methodology for the Blunt-nosed Leopard Lizard (CDFG 2004) shall be conducted within one year of ground-disturbing activities to determine whether the species is present or absent. The results of these surveys shall be submitted to the California Department of Fish and Wildlife (CDFW). If a blunt-nosed leopard lizard is found at any time in the Project area, the project proponent shall consult with the CDFW to discuss how to implement the Project to avoid take.	Applicant	Applicant/ CDFW/USFWS	As noted
18.	Biological Resources	To protect Loggerhead shrike, construction shall be scheduled to avoid the nesting season, which extends from February through August. If it is not possible to schedule construction between September and January, pre-construction surveys for nesting birds shall be conducted by a qualified biologist to ensure that no active nests will be disturbed during Project implementation. A pre-construction survey shall be conducted no more than 14 days prior to the initiation of construction activities. During this survey, the qualified biologist shall inspect all potential nest substrates in and immediately adjacent to the impact areas for nests. If an	Applicant	Applicant/ CDFW/USFWS	As noted

		active nest is found close enough to the construction area to be disturbed by these activities, the qualified biologist shall determine the extent of a construction-free buffer to be established around the nest. If work cannot proceed without disturbing the nesting birds, work may need to be halted or redirected to other areas until nesting and fledging are completed, or the nest has otherwise failed for non-construction-related reasons.			
19.	Biological Resources	To protect San Joaquin antelope squirrel, a qualified biologist shall conduct pre-construction surveys for the species (Harris and Stearns 1991). If the species is detected near active work areas, the qualified biologist shall establish an exclusion zone of 50 feet around occupied or potentially-occupied burrows. If work must take place in the exclusion zone, the project proponent must consult with the California Department of Fish and Wildlife to determine if take can be avoided. If take cannot be avoided, an Incidental Take Permit pursuant to California Fish and Game Code Section 2081 must be obtained to comply with the California Endangered Species Act.	Applicant	Applicant/ CDFW/USFWS	As noted
20.	Biological Resources	To protect short-nosed kangaroo rat, a qualified biologist shall flag occupied or potentially-occupied burrows and establish 50-foot exclusion zones for avoidance. If these exclusion zones cannot be maintained, the project proponent shall consult with the California Department of Fish and Wildlife (CDFW) to determine appropriate measures to implement to minimize or mitigate impacts to short-nosed kangaroo rat.	Applicant	Applicant/ CDFW/USFWS	As noted
21.	Biological Resources	To protect American badger, a qualified biologist shall conduct a preconstruction survey for the species. If American badger or American badger activity (e.g., dens, diggings) are detected, the qualified biologist shall establish no-disturbance exclusion zones of 50 feet between active dens and the work area. If these exclusion zones cannot be maintained, the project proponent shall consult with the California Department of Fish and Wildlife to determine appropriate measures to implement to minimize or mitigate impacts to American badger.	Applicant	Applicant/ CDFW/USFWS	As noted
22.	Biological Resources	To protect San Joaquin kit fox, a qualified biologist shall conduct a preconstruction survey to identify potential dens, including potential atypical dens (i.e., manmade structures), in the Project area. If potential San Joaquin kit fox dens are present, their disturbance and destruction shall be avoided. If potential dens are located within the proposed work area and cannot be avoided during construction, a qualified biologist shall determine if the	Applicant	Applicant/ CDFW/USFWS	As noted

		dens are occupied following the U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior or During Ground Disturbance (USFWS 2011). If unoccupied, the qualified biologist will remove these dens by hand, excavating them in accordance with USFWS procedures (USFWS 2011). When occupied or potentially-occupied San Joaquin kit fox dens are adjacent to the work area, exclusion zones shall be implemented following USFWS procedures. Exclusion zones shall be determined based on the type of den and current use: Potential Den: 50 feet; Known Den: 100 feet; Natal or Pupping Den: to be determined on a case-by-case basis in coordination with USFWS and CDFW. All pipes greater than 4 inches in diameter stored on the construction site shall be capped and exit ramps shall be installed in trenches and other excavations to avoid direct mortality. When possible, construction shall be conducted from October 1 to November 30, outside of the breeding season. If occupied dens cannot be avoided, the project proponent shall consult with the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife to determine whether Incidental Take Permits may be needed to comply with the Federal Endangered Species Act and California Endangered Species Act.			
23.	Biological Resources	The project proponent shall ensure that all activities related to the flea market operation remain within the limits of the project boundaries as shown on the approved Site Plan and must not encroach upon the 0.99 acre of potential waters/wetlands located within the outermost northwesterly corner of the project site as identified by Aquatic Resource Delineation Report prepared by Argonaut Ecological Consulting, Inc., and dated December 3, 2019.	Applicant	Applicant/ CDFW/USFWS	As noted
24.	Biological Resources	To the extent practicable, construction shall be scheduled to avoid the nesting season, which extends from February through August.	Applicant	Applicant/ CDFW/USFWS	As noted
25.	Biological Resources	If it is not possible to schedule construction between September and January, pre-construction surveys for nesting birds shall be conducted by a qualified biologist to ensure that no active nests will be disturbed during Project implementation. A pre-construction survey shall be conducted no more than 14 days prior to the initiation of construction activities. During this survey, the qualified biologist shall inspect all potential nest substrates in and immediately adjacent to the impact areas for nests. If an active nest is found close enough to the construction area to be	Applicant	Applicant/ CDFW/USFWS	As noted

		disturbed by these activities, the qualified biologist shall determine the extent of a construction-free buffer to be established around the nest. If work cannot proceed without disturbing the nesting birds, work may need to be halted or redirected to other areas until nesting and fledging are completed or the nest has otherwise failed for non-construction-related reasons.			
26.	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	As noted
27.	Hazards and Hazardous Materials	If buildings or other structures are to be demolished on any project sites included in the proposed project, prior to the issuance of building permits, surveys shall be conducted for the presence of lead-based paints or products, mercury, asbestos-containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals shall be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings shall be conducted in accordance with DTSC's 2006 Interim Guidance Evaluation of School Sites with Potential Contamination from Lead-Based Paint, Termiticides, and Electrical Transformers (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Guidance_Lead_Contamination_050118.pdf).	Applicant	Applicant/ Department of Toxic Substances Control (DTSC)	As noted
28.	Hazards and Hazardous Materials	If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, prior to the issuance of building permits, proper sampling shall be conducted to ensure that the imported soil is free of contamination and the imported materials be characterized according to DTSC's 2001 Information Advisory Clean Imported Fill Material (https://rfs-env.berkeley.edu/sites/default/files/dtscsmp_fs_cleanfill-schools.pdf).	Applicant	Applicant/DTSC	As noted

29.	Hazards and Hazardous Materials	If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, prior to issuance of building permits, the current and former agricultural lands shall be evaluated in accordance with DTSC's 2008 Interim Guidance for Sampling Agricultural Properties (Third Revision) (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf).	Applicant	Applicant/DTSC	As noted
30.	Hydrology and Water Quality	Prior to the issuance of building permits and at the time of Site Plan Review for the proposed facility, the project proponent shall complete all water-related requirements for the project as required by and to the satisfaction of the State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW). The project proponent shall also obtain permits from SWRCB-DDW prior to operating a public water system.	Applicant	Applicant/State Water Resources Control Board – Division of Drinking Water	As noted
31.	Transportation	Prior to occupancy being granted to the proposed facility, the project proponent shall obtain the necessary right-of-way, design and construct an eastbound left-turn lane of such length as recommended by a traffic engineer and approved by the County on Jayne Avenue into the patron access driveway, at the developer's expense. Additional pavement construction and dedication of road right-of-way to the County may be required for the widening of Jayne Avenue to accommodate the left-turn lane. Design documents and an encroachment permit application shall be submitted to the Road Maintenance and Operations Division for approval prior to construction.	Applicant	Applicant/PW&P	As noted
32.	Transportation	Should traffic impacts be observed for either the northbound or southbound off-ramp at the Interstate 5 and Jayne Avenue interchange, the project proponent shall prepare a Transportation Management Plan to alleviate such impacts. The plan, prior to its implementation, shall be reviewed and approved by the California Department of Transportation (Caltrans).	Applicant	Applicant/California Dept. of Transportation	As noted
33.	Transportation	Prior to the issuance of building permits, and at the time of Site Plan Review, the Applicant shall develop a Traffic Management Plan (TMP) for review and approval by the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning. The TMP shall include a 220-foot-long driveway off Jayne Avenue as a queueing area, excluding visitor checkpoint/fee collection and the existing 60-foot right-of-way north of Jayne Avenue.	Applicant	Applicant/PW&P	As noted

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plans, Elevations, and Operational Statement approved by the Planning Commission.
2.	Any public access to the parcel shall be provided with right- and left-turn lanes off Jayne Avenue, and be improved as part of the frontage improvements.
3.	The 220-foot-long public access driveway prior to entry into the visitor parking area shall be paved the entire 220-foot length and include a paved drive approach that ties into Jayne Avenue.
4.	The vendor access drive shall be paved for the first 100 feet and shall include a paved drive approach that ties into Jayne Avenue.
5.	Onsite signs shall indicate that vendor access is for vendors only and be restricted for use only during the set-up operations at the start of the day, and the tear-down operations at the end of the day. All other times during the day, traffic shall be confined to the patron entrance only.
6.	The patrons' parking and circulation areas shall be surfaced with base rock and be covered with either asphalt concrete grindings or road oil.
7.	The Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniencies and discomfort associated with normal farm activities surrounding the proposed development.

*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.	This permit will become void unless there has been substantial development within two years of the effective date of this approval, or there has been a cessation of the use for a period in excess of two years.
2.	Prior to the issuance of building permits, a Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include design of parking and circulation areas, access, onsite grading and drainage, right-of-way dedication, fire protection, landscaping, signage and lighting.
3.	Plans, permits and inspections are required for all onsite improvements. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.
4.	To address site development impacts resulting from the project, the Site Plan Review Unit of the Fresno County Department of Public Works and Planning requires the following: <ul style="list-style-type: none"> • A dust palliative should be required on all unpaved parking and circulation areas.

Notes

- Proposed driveways shall be a minimum of 24 feet and a maximum of 35 feet in width and be asphalt concrete paved as approved by the Road Maintenance and Operations Division.
- Parking spaces shall be constructed in compliance with the County and the state standards.
- All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.
- Proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO) and require submittal of Landscape and Irrigation plans per the Governor's Drought Executive Order of 2015.
- The Landscape and Irrigation plans shall be submitted to the Department of Public Works and Planning, Site Plan Review unit for review and approval prior to the issuance of Building Permits.

Note: These requirements will be addressed through Site Plan Review.

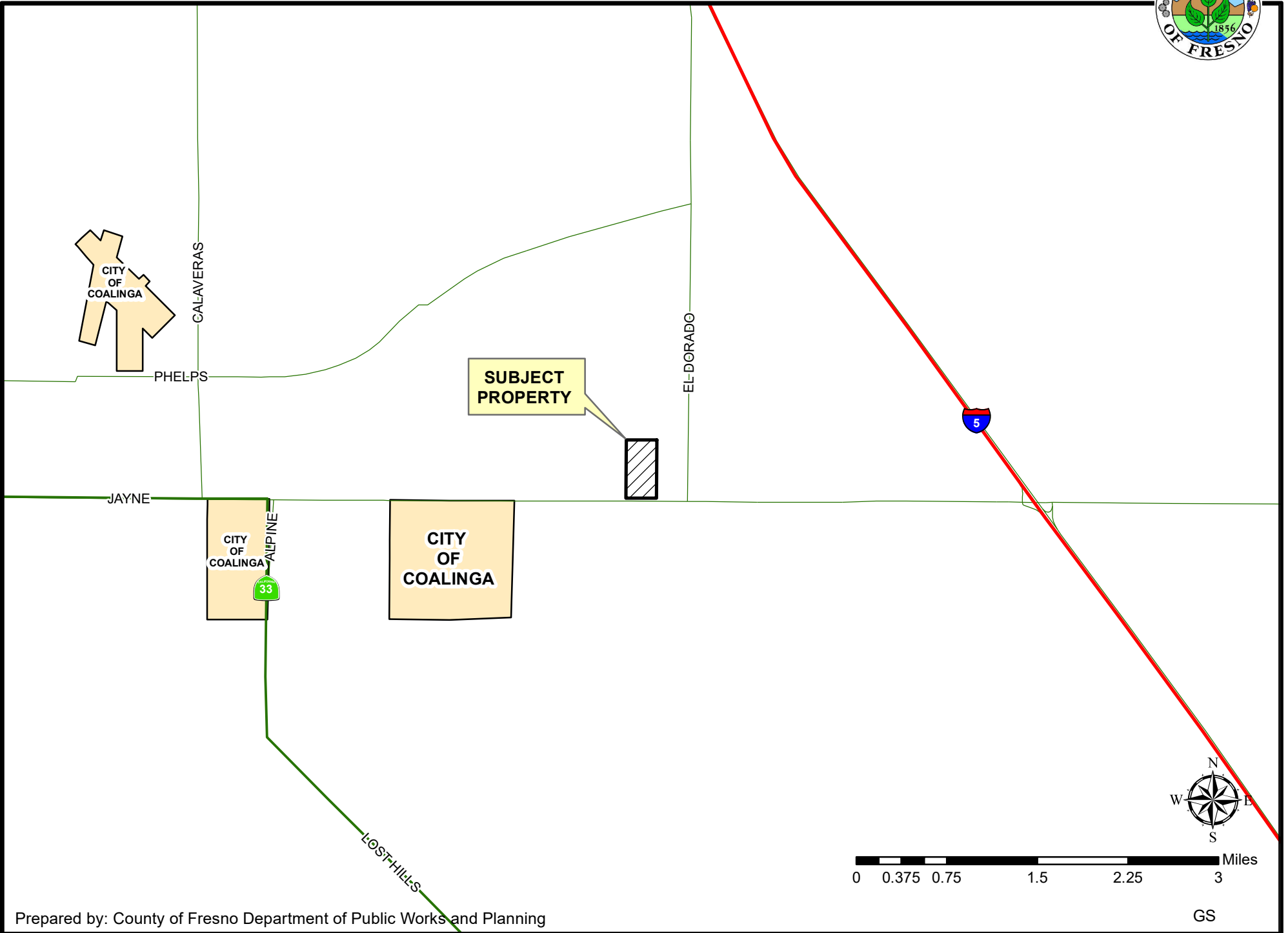
5.	<p>To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none">• An Engineered Grading and Drainage Plan and a grading permit• An encroachment permit from Road Maintenance and Operations Division for any work done within the road right-of-way• Accessible parking stalls shall be paved, and the path of travel shall be a hard surface per County codes.• All storm water runoff shall be retained on site per County standards.• A 30-foot by 30-foot corner cutoff for sight distance purposes shall be maintained at the proposed drive approaches into the site.• Any proposed entrance gate shall 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.
6.	<p>To address public health impacts resulting from the project, Fresno County Department of Public Health, Environmental Health Division (Health Department) requires the following:</p> <ul style="list-style-type: none">• Onsite sewage disposal system shall be installed under permit and inspection by the Fresno County Department of Public Works and Planning, Building and Safety Section.• If any underground storage tank(s) are found during construction, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Health Department.• To protect groundwater, all abandoned water wells on the parcel shall be properly destroyed by an appropriately-licensed contractor.• Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil.• Should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction; and the "oily water" removed from the well must be handled in accordance with federal, state and local government requirements.
7.	<p>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 subject application, plans must be submitted to the Fresno County 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. In addition, the property shall annex to Community Facilities District (CFD) No. 2010-01 of FCFPD.</p>

Notes	
8.	The project shall adhere to the San Joaquin Valley Air Pollution Control District Regulation VIII (Fugitive PM10 Prohibitions); Rule 4601 (Architectural Coatings); Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations); Rule 4102 (Nuisance); and Rule 9510 (Indirect Source Review).
9.	Per the Mapping unit of the Fresno County Department of Public Works and Planning, prior to site development, all survey monumentation (Property Corners, Section Corners, County benchmarks, Federal benchmarks and triangulation stations) within the subject area shall be preserved in accordance with Section 8771 of the Professional Land Surveyors Act and Section 6730.2 of the Professional Engineers Act.

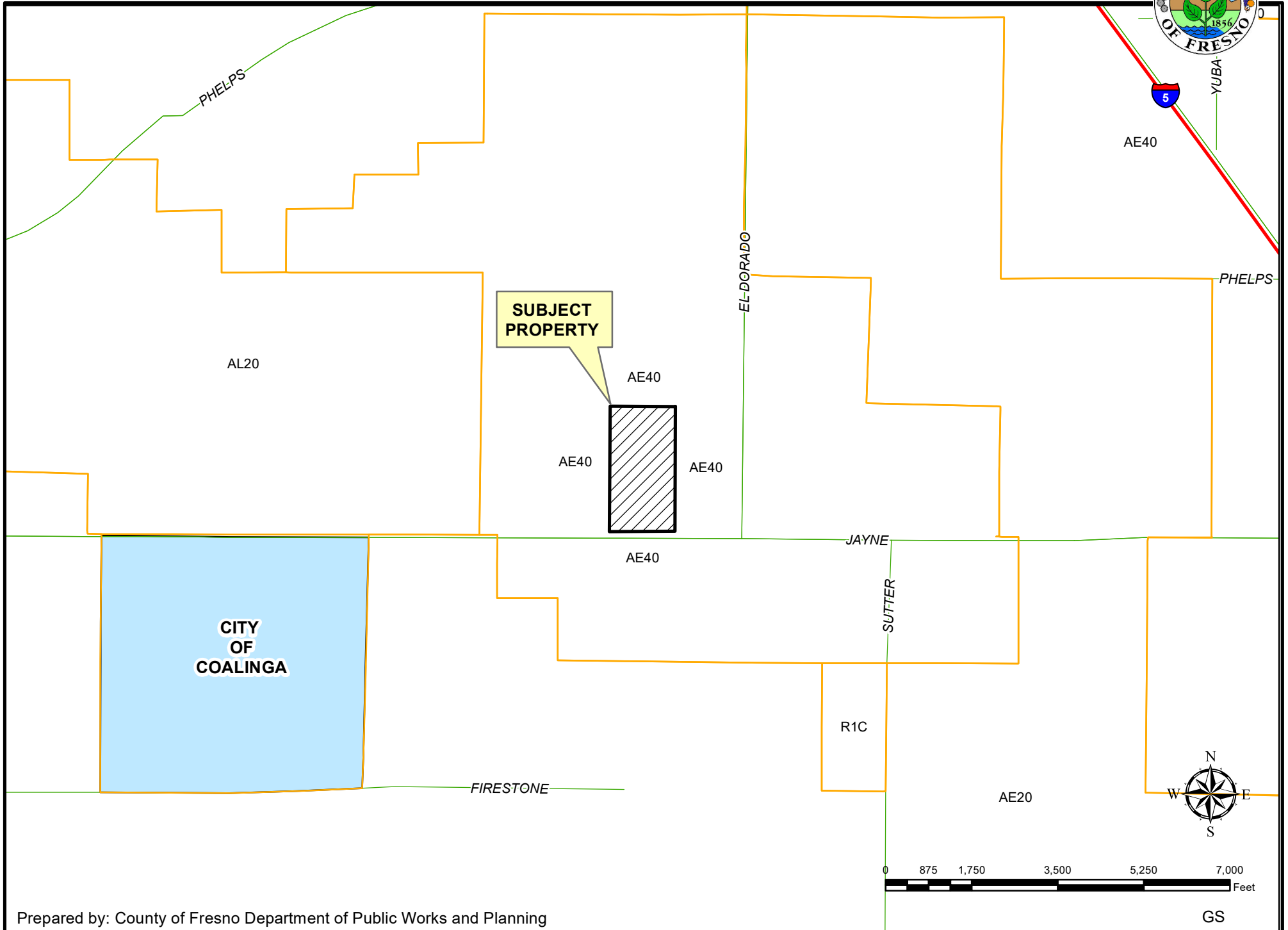
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LOCATION MAP



EXISTING ZONING MAP



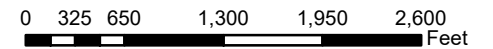
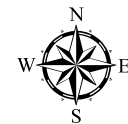
EXISTING LAND USE MAP

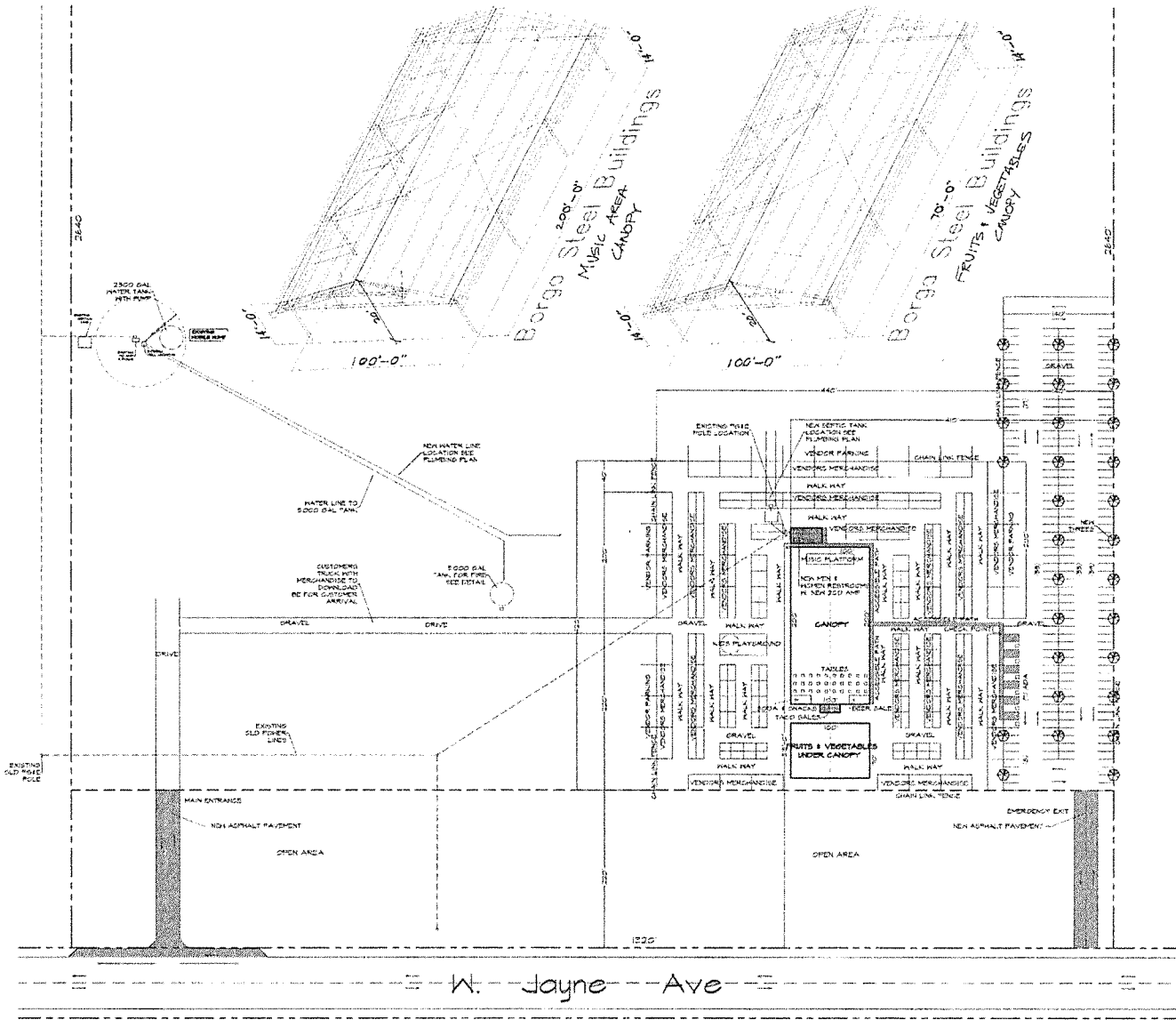


LEGEND
GRZ - GRAZING
SF#- SINGLE FAMILY RESIDENCE
V - VACANT

LEGEND:

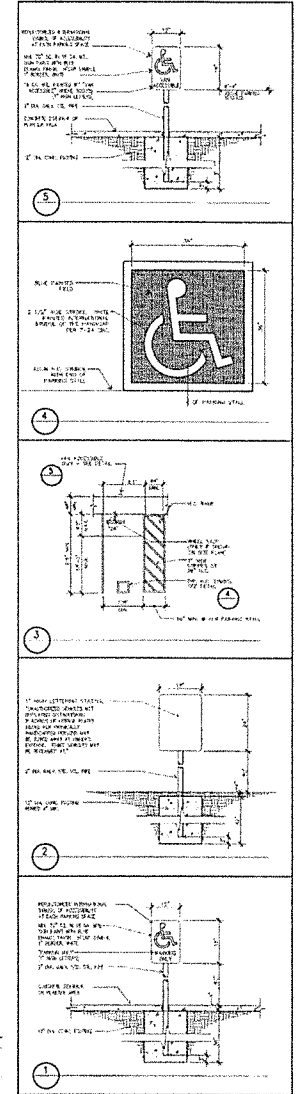
 Subject Property





AGRICULTURAL COMMERCIAL CENTER MASTER PLAN

EXHIBIT 5



REVISIONS	BY

Proposed Flea Market For:
JOSE RITO GUTIERREZ
 28436 Jayne Ave
 Coolidge, CA 95210

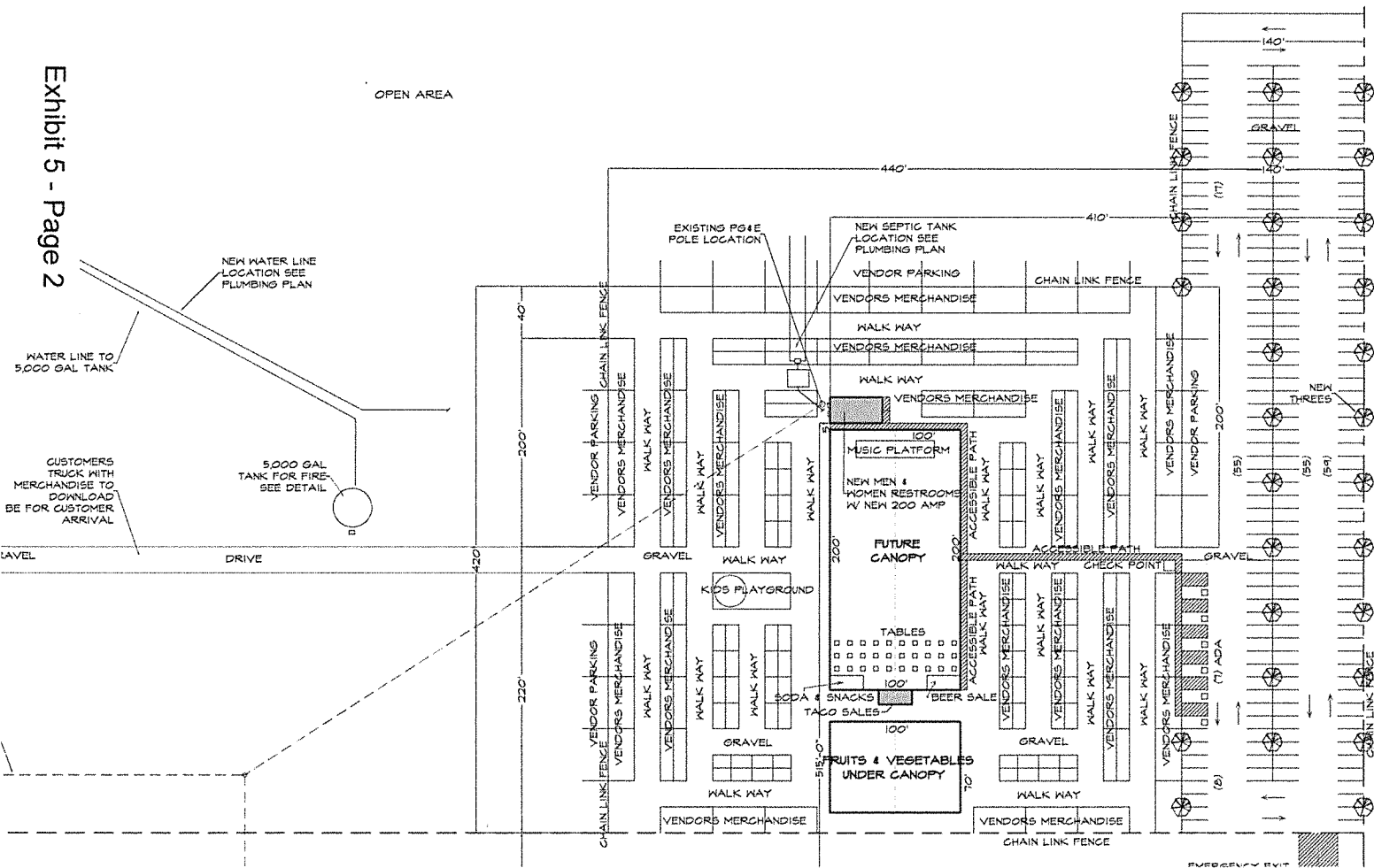
California Shine Construction
 225 N. 10th St. Fresno, CA 93721
 (509) 233-8888
 www.californiashineconstruction.com
 CA Lic. No. 95174
 CA Lic. No. 95174
 California, U.S.A. 95210

SITE PLAN

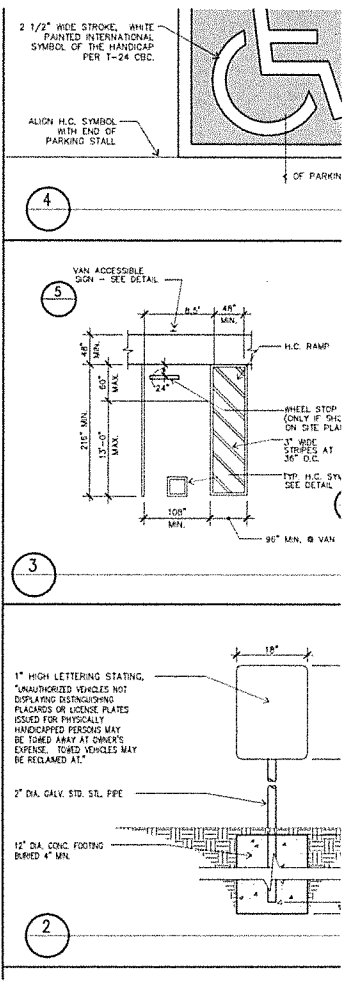
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EXHIBIT 5



AGRICULTURAL COMMERCIAL CENTER MASTER PLAN (PARTIAL)



CUSTOMERS TRUCK WITH MERCHANDISE TO DOWNLOAD BE FOR CUSTOMER ARRIVAL

5,000 GAL TANK FOR FIRE - SEE DETAIL

NEW WATER LINE LOCATION SEE PLUMBING PLAN

DRIVE

OPEN AREA

EXISTING PG&E POLE LOCATION

NEW SEPTIC TANK LOCATION SEE PLUMBING PLAN

NEW MEN & WOMEN RESTROOMS 1/4 NEW 200 AMP

FUTURE CANOPY

TABLES

SOA & SNACKS

FRUITS & VEGETABLES UNDER CANOPY

BEER SALE

TACO SALES

MUSIC PLATFORM

VENDORS MERCHANDISE

VENDOR PARKING

WALK WAY

GRAVEL

CHAIN LINK FENCE

NEW TREES

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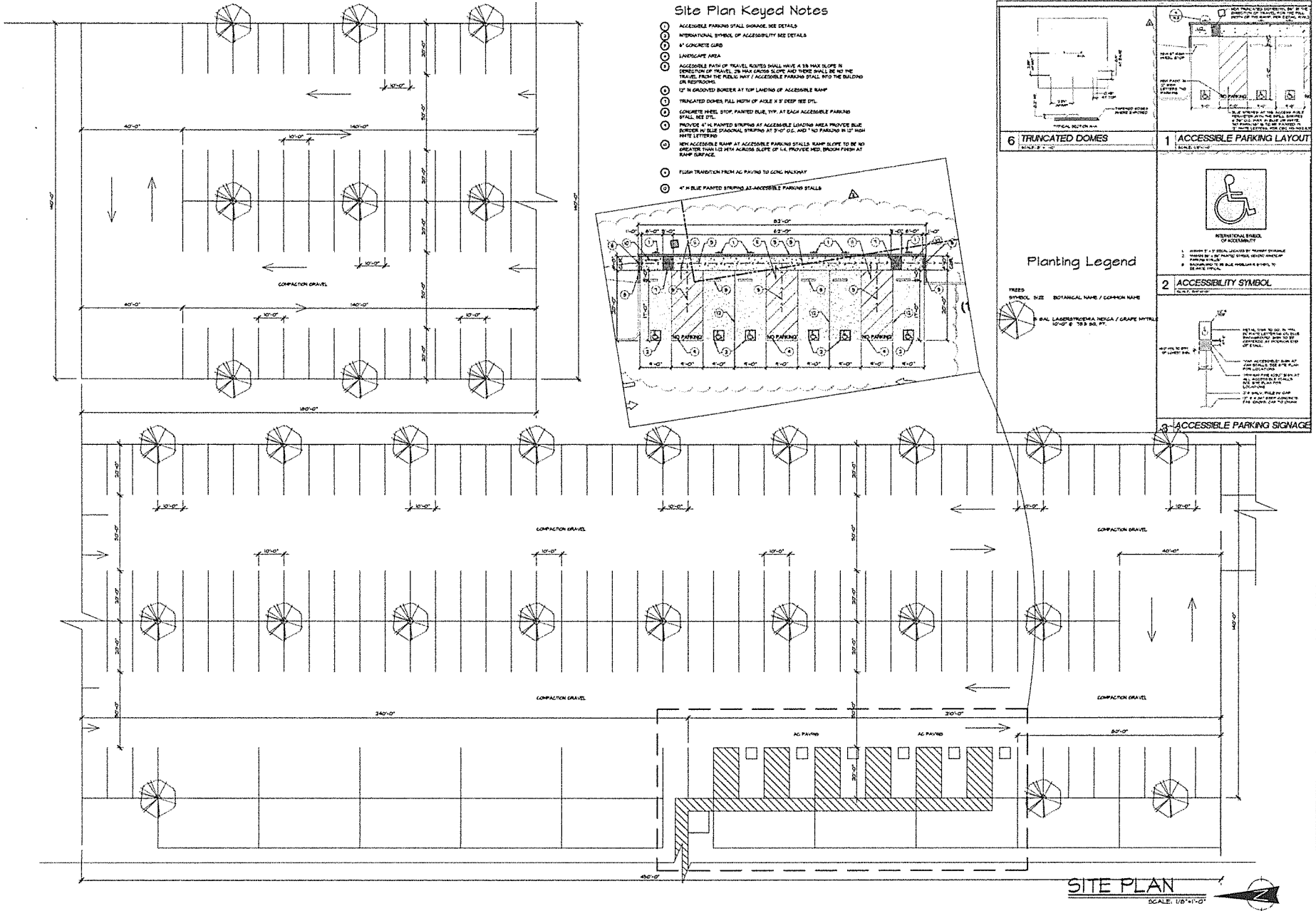
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Site Plan Keyed Notes

- ACCESSIBLE PARKING STALL STORAGE. SEE DETAILS
- INTERNATIONAL SYMBOL OF ACCESSIBILITY. SEE DETAILS
- 8" CONCRETE CURB
- LANDSCAPE AREA
- ACCESSIBLE PATH OF TRAVEL ROUTES SHALL HAVE A 2% MAX SLOPE IN DIRECTION OF TRAVEL. ON MAX CROSS SLOPE, ANY WEDGE SHALL NOT BE IN THE PATH OF TRAVEL FROM THE PUBLIC WAY / ACCESSIBLE PARKING STALL TO THE BUILDING OR REVERSE.
- 12" W GROOVED BOMBER AT TOP LANDING OF ACCESSIBLE RAMP
- TRUNCATED DOMES FALL HEIGHT OF 1/4" X 3" DEEP. SEE DET.
- CONCRETE WHEEL STOP. PAINTED BLUE, TYP. AT EACH ACCESSIBLE PARKING STALL. SEE DET.
- PROVIDE 4" H BLUE PAINTED STRIPING AT ACCESSIBLE LANDING AREA. PROVIDE BLUE STRIPES IN BLUE GRADUAL STRIPING AT 2" X 12" @ 12" AND 1" X 12" PAINTING IN 12" HIGH WHITE LETTERING
- NEW ACCESSIBLE MARK AT ACCESSIBLE PARKING STALLS. MARK SLOPE TO BE NO GREATER THAN 1:12 WITH A CROSS SLOPE OF 1:4. PROVIDE MED. BRUSH FINISH AT RAMP SURFACE.
- FLUSH TRANSITION FROM AC PAVING TO CONC. WALKWAY
- 4" H BLUE PAINTED STRIPING AT ACCESSIBLE PARKING STALLS

<p>6 TRUNCATED DOMES</p>	<p>1 ACCESSIBLE PARKING LAYOUT</p>
<p>Planting Legend</p> <p>TREES</p> <p>SYMBOL SIZE BOTANICAL NAME / COMMON NAME</p> <p>○ 8" DIAL LAGERSTROMIA NEDICA / GRAPE HYDRATE 10'-0" @ 12'-0" DIA. FT.</p>	
<p>2 ACCESSIBILITY SYMBOL</p> <p>INTERNATIONAL SYMBOL OF ACCESSIBILITY</p> <p>1. SYMBOL IS 7" DIA. LOCATED BY WALKWAY STRIPING</p> <p>2. SYMBOL IS 1/2" THICK WITH 1/8" RADIUS CORNERS</p> <p>3. SYMBOL IS 1/4" THICK WITH 1/8" RADIUS CORNERS</p> <p>4. SYMBOL IS 1/4" THICK WITH 1/8" RADIUS CORNERS</p> <p>5. SYMBOL IS 1/4" THICK WITH 1/8" RADIUS CORNERS</p> <p>6. SYMBOL IS 1/4" THICK WITH 1/8" RADIUS CORNERS</p>	

REVISIONS	BY

California Shine Construction
 2511 N. 15th St., Suite 100, Redwood City, CA 94063
 Phone: (650) 962-1000
 Fax: (650) 962-1001
 License No. C-45108
 Licensee: John Shine, C-45108
 Licensee: John Shine, C-45108
 Licensee: John Shine, C-45108

PROPOSED SITE PLAN

Proposed Flea Market For:
JOSE RITO GUTIERREZ
 29456 Joyce Ave
 Covington, CA 95210

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 18-1845
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AGRICULTURAL COMMERCIAL CENTER (PARKING LAYOUT)

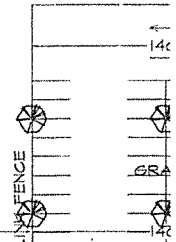
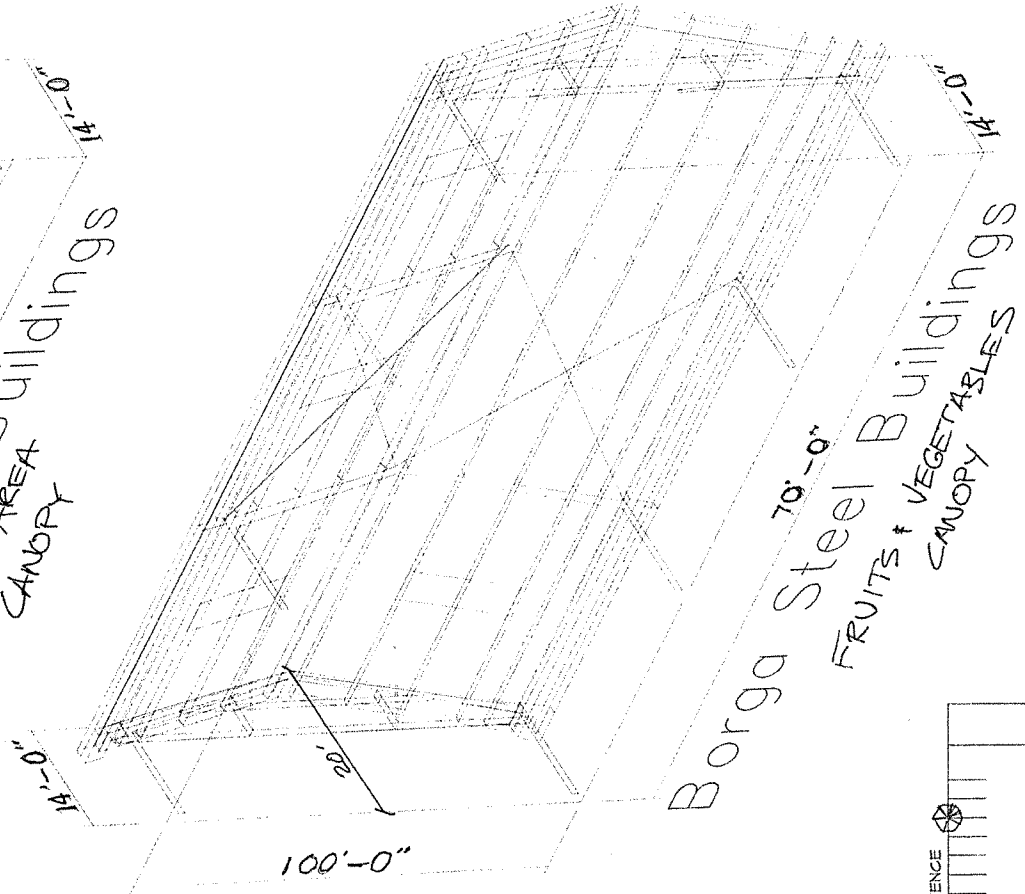
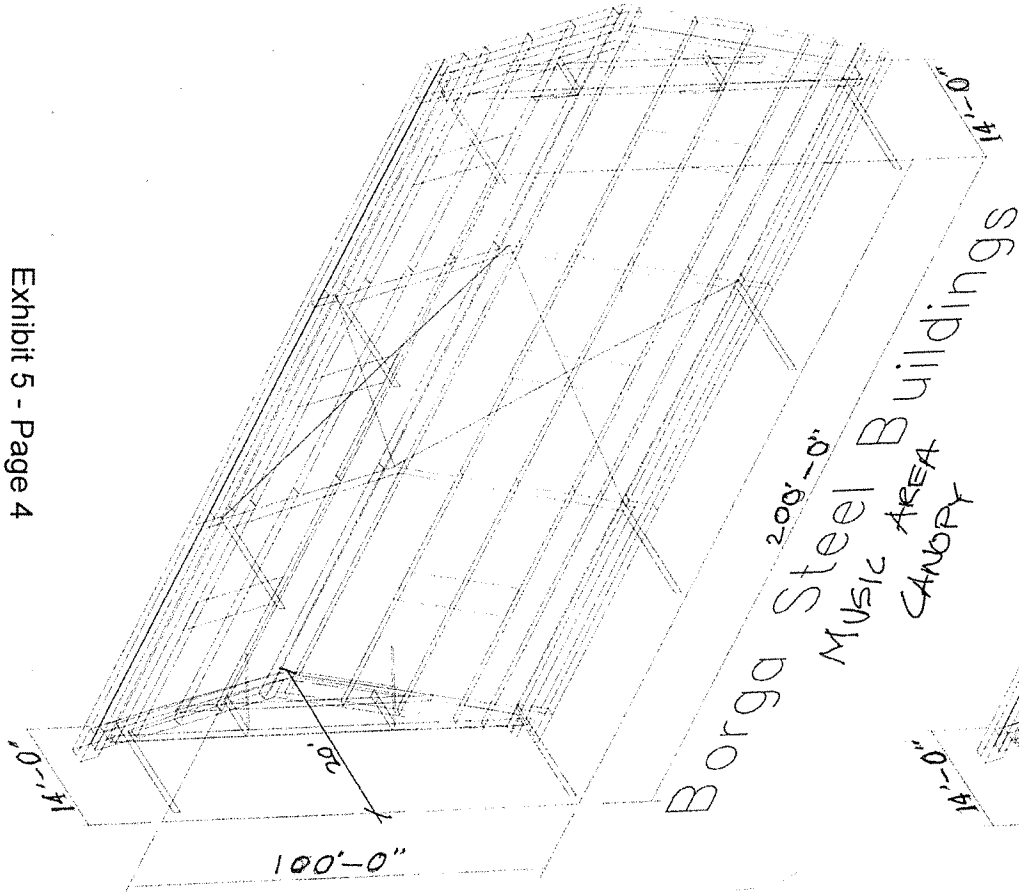


EXHIBIT 6

Planning, community & Economic Development.

PROJECT/BUSINESS OPERATIONAL STATEMENT

*Applicant or Authorized Agent and contact information:

-Luis Bravo: Cellphone number (559) 999-1509 Office number (559) 41-7402

3251 N Marks Ave, Fresno CA 93722

calshineconstruction@yahoo.com

www.californiashineconstruction.net

*Property Owner(s) and contact information:

-Gutierrez Properties LLC; 195 W Elm Ave. Coalinga CA, 93210

Cellphone number (559) 304-1889

*Project/Business proposal/concept:

-Flea Market (swap meet)

*Describe the project/ nature of operation:

-Rent, provide space to people who want to sell or barter merchandise, like used goods, cheap items, collectibles, antiques, Ect.

-Outdoor merchandise sales as in a field in a designated lot or under a tent provided by vendor itself.

-Sell food in custom food truck that will meet all county codes and standards, beer, snacks and soft drinks.

*Identify the surrounding uses/business adjacent to the project/business:

-North: Agricultural

-South: Jayne Ave.

-East: Agricultural

-West: Agricultural

*Project/business operations: (days and hours/evenings-weekends/indoor and/ or outdoor)

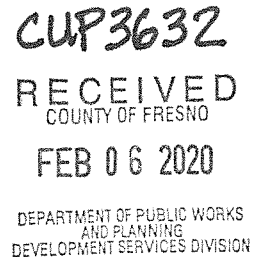
-Weekends only (Friday, Saturday and Sunday) outdoors from 5:00 am to 10:00 pm

*Other special activities or events as part of this project/business: (temporary, permanent, frequency, hours, indoors or outdoors).

-None

*Estimated number of visitors (customers, patrons, members).

-500



*Number of employees: (By shift, time of day, year, etc.)

-5

*Service and delivery vehicles including company/business vehicles (specify type and number).

-Small cargo vans with merchandise from sellers, guessing hopefully 100 vendors

*Number of parking spaces proposed and/ or existing on the site/property.

-201

*Are any goods to be sold/ packaged/manufactured on the site/property (retail and/ or wholesale)?

-No

*What type of equipment, supplies and/ or materials will be used, kept and/ or stored for the project/business?

-None

*How will access be provided to the project/business (street, highways, rail)?

- Compacted dirt with overlay or grinded gravel to prevent dust.

*Estimate the number and type of trips per day generated by the project (cars, trucks, rail).

-100

*Will the project/ business and its use cause any unsightly appearance or create a public nuisance?

-No

*Will the project/business and its use cause or create any noise, glare, dust, smoke or odors?

-No

*Estimated volume of water to be used daily. Any water recycling planned or proposed?

-300 Gallons, water will be provided from an existing well in good condition.

*Estimated volume of garbage/trash (solid waste) generated by the use and type of solid waste produced from the project/business. How will waste be stored on the premises and what type of solid waste enclosure will be constructed or provided?

-Garbage and recycling bins will be provided permanently in a garbage enclosure.

*Will the project/business produce any hazardous materials/waste? If so, will they be shipped or stored? How will they be handled? How will they be disposed of?

-None

*Describe the type of outdoor advertising signage needed. (type of signs, design, height, length and placement).

-4' x 8' sign in front of Flea Market entrance.

*Will the project/business include the construction of a new building or structure? Which buildings or what portion of the buildings will be used in the operation?

-Men and Women ADA restrooms: 70'x100' and 100'x200' canopies

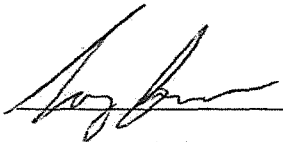
*Will any existing or new outdoor lighting or outdoor sound amplification system be used?

-New 200 AMP 3 phase 120-240 breaker panel for outdoor lighting.

-Temporary shelters, canopies, shades will be provided by vendors.

*Will the project/business install new landscaping/irrigation, fencing and walls? (Describe type, design and locations)

-Security fence surrounding Flea Market and proposed green area at front of Jayne Ave.

 02-06-2020

Luis Bravo (Authorized Agent)



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Luis Bravo on behalf of Rito Gutierrez
- APPLICATION NOS.: Initial Study Application No. 7568 and Classified Conditional Use Permit Application No. 3632
- DESCRIPTION: Allow an agricultural commercial center consisting of an approximately 6-acre flea market with related improvements on a 78.18-acre parcel in AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District.
- LOCATION: The project is located on the north side of W. Jayne Avenue approximately 2,556 feet west of its intersection with El Dorado Avenue and 6.4 miles east of the nearest city limits of City of Coalinga (23436 W. Jayne Avenue, Coalinga) (Sup. Dist. 4) (APN 073-090-20S).

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 project site is a grazing land located near the City of Coalinga. Surrounding the site are grazing lands and sparse agricultural fields. Jane Avenue borders the site and is not designated as a scenic highway in the County General Plan. There are no scenic vistas or scenic resources, including trees, rock outcroppings, or historic buildings, on or near the site that will be impacted by the subject proposal. The project will have no 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 surrounded by grazing lands. Most agricultural fields with farming operations are located approximately 1.5 miles to the east and sparse agricultural fields are located to the south and west of the project site.

The proposed improvements related to the project include vendors' stalls, restrooms, music platform/sitting area under canopy, fruit/vegetable stalls under canopy, and parking for vendors and patrons. Except for the restroom building and canopies, vendors' stalls can be removed at the end of business day. The project area is rural in nature. Given the proposed improvements (including restroom building and canopies) are low height and will be set back more than 220 feet from Jayne Avenue (public road), 2,000 feet from the nearest residential development to the east, and 0.8 mile from Coalinga State Hospital to the west, the project's visual impact on the area would be less than significant.

- 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:

Per the Applicant's Operational Statement, outdoor lighting will be used to illuminate the flea market after sunset. To reduce any lighting and glare impact resulting from the project, a Mitigation Measure would require that all outdoor lighting shall be hooded and directed as to not shine toward adjacent properties and public streets.

* **Mitigation Measure**

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

As noted above, there are a sporadic improvement located in the project vicinity at significant distance. As such, any impact resulting from automobile headlights shining on those improvements is expected to be less than significant.

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?

FINDING: NO IMPACT:

The project site is classified as Grazing Land on the 2016 Fresno County Important Farmland Map suited to the grazing of livestock. The site is not an agricultural land. Therefore, no individual or cumulative loss to agricultural land would occur from this proposal.

- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: NO IMPACT:

The subject proposal is not in conflict with the existing AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) zoning on the property and is an allowed use on land designated for agriculture with discretionary approval and adherence to the applicable General Plan Policies. The project site is not enrolled in the Williamson Act Program.

- 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 forestland to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is not forestland or timberland. Zoned AE-40 (Exclusive Agriculture) in the County Ordinance, the site is a grazing land suited to the grazing of livestock. The project will be established on a non-agricultural land and will not set a precedent for conversion of active farmland in the area to non-agricultural uses.

This project was routed to the Fresno County Agricultural Commissioner's Office for review and comments. Per the comments provided, a Condition of Approval for the project would require that the Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniencies and discomfort associated with normal farm activities surrounding the proposed development.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Air Quality Plan (AQP) contains several control measures that are enforceable requirements through the adoption of rules and regulations. The following San Joaquin Valley Air Pollution Control District rules and regulations may apply during buildout of the project, including, but not limited to: Regulation VIII (Fugitive PM₁₀ Prohibitions); Rule 4601 (Architectural Coatings); Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations); Rule 4102 (Nuisance); and Rule 9510 (Indirect Source Review).

The project would comply with all applicable Air Resources Board (ARB) and San Joaquin Valley Air Pollution Control District rules and regulations as noted above and would not conflict with or obstruct implementation of the applicable air quality attainment plan as discussed below in Section III. B. The project's emissions (short-term construction and long-term operational emissions) would be less than significant for all criteria pollutants. The project complies with all applicable rules and regulations from the applicable Air Quality Plan (APQ); therefore, the project is not considered inconsistent with the AQP, and the impact would be less than significant.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The applicant provided an Air Quality Analysis, completed by Vans Inc. Consulting Engineers (VICE), dated December 16, 2019. The Analysis was provided to the San Joaquin Valley Air Pollution Control District (SJVAPCD) along with the project information for review and comments. No concerns were expressed by the District.

The proposed project's construction and operations would contribute the following criteria pollutant emissions: reactive organic gases (ROG), carbon monoxide (CO), nitrogen dioxide (NO₂), and particulate matter (PM₁₀ and PM_{2.5}). The project does not contain sources that would produce substantial quantities of sulfur dioxide (SO₂) emissions during construction and operation. Criteria and Greenhouse Gas (GHG) emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2016.3.2 [California Air Pollution Control Officers Association (CAPCOA) 2017], which is the most current version of the model approved for use by SJVAPCD.

The San Joaquin Valley Air Pollution Control District's annual emission significance thresholds used for the project define the substantial contribution for both construction and operational emissions as follows: 100 tons per year CO, 10 tons per year NO_x, 10 tons per year ROG, 27 tons per year SO_x, 15 tons per year PM₁₀, and 15 tons per year PM_{2.5}.

Per the Air Quality Analysis, construction emissions associated with the project from each year of construction activities (year 2020 and 2021) will be 0.3959 ton per year CO, 0.06807 ton per year NO_x, 0.1202 ton per year ROG, 0.0859 ton per year PM₁₀, and 0.0537 ton per year PM_{2.5}. Per the results, the project construction emissions would be below the SJVAPCD threshold of significance. In addition to the construction period thresholds of significance, implementation of the following Mitigation Measures would ensure that the proposed project complies with Regulation VIII to further reduce the short-term construction period air quality impacts.

* **Mitigation Measures**

Consistent with San Joaquin Valley Air Pollution Control District Regulation VIII (Fugitive PM₁₀ Prohibitions), the following measures shall be implemented for dust control during grading and construction:

- 1. The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust.*
- 2. Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavating activities. Application of water should penetrate sufficiently to minimize fugitive dust during grading activities.*
- 3. Fugitive dust produced during grading, excavation, and construction activities shall be controlled by the following activities:*
 - a. All trucks shall be required to cover their loads as required by California Vehicle Code Section 23114.*
 - b. All graded and excavated material, exposed soil areas, and active portions of the construction site, including unpaved on-site roadways, shall be treated to prevent fugitive dust.*
 - c. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll compaction as appropriate. Watering shall be done as often as necessary by using reclaimed water whenever possible.*
- 4. Graded and/or excavated inactive areas of the construction site shall be monitored at least weekly for dust stabilization. Soil stabilization methods shall be periodically applied to portions of the construction site that are inactive for over four days. If no further grading or excavation operations are planned for the area within three weeks, it shall be seeded and watered until grass growth is evident, or periodically treated with environmentally-safe dust suppressants, to prevent excessive fugitive dust.*
- 5. Signs shall be posted on site limiting traffic to 15 miles per hour or less.*

6. *During periods of high winds, all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust from being an annoyance or hazard, either off site or on site.*
7. *Adjacent streets and roads shall be swept at least once per day, preferably at the end of the day, if visible soil material is carried over to those adjacent streets and roads.*
8. *Personnel involved in grading operations, including contractors and subcontractors, shall wear respiratory protection in accordance with California Division of Occupational Safety and Health regulations.*
9. *Rumble strips/shaker plates/or base rock shall be installed at all truck exits from the site.*
10. *Dust control requirements shall be shown on all grading plans.*
11. *The following shall be implemented during construction to minimize emissions of ozone precursors.*
 - a. *Construction contractors shall minimize equipment idling time throughout construction. Engines shall be turned off if idling would be for more than five minutes.*
 - b. *Equipment engines shall be maintained in good condition and in proper tune as per manufacturers' specifications.*
 - c. *The number of pieces of equipment operating simultaneously shall be minimized.*
 - d. *Construction contractors shall use alternatively-fueled construction equipment (such as compressed natural gas, liquefied natural gas, or electric) when feasible.*
 - e. *The engine size of construction equipment shall be the minimum practical size.*
 - f. *Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally-mandated clean diesel engines) shall be utilized wherever feasible.*
 - g. *During the smog season (May through October), the construction period should be lengthened*

Operational emissions occur over the lifetime of the project from two main sources: area sources and motor vehicles, or mobile sources. Per the Air Quality Analysis, operational emissions associated with the project will be as follows: 0.7573 ton per year CO, 0.0766 ton per year NO_x, 0.0883 ton per year ROG, 0.1818 ton per year PM₁₀, and

0.0490 ton per year PM_{2.5}. Per the results, the project's operational emissions would be below the SJVAPCD threshold of significance: 100 tons per year CO, 10 tons per year NO_x, 10 tons per year ROG, 27 tons per year SO_x, 15 tons per year PM₁₀, and 15 tons per year PM_{2.5}.

Per the above-discussed regional analysis of construction and operational emissions, the project would not exceed the District's significance thresholds and is consistent with the applicable Air Quality Attainment Plan. Therefore, the project would not result in significant cumulative health impacts.

C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Those who are sensitive to air pollution include children, the elderly, and persons with preexisting respiratory or cardiovascular illness. A sensitive receptor is considered a location that houses or attracts children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. This includes hospitals, residences, convalescent facilities, and schools. The closest sensitive receptor, a residential dwelling, is approximately one half-mile east of the project site.

Emissions occurring at or near the project have the potential to create a localized impact, also referred to as an air pollutant hotspot. Localized emissions are considered significant if when combined with background emissions they would result in exceedance of any health-based air quality standard. The criteria pollutants of concern for localized impact in the San Joaquin Valley Air Basin (SJVAB) are PM₁₀, PM_{2.5}, NO₂, and CO.

Per the Air Quality Analysis Maximum Daily Air Pollutant Emissions, the screening threshold is 100 for NO_x, CO, PM₁₀ and PM_{2.5}. An analysis of maximum daily pollutant emissions during construction and operation was conducted to determine if emissions would exceed 100 pounds per day for any pollutant of concern. Per the Analysis, the maximum daily emission during construction would be as follows: 28.85 NO_x, 22.337 CO, 6.9921 PM₁₀ and 4.3719 PM_{2.5}, and the maximum daily emission during operation would be 0.4610 NO_x, 4.6773 CO, 1.0262 PM₁₀ and 0.2761 PM_{2.5}. Given the results, the project emissions would not exceed the significance thresholds, and therefore, the project's air quality impacts are less than significant.

Per the Air Quality Analysis, the project emissions may be considered significant if a Carbon Monoxide Hotspot Analysis determines that the project-generated emissions cause a localized violation of the state CO one-hour standard of 20 ppm, the state CO 8-hour standard of 9.0 ppm, the federal CO one-hour standard of 35 ppm, or the federal CO 8-hour standard of 9 ppm. Increased CO concentrations usually are associated with roadways that are congested and with heavy traffic volume. Per SJVAPCD, a project can be said to have no potential to create a violation of the CO standard if the Level of Service (LOS) on one or more streets or intersections in the project vicinity will not be reduced to LOS E or F; or the project will not substantially worsen an already existing LOS F on one or more streets or intersections in the project vicinity.

The construction of the project would result in minor increases in traffic for the surrounding road network during the duration of construction. Motor vehicles accessing the site when it becomes operational would result in a minor increase in daily trips that would not substantially reduce the LOS. Also, local roadways are not identified as operating at unacceptable conditions under existing and future buildout conditions.

Furthermore, the highest background 8-hour average of carbon monoxide is 1.61 ppm (parts per million), which is 82 percent lower than the state ambient air quality standard of 9.0 ppm. Therefore, the project would not significantly contribute to an exceedance of state or federal CO standards. As such, less than significant health risk would occur from project-related emissions.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Odor impacts on residential areas and other sensitive receptors, such as hospitals, day-care centers, schools, etc. warrant the closest scrutiny. Potential for odor impact occurs when a new odor source is located near an existing sensitive receptor or when a new sensitive receptor locates near an existing source of odor.

Per the Air Quality Analysis, the project site is not located within San Joaquin Valley Air Pollution Control District identified screening distances (one to two miles) of any odor-generating facilities. The project involves no industrial, agricultural or other uses typically associated with objectionable odors. As such, the project would generate no objectionable odors to affect people in the area.

Construction activities may generate temporary airborne odors during the operation of diesel-powered construction vehicles and the application of architectural coatings. However, these odors are generally not considered offensive. Emissions would be temporary and confined to the immediate vicinity of the construction site with the application of emission reduction strategies that are specifically designed to reduce nuisance air quality and odor emissions. Any odor impacts would be less than significant.

IV. BIOLOGICAL RESOURCES

Would the project:

- A. Has 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: LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED:

The project was routed to the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) for review and comments. According to CDFW, a review of aerial imagery and documented species occurrence records in the California Natural Diversity Database (CNDDDB) indicates that the project site has the potential to support a number of special-status species. This includes impact to the State fully-protected and State and federally endangered blunt-nosed leopard lizard and San Joaquin kit fox; the State threatened San Joaquin antelope squirrel and Swainson's hawk; the State and federally endangered giant kangaroo rat and State species of special concern short-nosed kangaroo rat; a number of special-status and rare plants, including the State and federally endangered California jewel flower and the federally endangered San Joaquin woolly threads; State species of special concern: burrowing owl, loggerhead shrike, LeConte's thrasher, American badger, San Joaquin coachwhip, western spadefoot, California legless lizard, California glossy snake, and coast horned lizard. In order to adequately assess any potential project-related impacts to biological resources, CDFW required that surveys shall be conducted by a qualified wildlife biologist/botanist during the appropriate survey period(s) and using the appropriate protocol survey methodology in order to determine whether any special-status species are present at or near the project area. The project will be subject to the following Mitigation Measures as recommended by the CDFW:

* **Mitigation Measures**

1. *A qualified biologist shall conduct a habitat assessment in advance of project implementation to determine if the project area or its immediate vicinity contains suitable habitat for San Joaquin kit fox (SJKF), assess presence/absence of SJKF by conducting surveys following the USFWS "Standardized recommendations for protection of SJKF prior to or during ground disturbance" (2011), and upon SJKF detection, consult with CDFW to discuss how to avoid take, or if avoidance is not feasible, acquire an Incidental Take Permit (ITP) prior to the project activities, pursuant to Fish and Game Code Section 2081 (b).*
2. *A qualified biologist shall conduct a habitat assessment in advance of project implementation to determine if the Project area or its immediate vicinity contains suitable habitat for Blunt-nosed leopard lizard (BNLL). If suitable habitat is present, prior to initiating any project activities, conduct surveys in accordance with the "Approved Survey Methodology for the Blunt-nosed Leopard lizard" (CDFG 2004). Complete BNLL surveys no more than one year prior to initiation of ground disturbance. Protocol-level surveys must be conducted on multiple dates during late spring, summer, and fall, and that within these time periods there are specific protocol-level date, temperature, and time parameters which must be adhered to. If BNLL is detected during protocol level surveys, CDFW shall be consulted to discuss how to implement project activities and avoid take.*
3. *A qualified biologist shall conduct a habitat assessment in advance of project implementation to determine if the project area or its immediate vicinity contains suitable habitat for San Joaquin Antelope Squirrel (SJAS). In areas of suitable habitat, a qualified biologist shall conduct focused daytime visual surveys for SJAS using line transects with 10- to 30-meter spacing. These surveys shall be*

conducted between April 1 and September 20 during daytime temperatures between 68-86° F (CDFG 1990). If suitable habitat is present and surveys or trapping are not feasible, a 50-foot-minimum no-disturbance buffer shall be maintained around all small mammal burrows of suitable size for SJAS. If SJAS is detected, CDFW shall be consulted to discuss how to avoid take, or if avoidance is not feasible, to acquire an Incidental Take Permit (ITP) prior to ground-disturbing activities, pursuant to Fish and Game Code Section 2081 (b).

- 4. A qualified wildlife biologist shall conduct surveys for nesting raptors following the survey methodology developed by the Swainson hawk (SWHA) Technical Advisory Committee (SWHA TAC 2000) prior to project initiation and that these surveys extend to a one half-mile radius surrounding the project area. If project activities take place during the normal bird breeding season (February 1 through September 15), additional pre-construction surveys for active nests are to be conducted by a qualified biologist no more than 10 days prior to the start of construction. If an active SWHA nest is found, a minimum one half-mile no-disturbance buffer shall be provided until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If SWHA are detected and the one half-mile no-disturbance nest buffer is not feasible, the California Department of Fish and Wildlife shall be consulted to determine if the project can avoid take. If SWHA cannot be avoided, an ITP prior to vegetation or ground-disturbing activities is necessary to comply with the California Endangered Species Act.*
- 5. A qualified biologist shall conduct a habitat assessment in advance of Project implementation to determine if the project area or its immediate vicinity contains suitable habitat for Giant Kangaroo Rat (GKR) and Short-nosed Kangaroo Rat (SNKR). If suitable habitat is present, a trapping plan for determining presence of GKR and SNKR shall be submitted to and approved by CDFW prior to subsequent trapping efforts. These surveys shall be conducted by a qualified biologist who holds a Memorandum of Understanding with CDFW for GKR and SNKR, and be conducted between April 1 and October 31, when kangaroo rats are most active. If suitable habitat is present and trapping is not feasible, a 50-foot-minimum no-disturbance buffer shall be conducted around all small mammal burrows. If GKR or SNKR are found within the project area during preconstruction surveys or construction activities, CDFW shall be consulted to discuss how to implement the project and avoid take; or if avoidance is not feasible, to acquire an Incidental Take Permit for GKR prior to any ground-disturbing activities, pursuant Fish and Game Code Section 2081(b).*
- 6. The project site shall be surveyed for special-status plants by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities" (CDFW 2018). In the absence of protocol-level surveys being performed, additional surveys may be necessary. The special-status plant species shall be avoided whenever possible by delineation and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained,*

then the California Department of Fish and Wildlife (CDFW) shall be consulted to determine appropriate minimization and Mitigation Measures for impacts to special-status plant species. If a California Endangered Species Act (CESA)-listed plant species is identified during botanical surveys, CDFW shall be consulted to determine if the project can avoid take. If take cannot be avoided, take authorization may be warranted. Take authorization would occur through issuance of an Incidental Take Permit by CDFW, pursuant to Fish and Game Code Section 2081(b).

- 7. A qualified biologist shall conduct a habitat assessment in advance of project implementation to determine if the project area or its vicinity contains suitable habitat for Burrowing Owl (BUOW). If suitable habitat is present on or in the vicinity of the project area, a qualified biologist shall conduct surveys following the California Burrowing Owl Consortium's (CBOC) "Burrowing Owl Survey Protocol and Mitigation Guidelines" (CBOC 1993) and CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012). Three or more surveillance surveys shall be conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable. In addition, the surveys shall include a 500-foot buffer around the Project area. No-disturbance buffers, as outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG 2012) shall be implemented prior to and during any ground-disturbing activities. Specifically, any impacts to occupied burrows shall be avoided in accordance with the following table unless a qualified biologist approved by the California Department of Fish and Wildlife verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.*
- 8. If Burrowing Owl (BUOW) are found within these recommended buffers and avoidance is not possible, burrow exclusion shall be conducted according to the Staff Report (CDFG 2012) by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. Also, occupied burrows shall be replaced with artificial burrows at a ratio of one burrow collapsed to one artificial burrow constructed (1:1) as mitigation for the potentially-significant impact of evicting BUOW.*
- 9. A qualified biologist shall conduct a habitat assessment in advance of project implementation to determine if the project area or its immediate vicinity contain suitable habitat for Loggerhead shrike, LeConte's thrasher, American badger, San Joaquin coachwhip, western spadefoot, California legless lizard, California glossy snake, coast horned lizard, and American badger. If suitable habitat is present, a qualified biologist shall conduct focused surveys for applicable species and their requisite habitat features to evaluate potential impacts resulting from ground and vegetation disturbance. Avoidance whenever possible is encouraged via delineation and observance a 50-foot no-disturbance buffer around dens of mammals like the American badger, as well as burrows which*

can provide refuge for small mammals, reptiles, and amphibians, and 100 feet around nests of special-status bird species.

10. In addition to consultation with the California Department of Fish and Wildlife's (CDFW) Regional California Endangered Species Act staff, CDFW's Regional Ecological Reserve Management Unit staff shall also be consulted in advance of project initiation to demonstrate accurate delineation of property boundaries to prevent encroachment on CDFW-owned lands. Consultation is also recommended to discuss planned ingress and egress to the project area for the purposes of preventing encroachment on CDFW-owned lands. John Battistoni, Regional Ecological Reserve Management Unit Supervisor, shall be contacted via email at John.Battistoni@wildlife.ca.gov or via telephone at 559-243-4014 extension 219.

According to the U.S. Fish and Wildlife Service (USFWS), the proposed project is located within the range of the federally endangered San Joaquin kit fox and blunt-nosed leopard lizard. Both species have been documented in the California Natural Diversity Database within five miles of the proposed project site. In addition, the project is located within a kit fox recovery area, which has been identified as historically and/or currently occupied by the Pleasant Valley satellite kit fox population. Given that kit fox and lizard species are known to occur in the area, USFWS recommended that a habitat assessment of the proposed project site be conducted by a qualified biologist to determine whether the site contains suitable habitat for these or any other listed species.

A Biological Habitat Assessment (Report) prepared by Colibri Ecological Consulting, LLC, dated April 2019 was provided to the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) for review and comments. No comments on the Report were provided by CDFW. USFWS concurred with the Report's findings and Mitigation Measures and offered no further comments.

According to the Biological Habitat Assessment (Report), a field reconnaissance survey of the property was conducted on April 1, 2019. To evaluate and document the potential for the project site to support federally or state protected resources, the site was walked and thoroughly inspected, a surrounding 50-foot buffer was inspected with 10x42 binoculars, and a 0.5-mile buffer was evaluated for its potential to support nesting special-status raptors. All plants on the project site and all animals (vertebrate wildlife species) observed in the survey area were identified and documented. The project site and surrounding 50-foot buffer were evaluated for the presence of regulated habitats, including lakes, streams, and other waters using methods described in the *Wetlands Delineation Manual* and regional supplement (USACE 1987, 2008) and as defined by CDFW.

The survey revealed that the project site consists of dense, nonnative annual grassland dominated by red brome, gravel roads, and disturbed areas remnant of past oil and gas mining activities. Three abandoned oil pipes could serve as potential dens for San Joaquin kit fox, and a kit fox was observed immediately west of the site on the Pleasant Valley Ecological Reserve. Although most of the site aside from gravel roads and

disturbed areas was covered in dense grass, the site included several small patches of bare ground. These patches supported kangaroo rat burrows. Although kangaroo rat burrows were especially evident in bare patches, burrows were distributed at a moderate density across the entire project site. An unnamed ephemeral blue-line drainage is at the far northwest corner of the site.

Per the Biological Habitat Assessment (Report), USFWS provided a list of nine endangered or candidate species under the Federal Endangered Species Act (FESA) to consider in the project analysis, namely: endangered San Joaquin woollythreads, the threatened vernal pool fairy shrimp, the threatened Delta smelt, the threatened California red-legged frog, the threatened California tiger salamander, the endangered blunt-nosed leopard lizard, the threatened giant garter snake, the endangered giant kangaroo rat, and the endangered San Joaquin kit fox. The Report notes that searching the California Natural Diversity Database (CNDDDB) for records of special-status species, 15 species were found to exist within five miles of the project site, and likewise, searching the California Native Plant Society (CNPS) inventory of rare and endangered plants produced records of 30 species, 15 of which are rare, threatened, or endangered in California.

Per the Biological Resource Evaluation (Report), the project will result in permanent and temporary impacts to saltbush scrub and nonnative annual grassland habitats causing loss of natural land as a habitat for San Joaquin kit fox, San Joaquin antelope squirrel, short-nosed kangaroo rat, and other special-status species, and requires that the project shall adhere to the following Mitigation Measures in order to reduce impact to special-status species to less than significant levels.

* **Mitigation Measures**

To mitigate impact to natural lands, the project proponent shall do the following

- 1. To mitigate for permanent impacts to natural lands by permanently conserving similar vegetation communities (grassland, saltbush scrub) that provide habitat for San Joaquin kit fox, San Joaquin antelope squirrel, and short-nosed kangaroo rat, provide one-acre of mitigation land for each acre of development authorized.*
- 2. Permanently protect mitigation land through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission.*
- 3. Develop and implement a mitigation land management plan to address long-term ecological sustainability and maintenance of the site.*
- 4. Fund the maintenance and management of mitigation land by establishing a long-term funding mechanism such as an endowment.*
- 5. Mitigation lands shall be on, adjacent to, or near the Project site where possible.*
- 6. Where there is insufficient habitat on, adjacent to, or near Project site, acquire*

mitigation lands with habitat for San Joaquin kit fox, San Joaquin antelope squirrel and short-nosed kangaroo rat away from the Project site.

- 7. Alternatively, if the project site is within the service area of a California Department of Fish and Wildlife-approved conservation bank, purchase available conservation bank credits from that bank.*

Per the Biological Habitat Assessment (Report), construction activities such as excavating, trenching, grading, or other ground-disturbing activities that could disturb or harm a special-status species or substantially modify its habitat could constitute a significant impact and requires that the project shall adhere to the following Mitigation Measures in order to reduce impact to special-status species to less than significant levels.

* **Mitigation Measures**

- 1. To protect brittlescale, crownscale, San Joaquin woollythreads, and recurved larkspur, a qualified biologist shall survey the project site during the flowering period (February - May for San Joaquin woollythreads and recurved larkspur; June - October for brittlescale; March - October for crownscale) for these species following the Protocols for Surveying and Evaluating Impacts to Special Status Plant Populations and Sensitive Natural Communities [California Department of Fish and Wildlife (CDFW) 2018b]. If any of these species is present, the qualified biologist shall stake and flag no-disturbance exclusion zones of 100 feet around these plants prior to construction activities. These exclusion zones shall remain in place throughout construction activities. If these exclusion zones cannot be maintained, the project proponent shall consult with CDFW to determine appropriate measures to implement to minimize or mitigate impacts to special-status plants.*
- 2. To protect San Joaquin coachwhip and California glossy snake, a qualified biologist shall conduct pre-construction surveys where suitable habitat is identified within proposed work areas immediately prior to ground-disturbing activities. If either species is found, work shall not begin until the animal has moved out of the work area on its own. During construction, a qualified biologist shall inspect open trenches, pits, and construction equipment and materials left on site for snakes each morning prior to the start of work and at the end of each workday.*
- 3. To protect blunt-nosed leopard lizard, a qualified biologist shall establish no-disturbance exclusion zones of 50 feet around all occupied or potentially-occupied burrows. A qualified biologist shall inspect open trenches for blunt-nosed leopard lizards each day prior to the start of work and at the end of each workday. If a blunt-nosed leopard lizard is found, all construction activities shall halt until it has moved out of the work area on its own. If ground-disturbing activities cannot avoid burrows, surveys following the methods described in Approved Survey Methodology for the Blunt-nosed Leopard Lizard (CDFG 2004) shall be conducted within one year of ground-disturbing activities*

to determine whether the species is present or absent. The results of these surveys shall be submitted to the California Department of Fish and Wildlife (CDFW). If a blunt-nosed leopard lizard is found at any time in the Project area, the project proponent shall consult with CDFW to discuss how to implement the Project to avoid take.

- 4. To protect Loggerhead shrike, construction shall be scheduled to avoid the nesting season, which extends from February through August. If it is not possible to schedule construction between September and January, preconstruction surveys for nesting birds shall be conducted by a qualified biologist to ensure that no active nests will be disturbed during Project implementation. A pre-construction survey shall be conducted no more than 14 days prior to the initiation of construction activities. During this survey, the qualified biologist shall inspect all potential nest substrates in and immediately adjacent to the impact areas for nests. If an active nest is found close enough to the construction area to be disturbed by these activities, the qualified biologist shall determine the extent of a construction-free buffer to be established around the nest. If work cannot proceed without disturbing the nesting birds, work may need to be halted or redirected to other areas until nesting and fledging are completed, or the nest has otherwise failed for non-construction-related reasons.*
- 5. To protect San Joaquin antelope squirrel, a qualified biologist shall conduct pre-construction surveys for the species (Harris and Stearns 1991). If the species is detected near active work areas, the qualified biologist shall establish an exclusion zone of 50 feet around occupied or potentially-occupied burrows. If work must take place in the exclusion zone, the project proponent must consult with the California Department of Fish and Wildlife to determine if take can be avoided. If take cannot be avoided, an Incidental Take Permit pursuant to California Fish and Game Code Section 2081 must be obtained to comply with the California Endangered Species Act.*
- 6. To protect short-nosed kangaroo rat, a qualified biologist shall flag occupied or potentially-occupied burrows and establish 50-foot exclusion zones for avoidance. If these exclusion zones cannot be maintained, the project proponent shall consult with the California Department of Fish and Wildlife (CDFW) to determine appropriate measures to implement to minimize or mitigate impacts to short-nosed kangaroo rat.*
- 7. To protect American badger, a qualified biologist shall conduct a preconstruction survey for the species. If American badger or American badger activity (e.g., dens, diggings) are detected, the qualified biologist shall establish no-disturbance exclusion zones of 50 feet between active dens and the work area. If these exclusion zones cannot be maintained, the project proponent shall consult with the California Department of Fish and Wildlife to determine appropriate measures to implement to minimize or mitigate impacts to American badger.*

8. *To protect San Joaquin kit fox, a qualified biologist shall conduct a preconstruction survey to identify potential dens, including potential atypical dens (i.e., manmade structures), in the Project area. If potential San Joaquin kit fox dens are present, their disturbance and destruction shall be avoided. If potential dens are located within the proposed work area and cannot be avoided during construction, a qualified biologist shall determine if the dens are occupied following the U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior or During Ground Disturbance (USFWS 2011). If unoccupied, the qualified biologist will remove these dens by hand, excavating them in accordance with USFWS procedures (USFWS 2011). When occupied or potentially-occupied San Joaquin kit fox dens are adjacent to the work area, exclusion zones shall be implemented following USFWS procedures. Exclusion zones shall be determined based on the type of den and current use: Potential Den: 50 feet; Known Den: 100 feet; Natal or Pupping Den: to be determined on a case-by case basis in coordination with USFWS and CDFW. All pipes greater than 4 inches in diameter stored on the construction site shall be capped, and exit ramps shall be installed in trenches and other excavations to avoid direct mortality. When possible, construction shall be conducted from October 1 to November 30, outside of the breeding season. If occupied dens cannot be avoided, the project proponent shall consult with the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife to determine whether Incidental Take Permits may be needed to comply with the Federal Endangered Species Act and California Endangered Species Act.*

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:

Per the Biological Resource Evaluation, no riparian habitat or other sensitive natural community is present in the project site. No impact would occur.

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 WITH MITIGATION
INCORPORATED:

An Aquatic Resource Delineation Report (Report) prepared for the project by Argonaut Ecological Consulting, Inc., dated December 3, 2019 was provided to the Army Corps of Engineers and California Department of Fish and Wildlife for review and comments. No comments on the Report were provided by either agency.

According to the Report, there is a total of 0.99 acre of potential waters/wetlands (ephemeral stream) within the outermost northwesterly corner of the subject 78.18-acre

project site. An approximately six-acre portion of the project site to be occupied by the proposed flea market is located 4,770 feet (0.9 mile) southeast of the 0.99 acre of potential waters/wetlands. Given the distance, the project is not expected to any have adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act. To further ensure that the wetland area is protected from the project-related activities, the project will adhere to the following Mitigation Measure:

* **Mitigation Measure**

1. *The project proponent shall ensure that all activities related to the flea market operation remain within the limits of the project boundaries as shown on the approved Site Plan, and must not encroach upon the 0.99 acre of potential waters/wetlands located within the outermost northwesterly corner of the project site as identified by Aquatic Resource Delineation Report prepared by Argonaut Ecological Consulting, Inc., and dated December 3, 2019.*

- 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: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

Per the Biological Resource Evaluation (Report), the project could impede the use of nursery sites for native birds protected under the Migratory Bird Treaty Act and California Fish and Game Code. Construction activities such as excavating, trenching, and grading that disturb a nesting bird on the site or immediately adjacent to the construction zone could constitute a significant impact. Therefore, the project shall adhere to the following Mitigation Measures in order to reduce impact to nesting birds to less than significant levels.

* **Mitigation Measures**

1. *To the extent practicable, construction shall be scheduled to avoid the nesting season, which extends from February through August.*
2. *If it is not possible to schedule construction between September and January, pre-construction surveys for nesting birds shall be conducted by a qualified biologist to ensure that no active nests will be disturbed during project implementation. A pre-construction survey shall be conducted no more than 14 days prior to the initiation of construction activities. During this survey, the qualified biologist shall inspect all potential nest substrates in and immediately adjacent to the impact areas for nests. If an active nest is found close enough to the construction area to be disturbed by these activities, the qualified biologist shall determine the extent of a construction-free buffer to be established around the nest. If work cannot proceed without disturbing the nesting birds, work may need to be halted or redirected to other*

areas until nesting and fledging are completed or the nest has otherwise failed for non-construction-related reasons.

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

FINDING: NO IMPACT:

The project site is a grazing land and contains no trees that may require removal due to the project development. The project is not in conflict with the County's tree preservation policies for oak trees.

- 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 site is within PG&E's San Joaquin Valley Operations and Maintenance (O&M) Habitat Conservation Plans (HCP). The proposed development will not be against HCP which is applicable to PG&E projects only.

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 in an area moderately sensitive to archeological resources. The Southern San Joaquin Valley Information (SSJVIC) of the California Historical Resources Information Center (CHRIS) stated that the project area has not been surveyed, and due to its archeological sensitivity, prehistoric or historical cultural resources may be present on the project site. As such, an archaeological survey should be conducted by a professional archaeologist. Per this recommendation, a Cultural Resource Assessment (Study) was prepared for the project by Peak & Associates, Inc., dated November 5, 2019, and a copy was provided to SSJVIC.

According to the Cultural Resources Assessment (Study) prepared by Vang Inc. Consulting Engineers, a field survey of the project site conducted by an archeologist on

October 14 and 15, 2019 found no prehistoric sites. However, given the area is archeologically sensitive, and that there is a slight possibility that a site may exist and be totally obscured by vegetation, fill, or other historic activities, leaving no surface evidence, the Study recommended that should artifacts or unusual amounts of stone, bone, or shell be uncovered during construction activities, an archeologist should be consulted for on-the-spot evaluation of the finding. If the Sheriff-Coroner determines that the bone is human and is most likely Native American in origin, the Native American Heritage Commission must be contacted. Implementation of the following Mitigation Measure would reduce the potential impacts on cultural resources to less than significant levels.

* **Mitigation Measure**

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 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.*

A cultural resources records search conducted at Native American Heritage Commission turned out to be negative.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project would result in less than significant consumption of energy (gas, electricity, gasoline, and diesel) during its construction. Limited construction activities involving a new restroom facility and canopies and corresponding fuel energy consumption would be temporary and localized. There are no unusual project characteristics that would cause the use of construction equipment to be less energy efficient compared with other similar construction sites in other parts of the State. Therefore, construction-related fuel consumption by the Project would not result in inefficient, wasteful, or unnecessary energy use compared with other construction sites in the area.

The project will be subject to meeting California Green Building Standards Code (CCR, Title 24, Part 11-CALGreen) to achieve the goals of Assembly Bill (AB) 32, which has established a comprehensive program of cost-effective reductions of greenhouse gases (GHG) to 1990 levels by 2020.

- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: NO IMPACT:

The project development would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

The project involves limited construction activities relating to a new restroom facility, canopies, vendors' areas, and onsite parking. Where applicable, all construction activities would comply with the 2019 Building Energy Efficiency Standards effective January 1, 2020. Pursuant to the California Building Standards Code and the Energy Efficiency Standards, the County would review the design components of the project's energy conservation measures when the project's building plans are submitted.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 9-5 of the Fresno County General Plan Background Report, the project site is in an area which has 10 percent probability of seismic hazard in 50 years with peak horizontal ground acceleration of 40 to 60 percent. The project development would be subject to building standards, which include specific regulations to protect improvements against damage caused by earthquake and/or ground acceleration.

- 4. Landslides?

FINDING: NO IMPACT:

Per Figure 9-6 of the Fresno County General Plan Background Report, the project site is not located in an area of landslide hazards. The project site is flat with no topographical variations, which precludes the possibility of landslides.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 7-3 of the Fresno County General Plan Background Report, the project site is not in an area of erosion hazards. Grading activities resulting from this proposal may result in loss of some topsoil due to compaction and overcovering of soil for construction of building/structure for the project. However, the impact would be less than significant with a Project Note requiring that Engineered Grading Plans shall be approved, and a Grading Permit shall be obtained from the Development Engineering Section of the Development Services and Capital Projects Division prior to onsite grading activities.

- 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:

As noted above, the project site is flat with no topographical variations. The site bears no potential for on or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse due to the project-related improvements. As a standard requirement, a soil compaction report may be required to ensure the weight-bearing capacity of the soils for a building prior to construction permits being issued.

- 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:

Per Figure 7-1 of the 2000 Fresno County General Plan Background Report, the project site is not in an area of expansive soils. However, the project construction will implement all applicable requirements of the most recent California Building Standards Code and will consider hazards associated with shrinking and swelling of expansive soils.

- 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: LESS THAN SIGNIFICANT IMPACT:

No community sanitary sewer is currently available to the project site. An individual sewage disposal system will be installed for the proposed restroom facility on the property.

According to the Fresno County Department of Public Health, Environmental Health Division (Health Department) review of the proposal, the project site is adequate in size to accommodate the sewage disposal system and expansion area, meeting the mandatory setbacks and policy requirements as established with the implementation of the Fresno County Tier 2 Local Area Management Plan (LAMP), onsite wastewater treatment system (OWTS) policy and California Plumbing Code. A Project Note would

require that the onsite sewage disposal system shall be installed under permit and inspection by the Department of Public Works and Planning, Building and Safety Section.

- 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.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Human activities, including fossil fuel combustion and land-use changes, release carbon dioxide (CO₂) and other compounds cumulatively termed greenhouse gases (GHGs). GHGs are effective at trapping radiation that would otherwise escape the atmosphere. The San Joaquin Valley Air Pollution Control District (SJVAPCD), a California Environmental Quality Act (CEQA) Trustee Agency for this project, has developed thresholds to determine significance of a proposed project – either implement Best Performance Standards or achieve a 29 percent reduction from Business as Usual (BAU) (a specific numerical threshold). On December 17, 2009, SJVAPCD adopted *Guidance for Valley Land-Use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* (SJVAPCD 2009), which outlined SJVAPCD’s methodology for assessing a project’s significance for GHGs under CEQA.

Construction and operational activities associated with the proposed project would generate greenhouse gas (GHG) emissions. In the Greenhouse Gas Analysis Report, completed by Mitchell Air Quality Consulting and dated May 5, 2019, GHG emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2016.3.2 [California Air Pollution Control Officers Association (CAPCOA) 2017], which is the most current version of the model approved for use by SJVAPCD.

Per the Greenhouse Gas Analysis Report, the San Joaquin Valley Air Pollution Control District does not have an adopted threshold of significance for construction-related GHG emissions. Construction of the proposed project would generate approximately 74.57 metric tons of CO₂e per year. Because construction emissions may remain in the atmosphere for years after construction is complete, construction emission when amortized for the project over 30 years would be 2.48 metric tons CO₂e per year.

Regarding operation-related GHG Emissions, long-term GHG emissions occur over the life of the project and are typically generated from motor vehicles and trucks, energy

usage, waste generation, and area sources, such as consumer products and landscaping activities. The Greenhouse Gas Analysis Report indicates that the project would achieve a reduction of 21.7 percent from Business-As-Usual (BAU) by the year 2020 with regulations and design features incorporated. The project has no structures subject to energy efficiency regulations, operates only three days per week and produces relatively small amounts of GHG emissions compared to typical retail projects. Therefore, the project's operational emissions would be less than significant.

The 2017 Scoping Plan provides the State's strategy to achieve the SB 32 2030 target of a 40-percent reduction in emissions compared to 1990 levels. The Plan includes the existing and new measures that when implemented are expected to achieve the SB32 2030 target. Since the project would continue operations after 2020, the Greenhouse Gas Analysis Report estimates that the project would reduce emissions by 45.3 percent below BAU by 2030. Based on this result and the strong likelihood that the measures included in the 2017 Scoping Plan Update will be implemented, it is reasonable to conclude that the project is consistent with the 2017 Scoping Plan and will contribute a reasonable fair-share contribution (includes: Title 24 and CALGreen, regulations on energy production, fuels, and motor vehicles; voluntary actions to improve energy efficiency in existing development, and compliance with the vehicle miles traveled) to achieving the 2030 target.

- 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 will be subject to regulations developed under the 2008 Air Resources Board- adopted AB (Assembly Bill) 32 Scoping Plan, which focuses on reducing GHGs (CO₂, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride) to 1990 levels by the year 2030. The Scoping Plan calls for reduction in California's GHG emissions, cutting approximately 30 percent (currently 21.7 percent) from BAU emission levels projected for 2020, or about 10 percent from 2008 levels. The Scoping Plan contains a variety of strategies to reduce the State's emissions. The project is consistent with most of the strategies while others are not applicable to the project.

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: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

Upon reviewing the subject Initial Study No. 7568 during public review period, the California Department of Toxic Substances Control (CDTSC) indicated that the project site activities can potentially result in the release of hazardous wastes/substances and recommended that steps shall be taken to reduce the impact. As such, prior to the issuance of building permits, the project will be adhering to the following recommendation made by CDTSC and noted below as mitigation measures in bold/underline.

* **Mitigation Measures**

1. **If buildings or other structures are to be demolished on any project sites included in the proposed project, prior to the issuance of building permits, surveys shall be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals shall be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings shall be conducted in accordance with DTSC's 2006 Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers (https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead_Contamination_050118.pdf).**
2. **If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, prior to the issuance of building permits, proper sampling shall be conducted to ensure that the imported soil is free of contamination and the imported materials be characterized according to DTSC's 2001 Information Advisory Clean Imported Fill Material (https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf).**
3. **If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, prior to issuance of building permits, the current and former agricultural lands shall be evaluated in accordance with DTSC's 2008 Interim Guidance for Sampling Agricultural Properties (Third Revision) (<https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>).**

The project does not involve transport, use, disposal, release, or handling of hazardous materials which may create hazard to the public or the environment. The nearest school, Sunset School in City of Coalinga, is approximately 7.5 miles west of the project site.

An environmental site check investigation was conducted by SIA Investigation, Inc on November 29, 2018 to document any sign of oil contaminates emanating from the ground throughout the 78.18-acre project site. The investigator conducted a grid search of the property, documenting the property ground with still photographs and video footage. No evidence could be found such as abnormal disturbances or odors from the soil to suggest there was any type of hazardous oil contaminate leakage emanating from the ground on the property.

The Fresno County Department of Public Health, Environmental Health Division reviewed the project and required that the following shall be included as a Project Note: If any underground storage tank(s) are found during construction, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from 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:

Per the U.S. EPA's NEPAassist, the project site is not listed as a hazardous materials site. The project will not create hazards to the public or the environment.

- E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

Per the Fresno County *Airport Land Use Compatibility* Plan Update adopted by the Airport Land Use Commission (ALUC) on December 3, 2018, the nearest public airport, New Coalinga Municipal Airport, is approximately 3.2 miles west of the project site. Given the distance, the airport will not result in a safety hazard or excessive noise for people visiting the project site.

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

FINDING: NO IMPACT:

The project site is in an area where existing emergency response times for fire protection, emergency medical services, and sheriff protection meet adopted standards. The project does not include any characteristics (e.g., permanent road closures) that would physically impair or otherwise interfere with emergency response or evacuation in the project vicinity. These conditions preclude the possibility of the proposed project conflicting with an emergency response or evacuation plan. No impacts would occur.

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

FINDING: NO IMPACT:

Per Figure 9-9 of the Fresno County General Plan Background Report, the project site is outside of the State Responsibility area for wildland fire protection. The project will not expose persons or structures to wildland fire hazards.

- 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 WITH MITIGATION
INCORPORATED:

See discussion in Section VII. E. GEOLOGY AND SOILS regarding wastewater discharge.

The project proponent intends to use an existing onsite well to provide potable water to the project.

The project review by the State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW) indicates that the proposed facility shall be permitted by that agency as a public water system classified as a transient non-community water system and be in compliance with Senate Bill 1263 (SB 1263). The Bill requires that prior to applying for a permit for a proposed new public water system, the applicant first submit a preliminary technical report before initiating construction of any water-related improvement which will analyze the feasibility of connecting to an existing community water system for water service. SWRCB-DDW also requires that the applicant shall conduct water quality testing of the existing well in accordance with the requirements for a community water system, as the wells proposed to provide drinking water must be demonstrated to meet Title 22 drinking water standards. Furthermore, the applicant shall obtain a permit to operate the public water system from SWRCB-DDW.

The applicant is in the process of complying with the SWRCB-DDW requirements related to the provision of a public water system. The project will not violate any water quality standards with the adherence to the following Mitigation Measure:

* **Mitigation Measure**

1. *Prior to the issuance of building permits and at the time of Site Plan Review for the proposed facility, the project proponent shall complete all water-related requirements for the project as required by and to the satisfaction of the State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW).*

The project proponent shall also obtain permits from SWRCB-DDW prior to operating a public water system.

The project review by the Fresno County Department of Public Health, Environmental Health Division requires the following to be included as Project Notes: 1) in an effort to protect groundwater, all abandoned water wells on the parcel shall be properly destroyed by an appropriately-licensed contractor; 2) prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil; 3) should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction; and 4) the "oily water" removed from the well must be handled in accordance with federal, state and local government requirements.

The Regional Water Quality Control Board, Central Valley Region expressed no concerns related to the project impact on groundwater quality.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the applicant, an estimated 300 gallons of water will be used during each Friday, Saturday and Sunday the flea market will operate. The water supply will come from an existing onsite well subject to meeting the State Water Resources Control Board, Division of Drinking Water's requirements for a public water system as noted above.

The project site is in a water-short area of Fresno County. The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning reviewed the subject proposal and expressed no concerns related to water supply to the project. The project would not deplete groundwater resources. The impacts would be less than significant.

- 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 through the subject property. A seasonal stream/water channel runs approximately 0.7 mile to the north of the northern boundary of the project site.

Development of the subject proposal will not cause significant changes in the absorption rates, drainage patterns, or the rate and amount of surface run-off with adherence to the mandatory construction practices contained in the Grading and Drainage Sections of the County Ordinance Code. Per the comments provided by the Development Engineering Section of the Fresno County Department of Public Works and Planning, Project Notes would require that an Engineered Grading Plan shall be submitted, reviewed and approved and a grading permit shall be obtained prior to any onsite grading work.

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

FINDING: NO IMPACT:

Per Figure 9-7 of the Fresno County General Plan Background Report, the project site is not located in a 100-Year-Flood Inundation Area and is not subject to flooding from the 100-year storm per the Federal Emergency Management Agency FIRM Panel 3250H.

- 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. Per the State Water Resources Control Board, Division of Drinking Water, there is no Water Quality Control Plan for Fresno County. The project is located within Westside GSA, also known as Westlands Water District (WWD) and was routed to WWD in care of Westside Groundwater Sustainability Agency for review and comments. No concerns were expressed by that agency.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project site is approximately 6.4 miles east of the City of Coalinga. The project will not 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 subject property is designated as Westside Rangeland in the Coalinga Regional Plan and is not located within the Sphere of Influence (SOI) of a city. As such, the subject proposal will not conflict with any land use plan, policy, or regulation of an agency with jurisdiction (other than County) over the project.

The County General Plan allows an agricultural commercial center consisting of a flea market in an agriculturally-zoned parcel by discretionary land use approval, provided the use meets applicable General Plan policies. The proposed project (flea market) meets Policy LU-A.3, criteria a - d in that there is no such facility which requires a large piece of land preferably away from urban development, and which is currently serving the project area; the project site is a grazing land and not a prime farmland; the limited water used by the project will not impact groundwater resources, or alternatively the project will be connected to a community water system; and the project can be served by adequate workforce from the nearby communities of Coalinga, Huron and others. The project also meets the Policy LU-A.3, criteria e. relating to the establishment of the an agricultural commercial center.

The project meets Policy LU-A.13 and Policy LU-A.14 in that the project site is a grazing land; does not abut productive farmland; and will be fenced off to be isolated from abutting parcels. The project meets Policy PF-C.17 in that due to limited water usage, it will have no significant impact on groundwater resources. The project meets Policy PF-D.6 in that it will utilize an individual sewage disposal system, as no community sanitary system is currently available in the area.

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:

Per Figure 7-8 of the Fresno County General Plan Background Report, the project site is outside of a mineral-producing area of the County.

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:

The project will operate on Friday, Saturday and Sunday from 5 a.m. to 10 p.m., generating an estimated 500 customers, patrons and members. Outside vendors will use music entertainment during the daylight hours and may also use sound amplifications. All these activities will potentially generate additional noise impacting surrounding properties.

An Acoustical Analysis (Report) was prepared for the project by WJV Acoustics, Inc, dated March 25, 2019. Based on the project site plan, proposed activities and the noise levels that could be produced by amplified sound systems at the project site, the Report concludes that the project-related noise levels are not expected to exceed the applicable County of Fresno daytime (7:00 a.m. to 10:00 p.m.) or nighttime (10:00 p.m. to 7:00 a.m.) noise level standards at any offsite noise-sensitive land uses. The Report recommended no Mitigation Measures.

The Fresno County Department of Public Health, Environmental Health Division concurred with the findings of the Acoustical Analysis, and 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: NO IMPACT:

See discussion above in Section IX. E.

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 will not result in an increase of housing, nor will it otherwise induce population growth.

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: LESS THAN SIGNIFICANT IMPACT:

Per the initial review of the project by the Fresno County Fire Protection District (CalFire), the project shall comply with the California Code of Regulations Title 24 – Fire Code and upon County approval of the project and prior to issuance of the project building permits, approved site plans shall be submitted for the District’s review and approval. Also, the project shall annex to Community Facilities District No. 2010-01 of CalFire. These requirements, included as Project Notes, will be addressed through Site Plan Review recommended as a Condition of Approval.

2. Police protection; or

3. Schools; or

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

The project will not impact existing public services, nor will it result in the need for additional public services related to schools, parks or police protection by the Fresno County Sheriff’s Office.

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 induce population growth which may require construction of new or expanded recreational facilities in the area.

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 WITH MITIGATION
INCORPORATED:

The project will not conflict with any policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. The project site is located approximately 6.4 miles east of the City of Coalinga along Jayne Avenue, which is designated as a rural expressway in the County General Plan. The project area is comprised of limited sporadic farming, is rural in nature, and is not planned for any transit, bicycle, or pedestrian facilities per the Transportation and Circulation Element of the Fresno County General Plan.

The Design Division of the Fresno County Department of Public Works and Planning reviewed the subject proposal and required a traffic impact study to determine the project's impacts to County Roads and Intersections. A Traffic Impact Analysis (TIA) was prepared for the project by JBL Traffic Engineering, Inc. and dated November 15, 2019.

According to the TIA, presently, all study intersections and segments operate at an acceptable Level of Service (LOS) during both peak periods. The project was analyzed for the location of the proposed access points relative to the existing local roads within the project vicinity. The proposed project driveways are located at points that minimize traffic operational impacts to the existing roadway network. At buildout, the project is estimated to generate a maximum of 4,794 daily trips, 248 AM peak-hour trips and 140 PM peak-hour trips.

Furthermore, according to the TIA, Under Near Term Year 2025 and Cumulative Year 2039 plus Project Traffic Conditions, all study intersections and segments are projected to operate at an acceptable LOS during both peak periods. However, traffic at the Interstate 5 and Jayne Avenue interchange should be observed to ensure that the project has no traffic impacts. If the impacts are observed, the TIA recommends that a transportation management plan shall be prepared to alleviate such impacts.

Regarding queuing analysis, the TIA recommends that the project shall add an eastbound left-turn lane and transitions thereof at the intersection of Patron Access Driveway and Jayne Avenue. The Design Division and Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning concurred with the TIA's recommendations for a left-turn lane. The project will adhere to the following Mitigation Measure to mitigate any traffic-related impacts on Jayne Avenue.

* **Mitigation Measure:**

1. *Prior to occupancy being granted to the proposed facility, the project proponent shall obtain the necessary right-of-way, design, and construct an eastbound left-turn lane of such length recommended by a traffic engineer and approved by the County on Jayne Avenue into the patron access driveway at the developer's expense. Additional pavement construction and dedication of road right-of-way to the County may be required for the widening of Jayne Avenue to accommodate the left-turn lane. Design documents and an encroachment permit application shall be submitted to the Road Maintenance and Operations Division for approval prior to construction.*

The California Department of Transportation (Caltrans) concurred with the TIA's recommendation for a Traffic Management Plan (TMP). The project will adhere to the following Mitigation Measure related to the TMP:

* **Mitigation Measure:**

1. *Should traffic impacts be observed for either the northbound or southbound off-ramp at the Interstate 5/Jayne Avenue interchange, the project proponent shall prepare a transportation management plan to alleviate such impacts. The plan, prior to its implementation, shall be reviewed and approved by the California Department of Transportation (Caltrans).*

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject property is located approximately 6.4 miles east of the City of Coalinga and 7.1 miles southwest of the unincorporated community of Huron.

Should the proposed project be approved, the project site will be developed with vendors' area, restrooms, music platform/sitting area under canopy, fruit/vegetable stalls under canopy, parking spaces, and access drives from the public road (Jayne Avenue).

No facilities like the one proposed by this application are currently available on the west side of Fresno County to serve the residents of the City of Coalinga, unincorporated community of Huron and others. Therefore, it is likely that these communities will

continue driving out of town to other flea markets, swap meets, and farmer's markets located in the City of Fresno, City of Selma, and City of Kerman, thereby adding miles travelled across rural areas of the County. In contrast, it is reasonable to expect that the proposed facility will serve those residing in the vicinity of the project and help reduce total vehicle miles travelled out of town. Given this scenario, staff believes the proposed development would not conflict or be inconsistent with above-noted 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 WITH MITIGATION
INCORPORATED:

The Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning reviewed the subject proposal and requires that any fees that might be collected for visitor parking should be done at the check point, leaving the 220-foot-long driveway off Jayne Avenue as a queueing area. To address this possibility, the applicant should develop a traffic management plan (TMP) to show the measures that would be instituted in order to remove any queue from the public road right-of-way. The project will adhere to the following Mitigation Measure relating to the TMP:

* **Mitigation Measure:**

1. *Prior to the issuance of building permit and at the time of Site Plan Review, the applicant shall develop a Traffic Management Plan (TMP) for review and approval by the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning. The TMP shall include a 220-foot-long driveway off Jayne Avenue as a queueing area, excluding visitors checkpoint/fee collection and the existing 60-foot right-of-way north of Jayne Avenue.*

- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

Jayne Avenue, a paved public road, provides direct access to the project site. The initial review of the project by the County Fire Department resulted in no concerns regarding inadequate emergency access to the site. The emergency access will be further analyzed by the Fire Department through subsequent Site Plan Review recommended as a Condition of Approval for the project.

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 not located in an area designated as medium sensitive for archeological resources. Pursuant to Assembly Bill (AB) 52, the subject proposal was routed to the Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, and Dumna Wo Wah Tribal Government offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No tribe requested consultation, resulting in no further action on the part of the County. Because the property is moderately sensitive to archaeological resources, a Mitigation Measure has been included in the CULTURAL ANALYSIS section of this report. Implementation of this Mitigation Measure will reduce impact to tribal cultural resources to a less than significant.

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: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VII. E. GEOLOGY AND SOILS above. The project will not result in the relocation or construction of new 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:

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

- 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: LESS THAN SIGNIFICANT IMPACT:

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

- 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:

Per the Applicant's Operational Statement, the proposed facility will produce approximately one ton of trash and recyclable solid waste per week. Solid waste for the local landfill will be collected through regular trash collection service, while others will be recycled. All solid waste disposal will adhere to local and state standards and will have a less than significant impact on the holding capacity of local landfills.

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:

The project site is not located within or near a State Responsibility Area for wildfire. Also, see discussion in Section XV. A. 1. PUBLIC SERVICES above.

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:

Construction and operation of the project may impact sensitive biological and cultural resources. Included Mitigation Measures in Section IV. BIOLOGICAL RESOURCES and Section V. CULTURAL RESOURCES of this report will minimize such impacts to less than significant.

- 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:

Each of the projects located within Fresno County has been or would be analyzed for potential impacts, and appropriate project-specific Mitigation Measures are developed to reduce that project’s impacts to less than significant levels. Projects are required to comply with applicable County policies and ordinances. The incremental contribution by the proposed project to overall development in the area is less than significant.

The project 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 at the time development occurs on the property. No cumulatively considerable impacts relating to Agricultural and Forestry Resources or Air quality were identified in the project 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 No. 7568 prepared for Classified Conditional Use Permit Application No. 3632, 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 mineral resources, population and housing, recreation, or wildfire.

Potential impacts related to agriculture and forestry resources, energy, geology and soils, greenhouse gas emissions, land use and planning, noise, public services, tribal cultural resources, utilities and service systems have been determined to be less than significant.

Potential impacts to aesthetics, air quality, biological resources, cultural resources, **hazards and hazardous materials**, hydrology and water quality, and transportation 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:
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File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7568	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-
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
Applicant (Name): Luis Bravo on behalf of Rito Gutierrez	Project Title: Classified Conditional Use Permit Application No. 3632		
Project Description: Allow a flea market with related improvements on an approximately six-acre portion of a 78.18-acre parcel in AE-20 (Exclusive Agricultural; 20-acre minimum parcel size) Zone District. The project is located on the north side of W. Jayne Avenue approximately 2,556 feet west of its intersection with El Dorado Avenue and 6.4 miles east of the nearest city limits of City of Coalinga (23436 W. Jayne Avenue, Coalinga) (Sup. Dist. 4) (APN 073-090-20S).			
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 7568) prepared for Classified Conditional Use Permit Application No. 3632, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to mineral resources, population and housing, recreation, or wildfire. Potential impacts related to agriculture and forestry resources, energy, geology and soils, greenhouse gas emissions, land use and planning, noise, public services, tribal cultural resources, utilities and service systems have been determined to be less than significant. Potential impacts related to aesthetics, air quality, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, and transportation have been determined to be less than significant with the included Mitigation Measures. The Initial Study and Mitigated Negative Declaration (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 – January 13, 2020		Review Date Deadline: Planning Commission – February 13, 2020	
Date: January 10, 2020	Type or Print Name: Marianne Mollring, Senior Planner	Submitted by (Signature):	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 February 13, 2020

SUBJECT: Variance Application No. 4081

Allow the creation of an 0.88-acre parcel, a 1.38-acre parcel and a 2.66-acre parcel (20-acre minimum required) from a 2.39-acre parcel and a 2.53-acre parcel in the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcels are located at the southeast corner of West Dakota Avenue and North Blythe Avenue, adjacent to the nearest city limits of and within the Sphere of Influence (SOI) of the City of Fresno (4341 West Dakota and 3384 North Blythe Avenue) (SUP. DIST. 1) (APNs 511-031-54S and 511-031-55S).

OWNER: Dumax Properties LLC
APPLICANT: Roberto Garcia

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

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Deny Variance No. 4081; 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. Zoning Map
4. Land Use Map
5. Variances Map
6. Site Plan
7. Applicant’s Findings

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Reserve Medium-Density Residential in the County-Adopted Fresno High-Roeding Community Plan	No change
Zoning	AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District	No change
Parcel Size(s)	Parcel “A” (511-031-55S): 2.53 acres Parcel “B” (511-031-54S): 2.39 acres	Parcel 1: 0.88 acre Parcel 2: 1.38 acres Parcel 3: 2.66 acres
Project Site	See above Parcel Size	See above Parcel Size
Structural Improvements	APN 511-031-55S is improved with a 2,102 square-foot single-family dwelling unit, a 1,280 square-foot metal accessory storage building, a 484 square-foot wood accessory storage building, a tennis court, and a water well APN 511-031-54S is improved with a 3,712 square-foot single-family dwelling unit, an accessory pool cabana, a swimming pool and a water well	<u>Parcel 1</u> will contain one single-family dwelling unit <u>Parcel 2</u> will contain one single-family dwelling unit, a tennis court, an accessory pool cabana, a swimming pool and a water well <u>Parcel 3</u> will contain two storage buildings and a water well (no dwelling units)
Nearest Residence	<u>APN 511-031-55S</u> : Approximately 15 feet south of the southern parcel boundary <u>APN 511-031-54S</u> : Approximately 46 feet east of the eastern property boundary	<u>Parcel 1</u> : approximately 95 feet west of the western property boundary <u>Parcel 2</u> : approximately 46 feet east of the eastern property boundary

		Parcel 3: Approximately 15 feet south of the southern property boundary
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EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N

ENVIRONMENTAL ANALYSIS:

It has been determined pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) guidelines: *Review for Exemption* 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 34 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:

According to available records, the two subject parcels, APN Nos. 511-031-54S and 511-031-55S, in their current configuration, were created as Parcels 1 and 2 of Parcel Map No. 1528, recorded on May 15, 1973. At the time of the recordation of Parcel Map No. 1528, both parcels were zoned R-A (Single-Family Residential Agricultural) with a 36,000 square-foot minimum parcel size; as such, the resultant parcels were conforming as to minimum lot size at that time. Subsequently, the subject parcels were rezoned from the R-A (Single-Family Residential Agricultural, 36,000 square-foot minimum parcel size) Zone District to the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District as part of County-initiated Amendment Application No. 3138 adopted by the Board of Supervisors on July 14, 1981. The rezoning was initiated to make the zoning of the area consistent with the County-Adopted Fresno High-Roeding Community Plan. As a result of the change in zoning classification, the subject parcels became legal non-conforming lots as to minimum lot area. Each of the two subject parcels is improved with one single-family dwelling.

The current request, submitted on November 12, 2019, proposes to allow the division of the two subject parcels containing 2.39 acres and 2.53 acres, respectively, into a three-parcel configuration: a 0.88-acre, a 1.38-acre and a 2.66-acre parcel, where each resultant parcel would meet the minimum lot dimension requirements of the applicable zone district (in this case, the Rural Residential Zone District standards apply for lots less than five acres in size), but not the minimum lot area (acreage designation) of the AL-20 Zone District. If this Variance is approved, a mapping procedure will be required to create the proposed parcels.

Available records indicate that there have been four (4) other variance requests processed within one half-mile of the subject properties. Those variances are detailed in the table below:

Application/Request	Staff Recommendation	Final Action	Date of Action
VA No. 2311* – Allow an existing tennis court and light standards to remain 57 feet from the center of Dakota Avenue and 3 feet from the (east) side property line in the R-A Zone District.	Approval	PC Approved	July 7, 1977
VA No. 2772 - Allow the creation of two 2.5-acre parcels in the AL-20 Zone District.	Denial	BOS Approved	August 2, 1983
VA No. 3118* – Allow a seven-foot side-yard setback for a proposed attached garage on a 2.39-acre parcel in the AL-20 Zone District.	Approval	PC Approved	September 24, 1987
VA No. 3705 – Allow the creation of two 2.4-acre parcels from a 1.03-acre and a 3.79-acre parcel in the AL-20 Zone District.	Variance determined to be unnecessary; processed as a Property Line Adjustment (Ref. PLA No. 01-24)	Staff	August 28, 2001

*Variance involves one of the subject parcels.

ANALYSIS/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 and enjoyment 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.

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n):
Setbacks	AL-20 Zone District: Front: 35 feet Side: 20 feet Rear: 20 feet	<u>Parcel 1 - 0.88-acre parcel:</u> Front (north): 69 feet Side (east): 68 feet Street Side (west): 70 feet Rear (south): 34.3 feet <u>Parcel 2 - 1.38-acre parcel:</u> Front (north): 74 feet Side (east): 32.5 feet Side (west): 102 feet Rear (south): 23.5 feet	Parcel 1: Yes Parcel 2: Yes

		Parcel 3 - 2.66-acre parcel: Front (west): 138 feet Side (north): 22 feet Side (south): 54.5 feet Rear (east): 259 feet	Parcel 3: Yes
Parking	The provisions of General Standards, Section 855-I of the Fresno County Zoning Ordinance shall apply	No changes	Yes
Lot Coverage	No requirement	N/A	N/A
Separation Between Buildings	No requirement for residential or accessory structures, excepting those used to house animals, which must be located a minimum of 40 feet from any human-occupied building	N/A	N/A
Wall Requirements	None	No change	N/A
Septic Replacement Area	N/A	No change	N/A
Water Well Separation	Building sewer/septic tank: 100 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	Parcel 1: Will be required to abandon its water well connection and connect to City water service. Parcel 1 is currently connected to City sewer. Parcel 2: Contains a septic system which serves a detached accessory pool cabana structure. The septic system does not appear to meet the minimum setbacks from a water well. Parcel 3: Contains a domestic water well	Yes No: The existing septic system on proposed Parcel 2 will be required to be abandoned under permit and inspection; and a connection to City sewer established. N/A

Reviewing Agencies/Department Comments:

City of Fresno, Department of Public Utilities: The two subject parcels are currently connected to City sewer facilities, and both parcels are served by private domestic water wells. The nearest water main to provide service to the proposed parcels is a 12-inch water main located along West Dakota Avenue and a 14-inch water main located along North Blythe Avenue. Water facilities will be available to provide service.

City of Fresno Planning and Development Department: Due to the existing circumstances of the surrounding area, *i.e.*, substandard lots, the Planning and Development Department of the City of Fresno does not oppose the subject application.

Sewer requirements: City standards and fees shall apply.

Water requirements: For proposed Parcel 1, a new connection to City water services shall be established for the existing dwelling; City standards and fees shall apply. The existing connection to the water well located on proposed Parcel 3 shall be abandoned.

Zoning and Permit Review Section of the Fresno County Department of Public Works and Planning: If this Variance is approved, a subsequent mapping procedure will be required. Any new septic system or expansion of an existing system will be subject to the provisions of the Fresno County Local Area Management Program (LAMP).

Proposed Parcel No. 1 requires connection to a community water system for service. Proposed Parcel No. 2 requires new sewer connection for the structure (pool cabana) labeled Storage 2A on the site plan. Proposed Parcel No. 3: permit records indicate that one of the two existing structures has permit records; the other does not. Both structures are required to be converted to an approved use for the zone district. The smaller of the two structures for which no permit records were available must be permitted or removed, or evidence provided that the structure was built before March of 1958.

All proposed parcels will be subject to the Mandatory Sewer Connection Regulations contained in the Fresno County Ordinance Code Title 14.12.030.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: West Dakota Avenue is a County-maintained road with an existing 30-foot right-of-way south of the section line. Blythe Avenue is a County-maintained road with an existing 30-foot right-of-way east of the section line.

Dakota Avenue is a County Avenue and is classified as a Collector road, with a paved width of 21.5 feet, with dirt shoulders, Average Daily Traffic (ADT) count of 2,600 vehicles per day (VPD), a pavement condition index (PCI) of 27, and is in poor condition.

Blythe Avenue is classified as an Arterial road, with a paved width of 20 feet, with dirt shoulders, an ADT of 3,700 VPD, a PCI of 67.7 and is in fair condition.

Dakota Avenue is classified as a Collector in the County's General Plan, requiring 84 feet of road right-of-way. Currently, Dakota Avenue has a total right-of-way of 60 feet, 30 feet on each side of the section line. An additional 12 feet of right-of-way is needed along the parcel frontage to meet the ultimate right-of-way for Dakota Avenue. Setbacks for new construction shall be based upon the ultimate right-of-way.

Blythe Avenue is classified as an Arterial in the County's General Plan, requiring 106 feet of road right-of-way. Currently, Blythe Avenue has a total right-of-way of 60 feet. An additional 23 feet of right-of-way is needed along the parcel frontage to meet the ultimate right of way. Setbacks for new construction shall be based upon the ultimate right-of-way.

Access to the parcels shall comply with the specifications spelled out in the General Plan for the designated classifications. Direct access from an Arterial (Bythe Avenue) may be restricted or limited. Turnaround facilities shall be provided on parcels having direct access to Arterials and Collectors so that vehicles do not back out onto the roadway.

An encroachment permit from the Road Maintenance and Operations Division is required for any work within the County road right-of-way. Such work shall be reviewed for compliance with County standards, prior to the issuance of permits.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Blythe Avenue is classified as an Arterial road with an existing 30-foot right-of-way east of the section line along the parcel frontage, per the Plat Book. The minimum width for an Arterial right-of-way east of the section line is 53 feet. Blythe Avenue is a County-maintained road and records indicate that this section of Blythe Avenue, from Shields Avenue to Dakota Avenue, has an Average Daily Traffic (ADT) count of 3,700, a paved width of 20 feet, a structural section of .2 foot Asphaltic Concrete (AC) and is in good condition.

Dakota Avenue is classified as a Collector road with an existing 30-foot right-of-way south of the section line along the parcel's frontage, per the Plat Book. The minimum width for a Collector road right-of-way south of the section line is 40 feet. Dakota Avenue is a County-maintained road and records indicate that this section of Dakota Avenue, from Blythe Avenue to Brawley Avenue, has an ADT of 2,600, a paved width of 30 feet, a structural section of .25 foot AC, and is in good condition.

If not already present, 30-foot by 30-foot corner cutoffs shall be improved at the intersection of Blythe Avenue and Dakota Avenue on the subject property for sight distance purposes. If not already present, 10-foot by 10-foot corner cutoffs shall be improved for sight distance purposes at the exiting driveways onto Blythe Avenue and Dakota Avenue.

According to FEMA, FIRM Panel 1565H, the subject parcels are not subject to flooding from the 100-year storm event.

According to U.S.G.S. Quad Maps, there are no existing natural drainage channels traversing the subject parcels.

Typically, if the subject property is within the City Sphere of Influence (SOI), the City of Fresno should be consulted regarding their requirements for any future off-site improvements and driveway placement relative to the property line.

No other comments specific to Findings 1 and 2 were expressed by reviewing Agencies or Departments.

Analysis:

In support of Finding 1, the Applicant's findings state that the existing subject parcels are similar in size to others in the vicinity that also have the 20-acre minimum parcel size designation of the AL Zone District. Additionally, the subject parcels in their current configuration with concrete

block walls, chain link fencing, trees, sheds, residences and domestic wells are not conducive to the use of the said improvements, nor do they indicate that the rearrangement of the parcel boundaries would allow for better use and enjoyment of the properties by the owners.

The Applicant's Findings also state that other variances have been granted in the vicinity of the subject parcels, and that the subject parcels in their current configuration have structural improvements which hinder the desired use of the property by the owners; and that the alteration of the parcel boundary line will allow for a more efficient and fuller use of the property. No site improvements are proposed with this application.

Regarding Finding 1, staff notes that the subject parcels are classified as legal non-conforming because both contained less than the 20-acre minimum required for the AL-20 Zone District at the time they were rezoned, and that fact may be considered an exceptional circumstance or condition on the property from the perspective of its Limited Agricultural zoning classification being inconsistent with the current residential use of the property. As stated under the Background section above, the subject parcel was previously zoned "R-A" Single-Family Residential Agricultural; the "R-A" Zone District is intended to provide for the development of single-family residential estate homes in a semi-rural environment on lots not less than 36,000 square feet in area.

Although other variances may have been granted to other property owners in the vicinity, each variance must be considered on its own merits. Staff was unable to identify any unusual physical circumstances or conditions on the subject parcel that do not generally apply to others in the vicinity. Based on the above analysis, staff is unable to make Finding 1.

In support of Finding 2, the Applicant's findings state that other owners in the vicinity have been able to enjoy the use of their properties, unhindered by existing property lines.

Regarding Finding 2, staff acknowledges that under the previous zoning of R-A, the Applicant would likely have been able to affect the proposed change in parcel configuration while meeting the minimum lot size and dimension standards of the previous zone district; however, under the current AL-20 zoning, the owner would not be able to create additional substandard parcels without discretionary approval. Staff was unable to identify a substantial property right at issue that would require the granting of the Variance to correct.

A consideration in addressing variance applications is whether there are alternatives available that would avoid the need for the Variance. In this case, the Applicant could possibly change the property line configuration of the existing parcels through a Property Line Adjustment without creating an additional parcel. However, if the Applicant's desire is to create an additional parcel, then the Variance request is the only available process in this case.

The Applicant's findings do not indicate a specific reason for wanting to create an additional parcel, only that the proposed three-parcel configuration would allow for better use of the existing improvements on the two existing parcels. It is not apparent that the creation of Parcel 3 would accomplish this goal, as doing so would separate the two accessory buildings currently located on Parcel "A" (APN 511-031-55S) from the existing dwelling, and place the tennis court currently located on Parcel "A" within the boundaries of proposed Parcel 2 (Parcel "B") as shown on the site plan.

If this Variance is approved allowing the creation of the three parcels, each of those resulting parcels could potentially be developed with an additional residence or accessory dwelling unit; or in the case of proposed Parcel 3, one dwelling unit by right and one additional with the

appropriate discretionary approval (Director Review and Approval), which would increase residential density, thereby conflicting with General Plan Policy as previously discussed .

Therefore, based on the preceding analysis, staff was unable to identify any unique or exceptional circumstances, or conditions applicable to the subject property, nor the deficit of a substantial property right at issue, requiring the granting of the Variance to rectify. Findings 1 and 2 cannot be made.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Findings 1 and 2 cannot be made.

Finding 3: *The 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.*

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence*:
North Parcel A	1.30 acres	Single-Family Residential	AL-20	Approximately 100 feet
	1.00 acre	Single-Family Residential		Approximately 130 feet
Parcel B	1.57 acres	Single-Family Residential		Approximately 100 feet
	1.88 acres	Single-Family Residential		Approximately 95 feet
South Parcel A	1.0 acre	Single-Family Residential	AL-20	Approximately 15 feet
Parcel B	3.0 acres	Single-Family Residential		None
East Parcel A	2.39 acres	Single-Family Residential	AL-20	Approximately 45 feet
Parcel B	2.39 acres	Single-Family Residential		Approximately 35 feet
West Parcel A	0.43 acre	Single-Family Residential	AL-20	Approximately 85 feet
Parcel B	2.38 acres	Single-Family Residential		Approximately 180 feet

*Measured from the existing property lines of Parcel A and Parcel B

Reviewing Agencies/Department Comments:

Fresno County Department of Public Health, Environmental Health Division: According to the Applicant's findings, the two existing residences are connected to City of Fresno sewer services and each have a domestic well for water service. The subject property is within the City of Fresno Sphere of Influence for the provision of water and sewer service; any new development should be required to connect to the City of Fresno community water and sewer service.

According to the Applicant's site plan, proposed 0.88-acre Parcel 1 does not have a domestic water well to provide water to the existing residence. Proposed Parcel 1 should be required to connect to City of Fresno community water services. If the Applicant elects to drill a domestic water well on proposed Parcel 1, the water well contractor retained by the Applicant or future owner will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Public Health, Environmental Health Division.

If the Applicant connects to the City of Fresno community water system, in an effort to protect groundwater, all abandoned water wells and septic systems on the parcel shall be properly destroyed by an appropriately-licensed contractor, and permits will be required.

Prior to the destruction of any agricultural wells, a sample of the upper most fluid in the well column should be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The oily water removed from the well must be handled in accordance with federal, state and local government requirements.

North Central Fire Protection District: No comment.

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

Analysis:

In support of Finding 3, the Applicant's Findings state that the granting of the Variance will not have a detrimental impact upon other properties in the vicinity because the existing improvements are consistent with other properties, no additional improvements are proposed with this Variance request, and the property owners intend to connect to City water service and are currently served by City sewer.

With regard to Finding 3, staff agrees that the granting of the Variance to create the three proposed parcels would not detrimentally impact surrounding properties because the division of the parcel will result in three parcels of similar size to surrounding properties, and the two existing parcels are developed similarly to others in the vicinity having a semi-rural residential estate character as was the intent of the previous zoning designation.

Staff believes that there will be no adverse impacts on neighboring properties; therefore, Finding 3 can be made.

Recommended Conditions of Approval:

See recommended Conditions attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

***Finding 4:** The granting of such a variance will not be contrary to the objectives of the General Plan.*

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.6: The County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in Policies LU-A.9, LU-A.10, and LU-A.11. The County may require parcel sizes larger than twenty (20) acres based on zoning, local agricultural conditions, and to help ensure the viability of agricultural operations.</p>	<p>The Applicant is requesting a Variance from the 20-acre minimum parcel size requirement and does not qualify under Policies LU-A.9, LU-A.10, and LU-A.11. See Analysis below.</p>
<p>General Plan Policy LU-A.7: County shall generally deny requests to create parcels less than the minimum size specified in Policy LU-A.6 based on concerns that these parcels are less viable economic farming units, and that the resultant increase in residential density increases the potential for conflict with normal agricultural practices on adjacent parcels. Evidence that the affected parcel may be an uneconomic farming unit due to its current size, soil conditions, or other factors shall not alone be considered a sufficient basis to grant an exception. The decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.</p>	<p>The minimum parcel size for the subject parcel is 20 acres. The creation of two smaller parcels is inconsistent with this policy. See Analysis below.</p>
<p>General Plan Policy LU-A.9: The County may allow the creation of homesite parcels smaller than the minimum parcel size required by Policy LU-A.6 if the parcel involved in the division is at least twenty (20) acres in size, subject to the following criteria:</p> <ul style="list-style-type: none"> a. The minimum lot size shall be sixty thousand (60,000) square feet of gross area, except that a lesser area shall be permitted when the owner submits evidence satisfactory to the Health Officer that the soils meet the Water Quality Control Board Guidelines for liquid waste disposal, but in no event shall the lot be less than one (1) gross acre; and b. One of the following conditions exists: <ul style="list-style-type: none"> 1. A lot less than twenty (20) acres is required for financing construction of a residence to be owned and occupied by the owner of abutting property; or 2. The lot or lots to be created are intended for use by persons involved in the farming operation and related 	<p>Policy LU-A.9 provides for an exception from the requirements of the minimum parcel size designation where those specific criteria are met. In the case of this application, the subject parcel does not meet the required criteria listed under Policy LU-A.9 to allow creation of a substandard size lot or homesite parcel.</p>

Relevant Policies:	Consistency/Considerations:
<p>to the owner by adoption, blood, or marriage within the second degree of consanguinity, and there is only one (1) gift lot per twenty (20) acres; or</p> <p>3. The present owner owned the property prior to the date these policies were implemented and wishes to retain his/her homesite and sell the remaining acreage for agricultural purposes.</p> <p>Each homesite created pursuant to this policy shall reduce by one (1), the number of residential units otherwise authorized on the remainder parcel created from the original parcel. The remainder parcel shall be entitled to no less than one residential unit.</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>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 hydrologic 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 hydrologic investigation shall be required.</p> <p>b. 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 hydrologic investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts would extend beyond the boundary of the property in question, those impacts shall be mitigated.</p> <p>c. A determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured such that it is economically, environmentally, and technically feasible. In addition, its implementation</p>	<p>Review by the Water and Natural Resources Division has determined that the subject parcel is not in an area defined as being water short.</p>

Relevant Policies:	Consistency/Considerations:
must occur prior to long-term and/or irreversible physical impacts or significant economic hardship to surrounding water users.	

Reviewing Agencies/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is designated as Reserve Medium-Density Residential in the County-adopted Fresno High-Roeding Community Plan. General Plan Policy LU-A.7 states that the County shall generally deny requests to create parcels less than the minimum size specified by the acreage designation in agricultural areas. Relevant policies are detailed in the table above. The subject parcel is not subject to a Williamson Act Contract.

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: The subject property is not located within an area defined as being water short. Proposed Parcel 1 will be required to abandon its well connection and connect to water service through the City of Fresno.

Analysis:

In support of Finding 4, the Applicant states that because there are no additional improvements proposed and thus no increase in the intensity of the current use, which has been residential in character for many years, the proposed parcel creation will not adversely impact any nearby agricultural production and will not be in conflict with the policies of the General Plan.

Regarding Finding 4, although the subject parcel is zoned AL-20 (Limited Agricultural, 20-acre minimum parcel size), the property was in residential use prior to the zoning change. Per Section 817 of the Zoning Ordinance, the Limited Agricultural zone district is intended to protect the general welfare of the agricultural community by limiting intensive uses in agricultural areas where such uses may be incompatible with or injurious to other less intensive agricultural operations. The AL Zone District is also intended to reserve and hold certain lands for future urban use by permitting limited agriculture and by regulating those more intensive uses which by their nature may be injurious to non-agricultural uses in the vicinity or inconsistent with the express purpose of reservation for future urban use.

Based on review of aerial imagery, the area in the vicinity of the subject parcels consists of predominately residential development at varying densities, with some very limited agricultural parcels to the west and southwest, and the properties are immediately adjacent to the city limits of the City of Fresno. The subject parcels have been in their current configuration and developed with single-family dwellings for more than 40 years, and again based on review of available aerial imagery, the subject parcels do not appear to have been used for agricultural purposes.

Based on the analysis, staff does not believe that this proposal would adversely impact any existing agricultural operations in the vicinity. This proposal was reviewed by the Fresno County Agricultural Commissioners office, which expressed no concerns that it would impact agriculture.

The subject parcels are located within the City of Fresno Sphere of Influence, adopted by the Local Agency Formation Commission (Fresno LAFCo). A sphere of influence is a boundary line surrounding cities and special service districts that defines the area into which the city or district

may expand and extend public services. General Plan Policy LU-G.1 provides that 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 therein. This proposal was reviewed by the City of Fresno Department of Public Utilities, which did not express any concerns with the proposal. The City's comments have been included under Finding 1 above.

The subject parcels are designated as Reserve Medium-Density Residential in the County-Adopted Fresno High-Roeding Community Plan. "Reserve" is defined as land designated for limited agricultural with an indicated future urban use; "Medium-Density Residential" is defined as land designated for residential development at a density not to exceed one dwelling unit per 6,000 square feet.

Development of the indicated use, noted on the Plan Map, will typically not occur until annexation to the City. In this case, the subject property is already in residential use at a density consistent with its previous R-A zoning of one dwelling unit per 36,000 square feet. Per Table LU-2 of the Fresno County General Plan, Land Use Element, the Medium-Density Residential designation and the Limited Agricultural zone district are considered Conditionally Compatible. Approval of this Variance would result in the creation of three parcels, the smallest of which would exceed 36,000 square feet in area. Additionally, there would be the potential for each of the resultant lots to add a second residence, or in the case of proposed Parcel 3, two residences with the appropriate discretionary review and approval, thereby increasing residential density, exceeding the limitation of the underlying zone district as discussed previously. However, in that event, the resultant increase in density would still be less than what would be allowed with the Medium-Density Residential designation.

The General Plan contains certain policy provisions which allow for the creation of substandard-sized lots for the creation of homesite parcels, subject to certain specific criteria. Specifically, Policy LU-A.9 provides for an exception from the requirements of the minimum parcel size designation where those specific criteria are met. The relevant policies and criteria are listed in the preceding table.

In the case of this application, the subject parcel does not meet the required criteria listed under Policy LU-A.9 to allow creation of a substandard-size lot. Additionally, Policy LU-A.7 restricts the creation of parcels with less than the required acreage for the zone district. Specifically, the Policy states that evidence that the parcel is already not an economic farming unit is not a basis for granting an exception.

While the proposed division of the subject parcels is inconsistent with its current Limited Agricultural zoning, it is consistent with the Reserve Medium-Density Residential land use designation of the Fresno High-Roeding Community Plan. Staff acknowledges that the change in zoning from Single-Family Residential Agriculture to Limited Agricultural created the restriction on creating any new parcels not meeting the minimum acreage. The Land Use Element of the Fresno High-Roeding Community Plan is consistent with the Land Use Element of the County General Plan and therefore subject to Countywide goals, objectives, criteria and standards.

Based on the above analysis, Finding 4 cannot be made.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 cannot be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Based on the factors cited in the analysis, staff does not believe Findings 1, 2, and 4, required for granting the Variance, can be made, and therefore recommends denial of Variance No. 4081.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine the required Findings cannot be made and move to deny Variance No. 4081; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Move to determine that the required Findings can be made (state basis for making the findings) and move to approve Variance No. 4081, subject to the Conditions and Project Notes attached as 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

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**Variance Application (VA) No. 4081
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Division of the subject parcels shall be in accordance with the site plan (Exhibit 6) as approved by the Planning Commission.
2.	The existing residence addressed as 3384 N. Blythe on proposed Parcel 1 cannot receive water service from the well located on proposed Parcel 3. Prior to approval of the Final Parcel Map, proper abandonment of the water connection to the well and subsequent connection to the City of Fresno public water system will be required.
3.	The existing septic system serving the structure (pool cabana/arbor) labeled Storage 2A** on the site plan crosses the boundary between proposed Parcels 2 and 3. Prior to approval of the Final Parcel Map, the septic system must be properly abandoned, subject to permits and inspections, and a new connection made to the City of Fresno public sewer system.

Conditions of Approval reference recommended Conditions for the project.

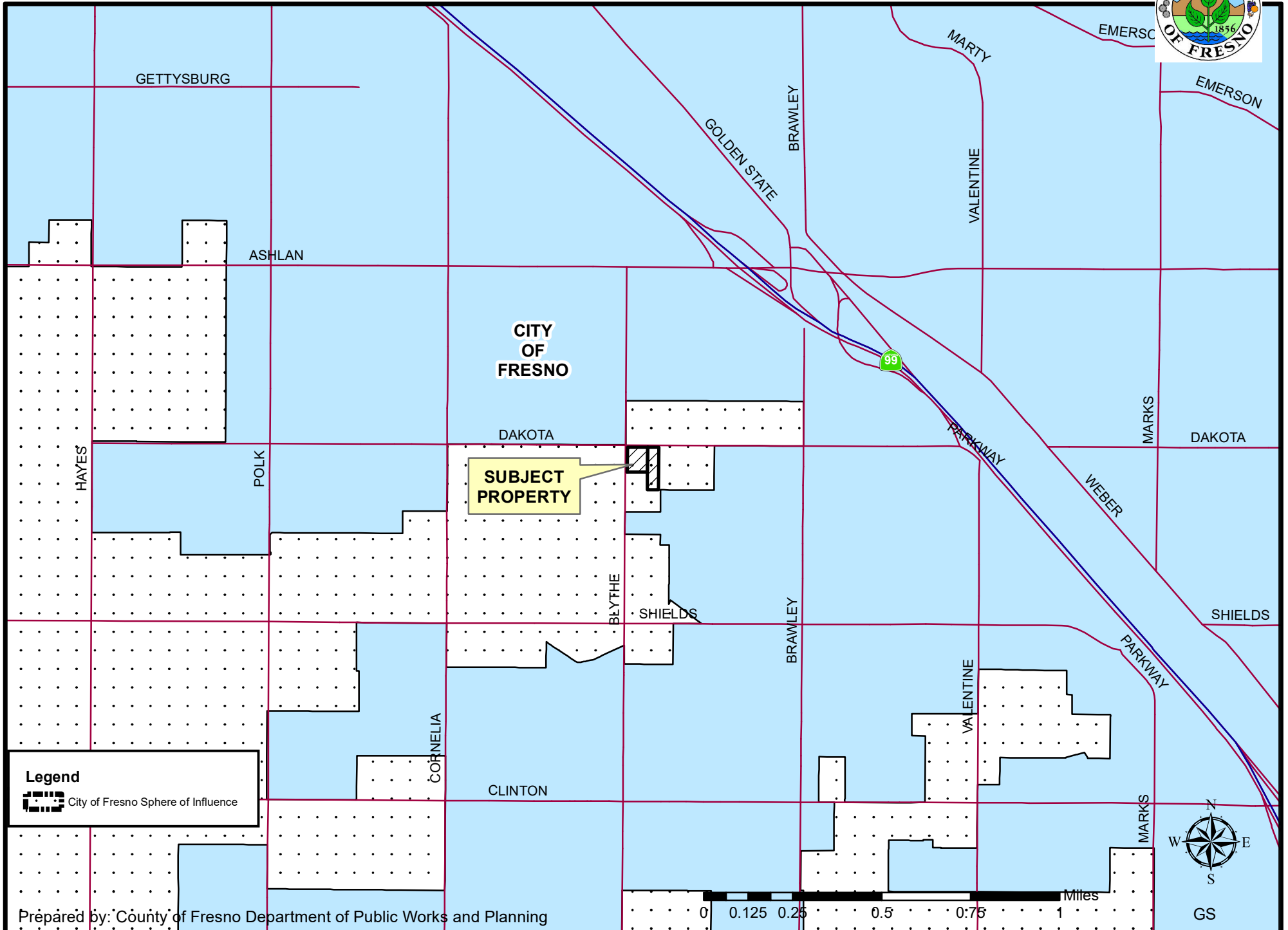
Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. A Parcel Map Application shall be filed to create the three proposed parcels. The Map shall comply with the requirements of Title 17.72.
2.	The approval of this Variance will expire one year from the date of approval unless the required mapping application to create the parcels is filed in substantial compliance with the Conditions and Project Notes and in accordance with the Parcel Map Ordinance.
3.	Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction. The oily water removed from the well must be handled in accordance with federal, state and local government requirements.
4.	Should any underground storage tank(s) be found during development, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.
5.	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).
6.	Any additional runoff generated by development of the proposed parcels cannot be drained across property lines and must be retained or disposed of per County standards.

EXHIBIT 1

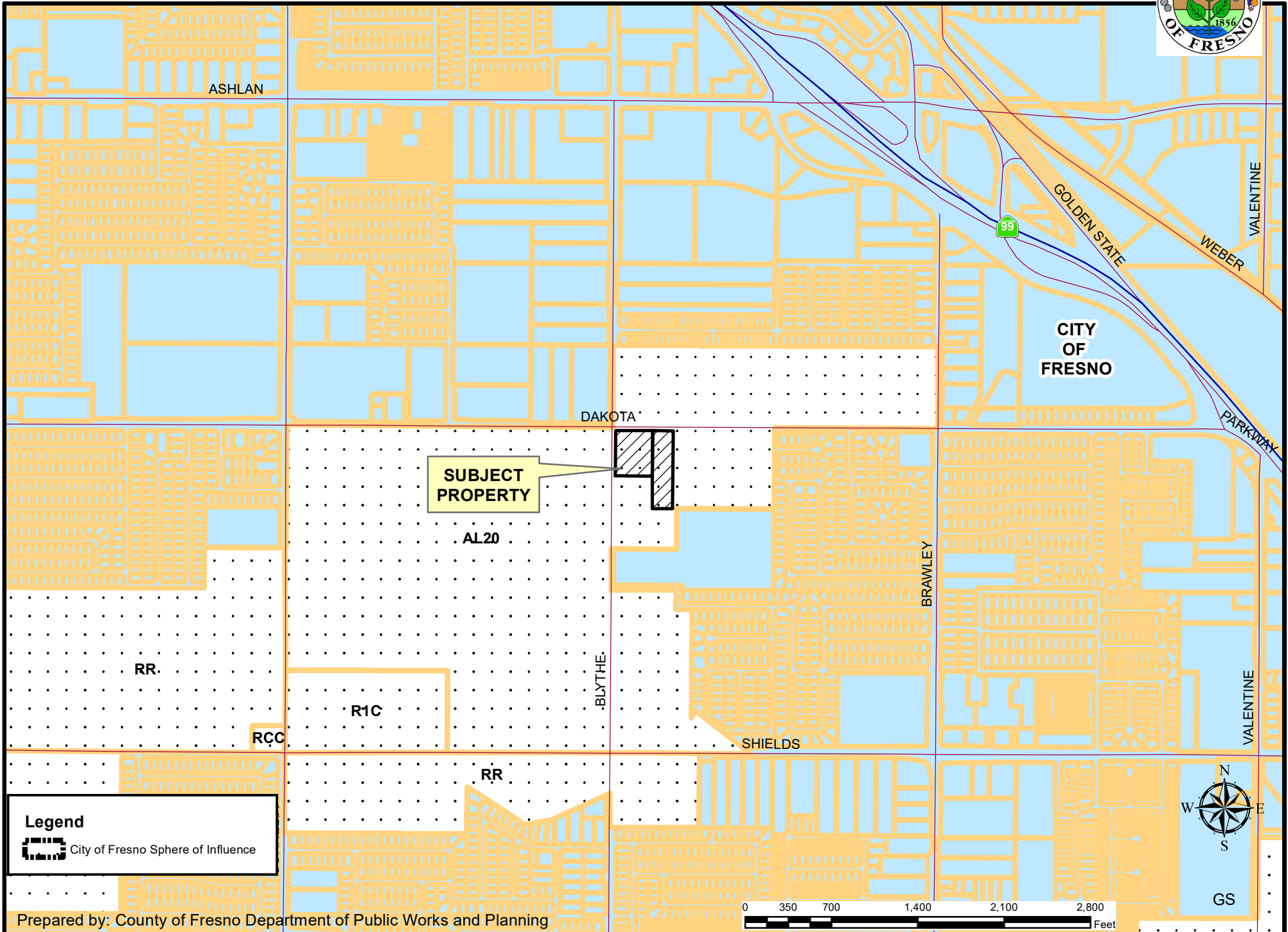
Notes

7.	If not already present, 30-foot by 30-foot corner cutoffs shall be improved at the intersection of Blythe and Dakota on the subject property for sight distance purposes.
8.	If not already present, 10-foot by 10-foot corner cutoffs shall be improved for sight distance purposes at the exiting driveways onto Blythe Avenue and Dakota Avenue.
9.	An encroachment permit from the Fresno County Road Maintenance and Operations Division will be required for any work proposed within the County road right-of-way.
10.	If this Variance is approved, a subsequent mapping procedure will be required. Any new septic system or expansion of an existing system will be subject to the provisions of the Fresno County Local Area Management Program (LAMP).
11.	Any structures on the subject property for which there are no available permit records will require the submission of plans and the issuance of permits, or removal, unless verification of construction prior to March 1958 is provided.
12.	The subject parcels are located within the boundaries of Fresno Metropolitan Flood Control District Drainage Area AK. Prior to approval of the Final Parcel Map, any required drainage fees must be resolved through (FMFCD).

LOCATION MAP

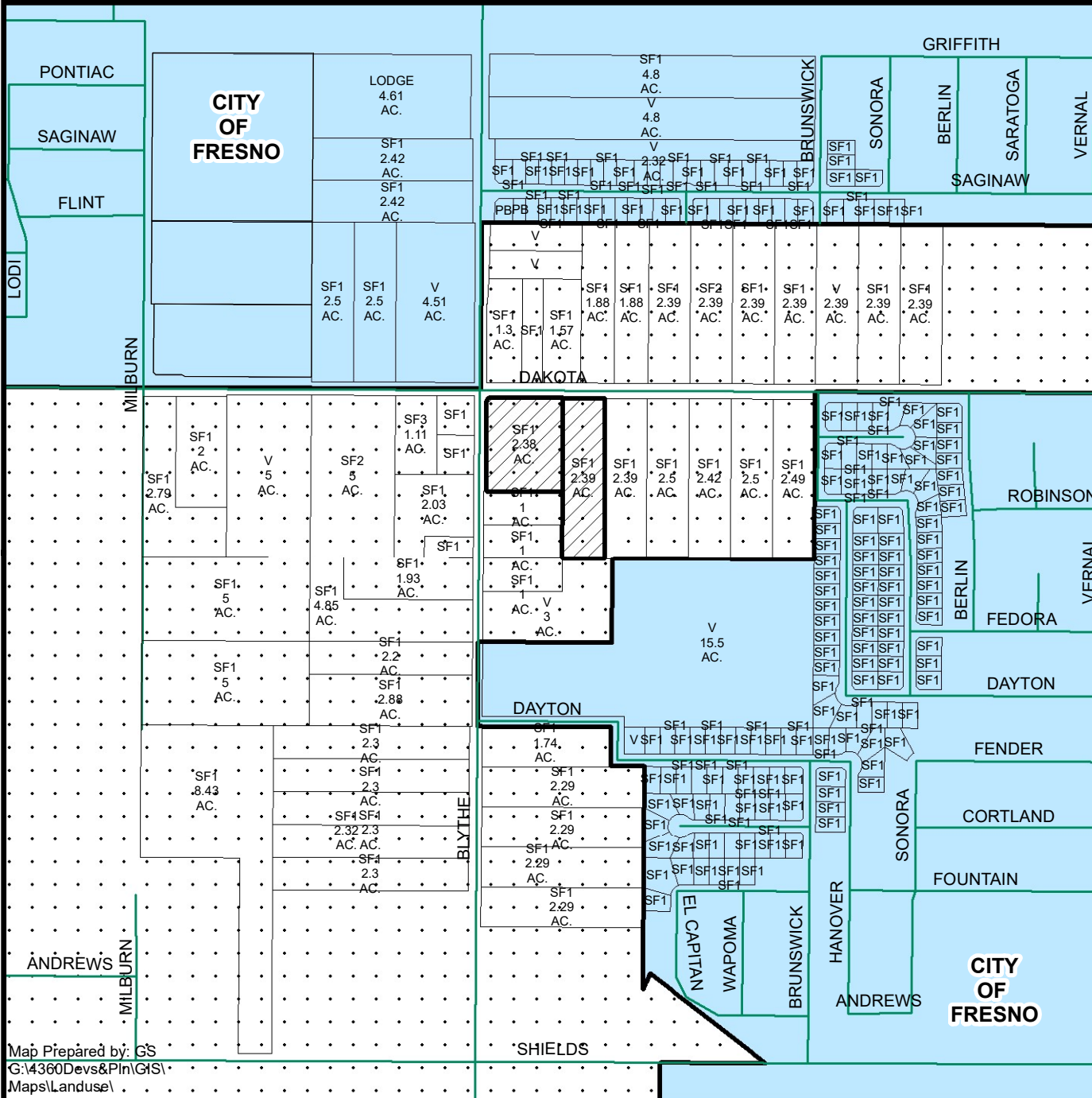


EXISTING ZONING MAP





Legend
City of Fresno Sphere of Influence

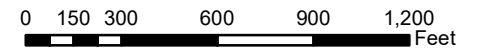
EXISTING LAND USE MAP



LEGEND	
[Symbol]	LODGE
[Symbol]	PB- PONDING BASIN
[Symbol]	SF#- SINGLE FAMILY RESIDENCE
[Symbol]	V - VACANT

Legend

-  Subject Property
-  City of Fresno Sphere of Influence



Map Prepared by: GS
 G:\4360Devs&PIn\GIS\Maps\Landuse\

Department of Public Works and Planning
 Development Services Division

VARIANCES IN A HALF-MILE RADIUS

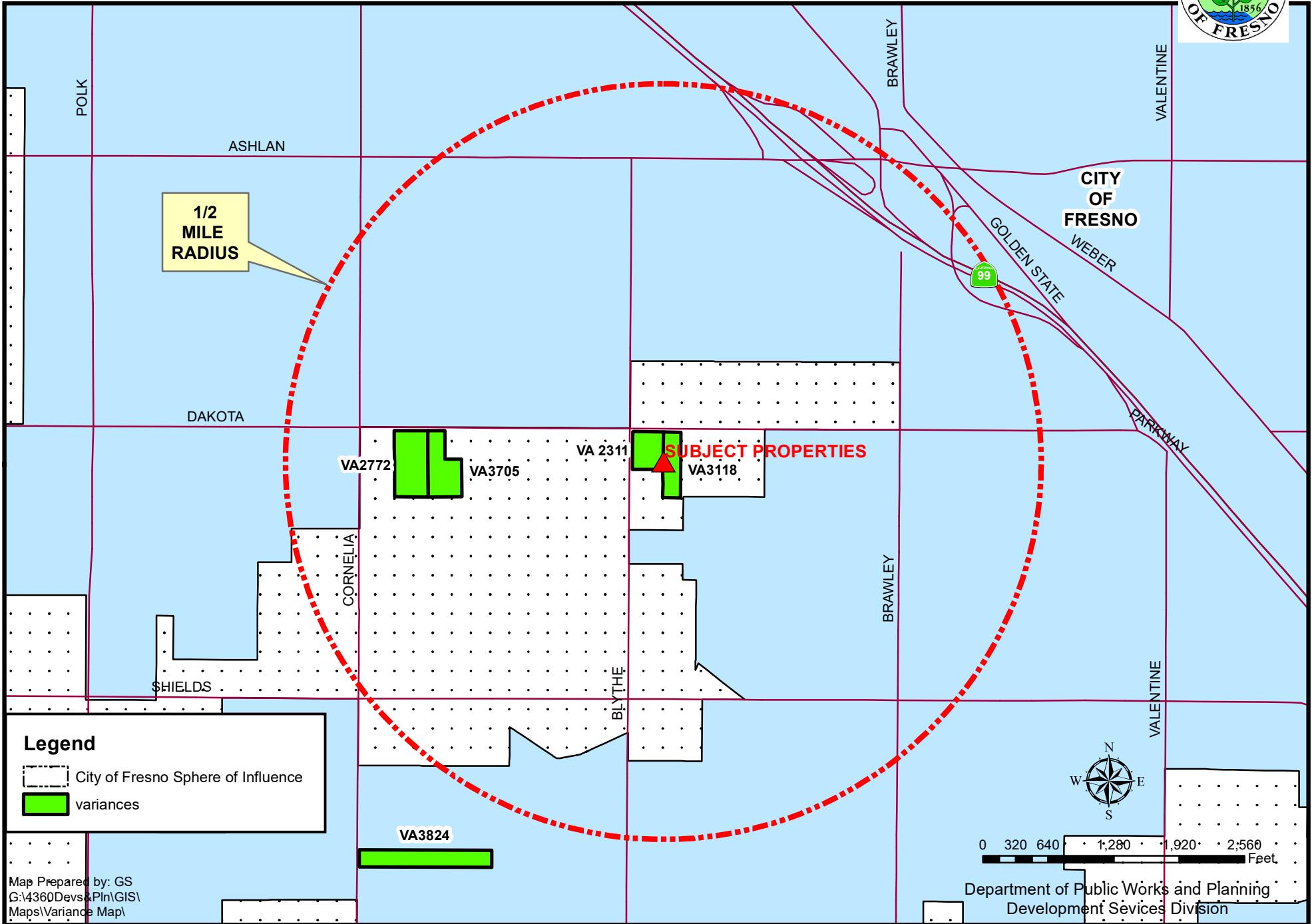
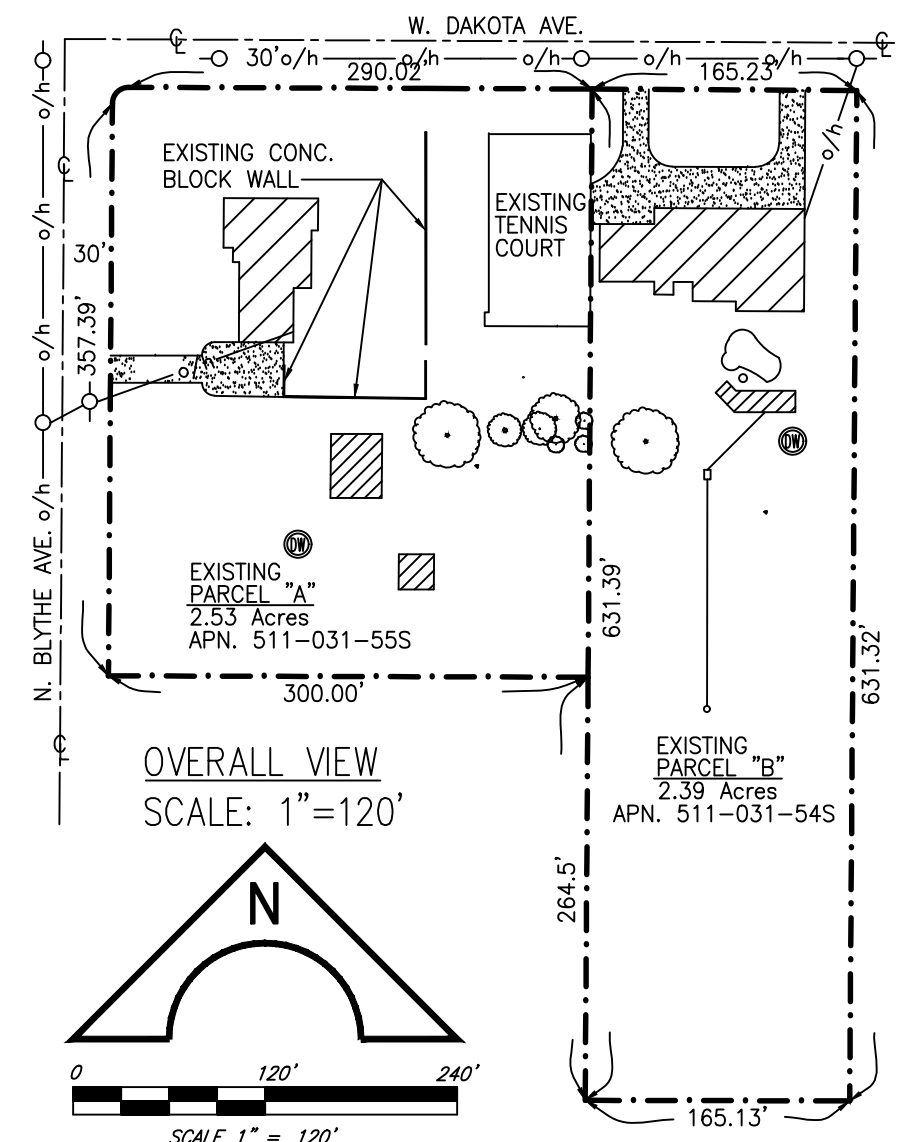
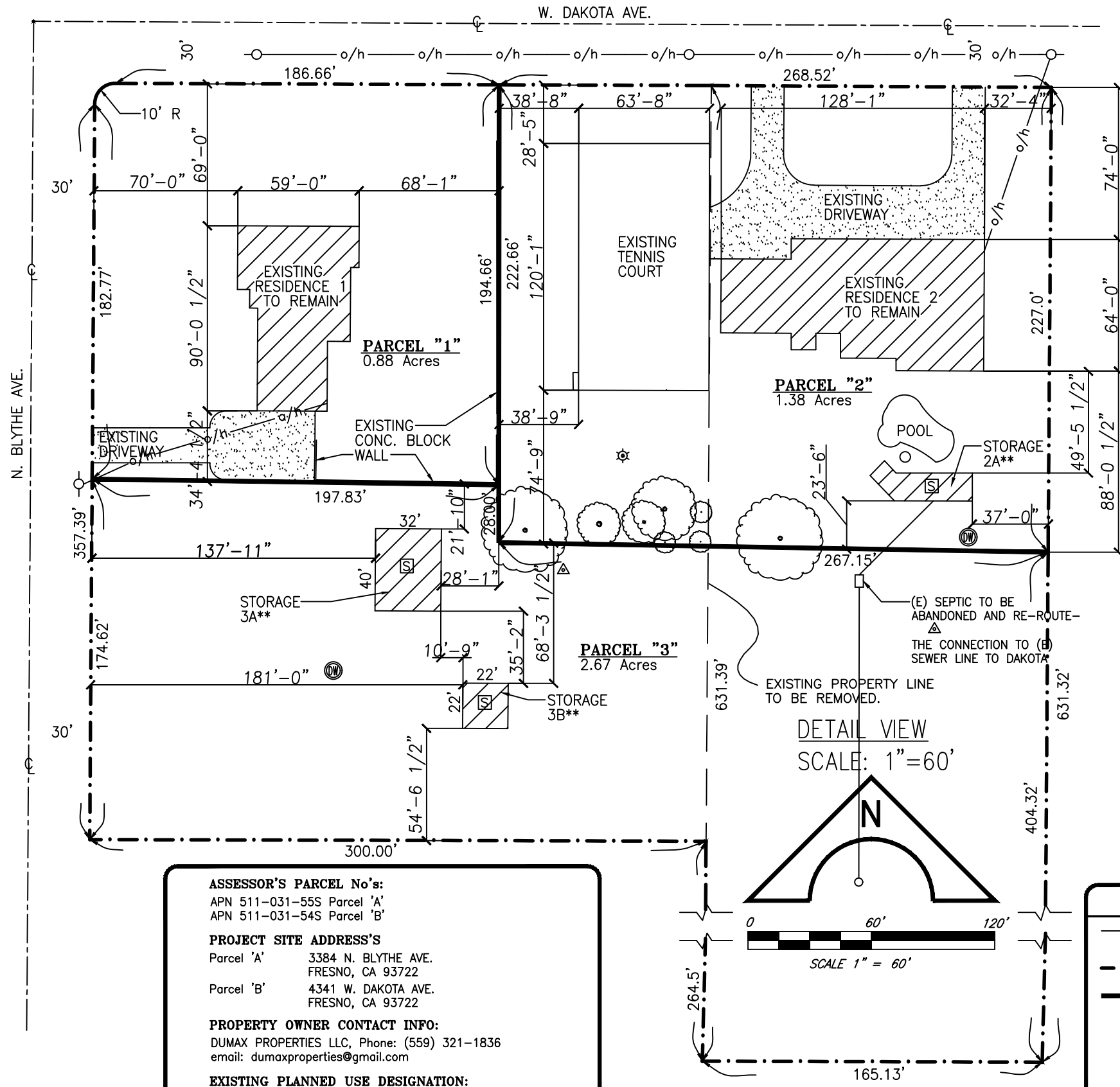


EXHIBIT 5



ASSESSOR'S PARCEL No's:
APN 511-031-55S Parcel 'A'
APN 511-031-54S Parcel 'B'

PROJECT SITE ADDRESS'S
Parcel 'A' 3384 N. BLYTHE AVE.
FRESNO, CA 93722
Parcel 'B' 4341 W. DAKOTA AVE.
FRESNO, CA 93722

PROPERTY OWNER CONTACT INFO:
DUMAX PROPERTIES LLC, Phone: (559) 321-1836
email: dumaxproperties@gmail.com

EXISTING PLANNED USE DESIGNATION:
LIMITED AGRICULTURE

EXISTING AND PROPOSED ZONE DIST.:
AL-20

LEGEND			
--- (dashed line)	EXISTING PROPERTY LINE. TO BE REMOVED		ASPHALT CONCRETE (AC)
- - - (dash-dot line)	EXISTING PROPERTY LINES.		EXISTING RESIDENCES STRUCTURES(BLDG)
— (solid line)	PROPOSED NEW PROPERTY LINES		SURVEY CONTROL POINT
	DOMESTIC WELL		AREA LIGHT (SL)
	EXISTING RESIDENCES ARE CONNECTED TO CITY SEWER		UTILITY POLE (UP)
	EXISTING STORAGE STRUCTURES(BLDG)		EXISTING OVERHEAD UTILITY LINE(s)
	TREE		** SEE PHOTOGRAPHS

REVISIONS	
00-00-19	REV 1
00-00-19	REV 2
00-00-19	REV 3
00-00-19	REV 4
00-00-19	REV 5

designer
ROBERTO GARCIA
2045 W. San Ramon
Fresno, CA 93711
559.708.1612
rggcrafting@yahoo.com

SITE PLAN FOR VARIANCE APPLICATION NO.

Drawn By
ROBERTO GARCIA
Checked By
R. Garcia
Date
02/03/20

EXHIBIT 6

VARIANCE APPLICATION FINDINGS

Dumax Properties LLC

October 30, 2019

Owner:

Dumax Properties LLC
3384 N. Blythe Avenue
Fresno, CA 93722-4631

Applicant:

Same as above

Representative:

Roberto Garcia
2045 W. San Ramon Avenue
Fresno, CA 93711
559-708-1612

Property Location:

Subject property is located at the Southeast corner of W. Dakota Avenue and N. Blythe Avenue.
3384 N. Blythe Avenue (Parcel "A", APN 511-031-55S, 2.53 acres)
4341 W. Dakota Avenue, (Parcel "B", APN 511-031-54S, 2.39 acres)

APN's:

APN 511-031-55S (Parcel "A") and APN 511-031-54S (Parcel "B")

Existing Zone Designation:

AL-20

Existing General Plan Land Use Designation:

Limited Agriculture

Request:

Grant a Variance to allow the creation of a 3 parcel configuration (0.88 ac., 1.38 and 2.66 ac. =4.92 ac. Total) from an existing 2 parcel configuration (2.53 ac. and 2.39 ac. =4.92 ac. Total) within the AL-20 Zone District.

Finding 1:

Does the strict application of the Zoning Ordinance deprive this property of privileges enjoyed by other properties in the vicinity and in an identical zoning district due to special circumstances applicable to the property, including its size, shape, topography, location or surroundings?

The project is located on a 2.53 ac. and 2.39 ac. +/- parcel among other smaller and similar sized parcels. Other home sites smaller than the required 20-acre minimum lot size exist in proximity to the subject site.

It is noted other variances have been granted in the vicinity of the subject property and granting of the proposed variance will neither affect nor impact the surrounding. The proposed Variance will allow the existing development pattern and intensity of the subject property to remain as it has for over 75 years.

The subject properties have existing improvements that are not conducive to the existing parcel configuration, such as concrete block walls, chain link fences, trees, sheds, residences and domestic wells. The rearrangement of parcel boundary lines would allow for the better use and enjoyment of the subject properties by the owner.

The applicant proposes no changes to site improvements. Therefore, granting of the proposed variance will have no affect nor impact on the properties intensity of use, as the subject site has generally been developed in its current configuration for over 75 years.

Finding 2:

Is such variance 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 in the vicinity having the identical zoning classification?

Other property owners under like conditions in the vicinity having the identical zoning classification possess and enjoy their properties as established by existing improvements and are not hindered by existing parcel lines that are not in synch with said improvements.

The purpose of the Variance is to allow the owner better use and enjoyment of the subject properties which are currently inhibited by the existing improvements that are not conducive to the existing parcel configuration, such as concrete block walls, chain link fences, trees, sheds and domestic well. The rearrangement of parcel boundary lines would allow for the better use and enjoyment of the subject properties by the respective owner. No public policy or social good is enhanced by prohibiting the applicant from the rearrangement of parcel boundary lines.

Finding 3:

If granted, would the requested variance be detrimental to the public welfare or injurious to property or improvements in the area to which the property is located?

Granting the proposed Variance will not be detrimental to surrounding properties for various reasons. The site is improved with a 2102 sq. ft. home built in 1961 (3384 N. Blythe Avenue) and a 3712 sq. ft. home built in 1978 (4341 W. Dakota Avenue). The existing home 2102 sq. ft. home (3384 N. Blythe Avenue) has frontage along N. Blythe Avenue which is a public road of adequate width and pavement to serve the proposed. The existing home 3712 sq. ft. home (4341 W. Dakota Avenue) has frontage along W. Dakota Avenue which is a public road of adequate width and pavement to serve the proposed. No variations in setback development standards are required.

There are currently two on-site water wells for the existing homes. The owner plans to connect to the City of Fresno Water Distribution System and the existing residences are currently connected to the City of Fresno Sewer System.

The existing homes are well maintained and would not be in conflict with the surrounding properties and/neighborhood. The applicant proposes no changes to site improvements. Therefore, granting of the proposed variance will have no affect nor impact on the properties intensity of use, as the subject site has generally been developed in its current configuration for over 75 years. No change in the use of the properties, either in size or intensity would be affected by the proposed Variance.

Finding 4:

If granted, would the requested variance be in conflict with established general and specific plans and policies of the county?

The applicant proposes no changes to site improvements. Therefore, granting of the proposed variance will have no affect nor impact on the properties intensity of use, as the subject site has generally been developed in its current configuration for over 75 years.

The proposed Variance will not adversely affect nor imact the surrounding properties and/or neighborhood. Further, the proposed Variance will not reduce agricultural production or its intensity.

For these reasons, the proposed Variance will not conflict with the policies of the Fresno County General Plan.



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 4 February 13, 2020

SUBJECT: Director Review and Approval Application No. 4592 and Variance Application No. 4077

Amend Director Review and Approval Application No. 3280 to allow relocation and expansion of a Stupa and Social Hall, and waive the 35-foot maximum building height limit to allow construction of the Social Hall to a maximum height of 58 feet and the Stupa to a maximum height of 66 feet on a 9.62-acre parcel in the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the west side of South Fruit Avenue, approximately 650 feet north of its nearest intersection with West Annadale Avenue, and is approximately 1,340 feet south of the nearest city limits of the City of Fresno (2710 S. Fruit Avenue, Fresno, CA) (Sup. Dist. 1) (APN 328-050-17).

**OWNER/
APPLICANT:** Lao Dhamma Sacca Temple, Inc.

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

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Approve Director Review and Approval Application No. 4592 with recommended Findings and Conditions; and
- Deny Variance 4077; 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. One-Mile Radius Map of Variance Applications
6. Site Plans, Detail Drawings, and Elevations
7. Applicant's Findings

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	County-Adopted Edison Community Plan: Elementary School – Fresno City General Plan: Medium Density Residential	No change
Zoning	AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District	No change
Parcel Size	9.62 acres	No change
Project Site	N/A	N/A
Structural Improvements	Monks' hall, temple offices, activity hall, kitchen and restroom building, classrooms, monks' residence, garage, carport, and service buildings	Stupa and Social Hall
Nearest Residence	Approximately 139 feet east of project site	No change
Surrounding Development	Agricultural and residential	No change
Operational Features	8:00 AM to 5:00 PM seven days per week Approximately 12 special event days per year can extend operational time to 10:00 PM.	No change

Criteria	Existing	Proposed
Employees	5-10 Buddhist monks live on site assisted by volunteers up to 10 a day.	No change
Customers	40 students on Sundays and 200-500 people for special events	No change
Traffic Trips	Approximately 20 to 100 traffic trips for normal operation, which includes Sunday morning events, excluding special event days, which are estimated to range from 200 to 500 people	No change
Lighting	Site lighting and residential lighting	Additional site lighting for proposed structures
Hours of Operation	8:00 AM to 5:00 PM. Hours extend to 10:00 PM on special event days.	No change

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

ENVIRONMENTAL ANALYSIS:

A Mitigated Negative Declaration (MND) prepared for Initial Study Application No. 4532 was adopted for the project in accordance with the California Environmental Quality Act (CEQA) with approval of Director Review and Approval (DRA) Application No. 3280 on October 19, 2000.

According to Section 15162 (a) of the CEQA Guidelines, when an MND is adopted for a project, no subsequent MND shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following: 1) substantial changes are proposed in the project which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects; 2) substantial changes occur with respect to their circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects; and 3) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MDN was adopted, shows either of the following: (A) the project will have one or more significant effects not discussed in the previous MND; or (B) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.

Staff has reviewed the subject proposal and determined a subsequent/supplemental environmental document is not required.

PUBLIC NOTICE:

Notices were sent to 16 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 Variance (VA) may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 877-A are made by the Planning Commission.

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

BACKGROUND INFORMATION:

The project proposes to amend previously-approved Director Review and Approval Application No. 3280 to allow relocation and expansion of the proposed Social Hall and Stupa. Additionally, the project proposes to waive the maximum building height standard to allow the proposed Social Hall to be built up to a maximum height of 58 feet and allow the proposed Stupa to be built up to a maximum height of 66 feet.

The subject parcel first shows in the recorded Union Colony map as part of a larger 20-acre parcel identified as Lot 7. Based on Assessor Parcel Maps from the 1971 and 1972 rolls, the subject parcel was created and utilized for a school site. On October 19, 2000, the Fresno County Planning Commission approved DRA No. 3280 to allow a Buddhist Temple and related facilities.

Aerial photographs and existing permit records indicate that there are several existing buildings that were previously utilized for a school site. Those buildings include three structures which are presumed to be administration buildings near Fruit Avenue and two long structures presumed to be the classrooms. Those buildings have since been repurposed for use with the church. Existing permit records have acknowledged the existence of these buildings. Three mobile home permits have been approved as Monks' residences in conjunction with approved DRA No. 3280 which allowed the church site. Additional permit records show improvements were made to the existing buildings.

The following analysis addresses each of the required Findings for Variance Application (VA) No. 4077 and Director Review and Approval (DRA) Application No. 4592.

DIRECTOR REVIEW AND APPROVAL (DRA) APPLICATION NO. 4592

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

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	AL-20	<u>Social Hall</u>	Y

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
	Front: 35 feet Side: 20 feet Rear: 20 feet	Front: 199 feet and 6 inches Side: 57 feet and 6 inches Rear: 267 feet <u>Stupa</u> Front: 533 feet and 6.5 inches Side: 153 feet and 2 inches Rear: 36 feet 6 inches	
Parking	At least one parking space for every five permanent seats or one for every forty square feet of area within the main auditorium or meeting hall, whichever provides the greater number	213 spaces with, 9 ADA spaces	Y
Lot Coverage	No standard	N/A	Y
Space Between Buildings	No standard	N/A	Y
Wall Requirements	No standard	N/A	Y
Septic Replacement Area	100 percent replacement	100 percent replacement	Y
Water Well Separation	Septic Tank: 100 feet Disposal Field: 100 feet Seepage Pit: 150 feet	No change	Y

Reviewing Agency/Department Comments Regarding Site Adequacy:

Zoning Section of the Fresno County Department of Public Works and Planning: The proposed Social Hall and Stupa will require plans, permits, and inspections. **This shall be included as a Project Note.**

There are no permit records for the existing arbor building or 4-car carport, and no permit for the removal of one of the three mobile homes. Prior to issuance of building permits for the

proposed Social Hall and Stupa, plans, permits, and inspections will be required for any identified unpermitted structure or removed structure. Additionally, there are no permit records for the conversion of old school buildings into an office, activity hall and hall building, and service center buildings as indicated on the submitted site plan. Prior to issuance of building permits, copies of historical building records from the County of Fresno Assessor's Office shall be submitted to verify the school buildings and their use. **This shall be included as a Project Note.**

Site Plan Review Section of the Fresno County Department of Public Works and Planning: ADA parking stalls for the physically disabled shall be placed adjacent to facility access ramps or in strategic areas where the disabled shall not have to travel behind parking spaces other than to pass behind the parking space in which they parked. **This shall be included as a Project Note.**

Based on the number of parking stalls in the operational statement and depicted in the site plan, there will be a total of nine (9) ADA stalls; of those stalls a minimum of two (2) are required to be van-accessible stalls per state standards. ADA stall(s) must be provided for the physically disabled and shall be served by an access aisle 96 inches wide, minimum, and shall be designated van accessible. These spaces must be concrete or asphalt concrete paved and must be located on the shortest possible route to the main entrance so disabled persons do not cross the driveway into the parking lot. **This shall be included as a Project Note.**

A four (4)-foot path of travel for disabled persons shall be constructed and striped in accordance with state standards. **This shall be included as a Project Note.**

Any proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO) and require submittal of Landscape and Irrigation plans per the Governor's Drought Executive Order of 2015. The Landscape and Irrigation plans shall be submitted to the Department of Public Works and Planning, Site Plan Review unit for review and approval prior to issuance of Building Permits. **This shall be included as a Project Note.**

All parking and circulation areas that are not concrete or asphalt concrete paved should be treated with a dust palliative. **This shall be included as a Project Note.**

Outdoor lighting should be hooded and directed away from adjoining streets and properties. **This shall be included as a Project Note.**

All proposed signs require submittal 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.**

Development Engineering Section of the Fresno County Department of Public Works and Planning: All Conditions of Approval for any previous applications shall be implemented if not already in place. **This shall be included as a Condition of Approval.**

An Engineered Grading Plan will be required when moving more than 1,000 cubic yards of material. **This shall be included as a Project Note.**

A Grading Permit or Voucher is required for any grading proposed with this application. **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 indicates that the proposed Stupa and Social Hall will be relocated from their original positions approved by Director Review and Approval Application No. 3280. Based on the new proposed sites of the Stupa and Social Hall, both buildings will be located outside of required yard setbacks. Based on the analysis, staff finds that the subject parcel is adequate in size and shape to accommodate the proposed modification of the project site.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

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*

		Existing Conditions	Proposed Operation
Private Road	No	Two access points off South Fruit Avenue provide access to the subject parcel.	Additional parking and pavement for vehicular access
Public Road Frontage	Yes	The subject parcel fronts South Fruit Avenue.	No change
Direct Access to Public Road	Yes	Two access points provide access from the project site to South Fruit Avenue.	No change
Road ADT		1,100 vehicles per day	No change
Road Classification		Collector road	No change
Road Width		60 feet to 72 feet	No change
Road Surface		Pavement	No change
Traffic Trips		5-10 permanent residents, up to 40 students for Sunday	No change

		Existing Conditions	Proposed Operation
		School, and up to 500 people on scheduled event days	
Traffic Impact Study (TIS) Prepared	No	N/A	N/A
Road Improvements Required		N/A	N/A

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

Design Division of the Fresno County Department of Public Works and Planning: If not already on file, the Applicant shall submit a Traffic Management Plan(s) (TMP) for their special events. As they are all under 500 trips or less, it would be acceptable to generate one TMP that covers up to 500 trips to be utilized for all their events. **This shall be included as a Project Note.**

Development Engineering Section of the Fresno County Department of Public Works and Planning: Fruit Avenue is classified as a Collector road with right-of-way of 42 feet (from the north Property Line south 365 feet) and 30 feet (remainder of frontage) west of the section line per Plat Book. The minimum right-of-way width south of the section line for a Collector road is 40 feet.

Fruit Avenue is a County-maintained road. Records indicate this section of Fruit Avenue, from Jensen to Annadale, has an ADT of 1,100, pavement width of 31 feet, structural section of 0.4 feet AC and is in poor condition.

Typically, any access driveway should be set back a minimum of 10 feet from the property line. **This shall be included as a Project Note.**

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.**

For any unpaved or gravel surface access roads, the first 100 feet off the edge of the road right-of-way must be graded and asphalt concrete paved or treated with a dust palliative. **This shall be included as a Project Note.**

The project is located within the Fresno Metropolitan Flood Control District (FMFCD) Boundary and Drainage Zones District AU. FMFCD should be consulted for their requirements, and any additional runoff generated by development cannot be drained across property lines. **This shall be included as a Project Note.**

According to FEMA FIRM Panel 2105H, the subject property is located in Zone X and is not subject to flooding from the 100-year storm.

According to U.S.G.S. Quad Maps, there are no existing natural drainage channels adjacent or running through the parcel.

Any additional runoff generated by the proposed development of this site cannot be drained across property lines or into the County right-of-way, and must be retained on site, per County Standards. **This shall be included as a Project Note.**

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Fruit Avenue is classified as a Collector road in the County's General Plan, requiring an ultimate road right-of-way of 84 feet. Currently, Fruit Avenue has a right-of-way of 60 feet to 72 feet along parcel frontage. An additional 12 feet of right-of-way is required along parcel frontage in areas where there is only 30 feet of road right-of-way west of the centerline. Setbacks for new construction should be based upon the ultimate right-of-way for Fruit Avenue. **This shall be included as a Project Note.**

Drainage surface waters must be held on site. The proposed ponding basin should be engineered to accommodate surface waters generated by proposed improvements. **This shall be included as a Project Note.**

An Engineered Grading and Drainage Plan is required to show how additional runoff is being handled and verify compliance with Fresno County's Ordinance. **This shall be included as a Project Note.**

An encroachment permit from this Division is required for any work performed in the County road right-of-way. **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 project site is located on the west side of South Fruit Avenue and is approximately 650 feet north of its nearest intersection with West Annadale Avenue. There are two existing access points to the subject property; one near the northern property line and one located approximately 405 feet south, with both fronting Fruit Avenue. The Applicant has stated that the expansion of the Social Hall and Stupa will not increase the amount of traffic coming to and from the project site. The existing use has already established estimated traffic trips produced from the use, including special event days and daily trips. Based on the Applicant's description of the existing and proposed uses, and comments from the Road Maintenance and Operations Division, the Development Engineering Section, and the Transportation Design Division, Fruit Avenue is able to support the existing use and the proposed expansion. Therefore, staff is able to make Finding 2.

Recommended Conditions of Approval:

None.

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*

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	66.41 acres	Vineyard	AE-20	N/A
South	66.41 acres	Vineyard	AE-20	N/A
East	14.1 acres	Field Crops and Single-Family Residential	AL-20	Approximately 430 feet
	0.42 acre	Apartment	AL-20	Approximately 320 feet
	0.4 acre	Single-Family Residential	R-1(c)	Approximately 335 feet
	0.18 acre	Single-Family Residential	R-1(c)	Approximately 360 feet
West	66.41 acres	Vineyard	AE-20	N/A

Reviewing Agency/Department Comments:

Fresno County Department of Public Health, Environmental Health Division: It is recommended that the Applicant consider having the existing septic tank pumped and have the tank and leach field evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system(s). **This shall be included as a Project Note.**

Fresno County Department of Agriculture: The Fresno County “Right to Farm” Ordinance shall be presented to the Applicant so that any necessary Mitigation Measures can be considered by the facility to minimize any potential discomfort or risk to training staff. The Fresno County Right-to-Farm Notice states that “it is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products.” Residents of property in or near agricultural districts should be prepared to accept the inconveniences and discomfort associated with normal farm activities. Consistent with this policy, California Civil Code 3482.5 (right-to-farm law) provides that an agricultural pursuit, as defined, maintained for commercial uses shall not become a nuisance due to a changed condition in a locality after such agricultural pursuit has been in operation for three years. **This shall be included as a Project Note.**

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

For informational purposes, FID’s Fresno Colony Canal No. 24 runs westerly along the north side of Annadale Avenue and crosses Fruit Avenue approximately 600 feet south of the subject property. Should any street improvements be required along Fruit Avenue and in the vicinity of the canal, FID requires it review and approve all plans. **This shall be included as a Project Note.**

Fresno Metropolitan Flood Control District: Any Drainage and Grading Plans should be reviewed and approved by the Fresno Metropolitan Flood Control District (FMFCD) prior to approval by the County. **This shall be included as a Project Note.**

Should street improvements become a requirement of this entitlement, Master Plan facilities may be required, and the County and developer should contact FMFCD. **This shall be included as a Project Note.**

In an effort to improve storm runoff quality, outdoor storage areas shall be constructed and maintained such that material that may generate contaminants will be prevented from contact with rainfall and runoff and thereby prevent the conveyance of contaminants in runoff into the storm drain system. **This shall be included as a Project Note.**

The District encourages but does not require that roof drains from non-residential development be constructed such that they are directed onto and through a landscaped grassy swale area to filter out pollutants from roof runoff. **This shall be included as a Project Note.**

Runoff from areas where industrial activities, product, or merchandise come into contact with and may contaminate storm water must be treated before discharging it off site or into a storm drain. Roofs covering such areas are recommended. Cleaning of such areas by sweeping instead of washing is to be required unless such wash water can be directed to the sanitary sewer system. Storm drains receiving untreated runoff from such areas shall not be connected to the District's system. Loading docks, depressed areas, and areas servicing or fueling vehicles are specifically subject to the requirements. **This shall be included as a Project Note.**

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

Analysis:

The project site is located in a predominantly agricultural area with residential units located throughout the area supporting the agricultural operations. The subject 9.62-acre parcel is zoned AL-20 (Limited Agricultural, 20-acre minimum parcel size). An existing agricultural operation surrounds the subject parcel to the north, west, and south, while to the east, multiple residential units exist. As the proposed Social Hall and Stupa were originally planned for the site, and with the project's adherence to past Conditions of Approval and Project Notes from previously-approved Director Review and Approval Application No. 3280 and recommended Conditions of Approval and Project Notes, the modification to DRA No. 3280 will not have an adverse effect upon 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*

Relevant Policies:	Consistency/Considerations:
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	The City of Fresno was notified of the subject application and given the opportunity to submit comments regarding the project proposal. No comments were received from

Relevant Policies:	Consistency/Considerations:
proposal has first been referred to the city for consideration of possible annexation pursuant to the policies of this section and the provisions of any applicable city/county memorandum of understanding.	the City of Fresno to indicate that they had concerns regarding the proposed modification. Therefore, the project is consistent with General Plan Policy LU-G.14.

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel lies within the Sphere of Influence (SOI) of the City of Fresno.

The subject parcel is designated as Medium-Density Residential in the Fresno City General Plan.

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

Analysis:

The existing church was originally approved via Director Review and Approval Application No. 3280 (DRA No. 3280). The proposed modification to the approved plans will not change the approved use, therefore the proposed project will be consistent with the Fresno County General Plan.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

VARIANCE (VA) APPLICATION NO. 4077

ANALYSIS/DISCUSSION:

Staff research indicates that there have been three variance requests that have been applied for within a one-mile radius of the project site. None of the identified variance requests are related to the project proposal.

Finding 1: There are exceptions or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the vicinity having the identical zoning classification.

Finding 2: Such 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 in the vicinity having the identical zoning classification.

Reviewing Agencies/Department Comments:

No comments specific to Findings 1 and 2 were expressed by reviewing Agencies or Departments.

Analysis:

In support of Finding 1, the Applicant states that the use of the property as a Lao Buddhist Temple, as approved by DRA No. 3280 brings along certain religious symbols and traditions found in the spires proposed for the Stupa and Social Hall. Additionally, the Applicant states that the Agricultural zoning found on the surrounding properties is unlikely to produce additional similar structures.

In support of Finding 2, the Applicant states that they believe that the County has granted variances for religious uses that have included spires and/or other architectural features that extend above the height limits of similar zone districts. Past variance applications have been granted in recognition of these elements as an expression of the religious beliefs associated with the use of the site. The Applicant explained that the project site has already been approved for use as a Buddhist Temple, and that the logical extension is that the worship facilities should be allowed to reflect their religious beliefs and traditions.

A consideration in addressing variance applications is whether there are alternatives available that would avoid the need for the Variance. In the case of this application, an alternative would be for the Applicant to redesign the subject structures and spires to be at or below the 35-foot height maximum required by the underlying zone district. As the Social Hall and Stupa are not yet built, the design alternative is feasibly possible. Per Section 877-E.1.c., a Minor Variance can also be pursued for a ten percent increase from the 35-foot building height maximum which will increase the allowable height up to 38.5 feet. Although the Minor Variance can only increase the height up to ten percent, the Applicant has an alternative to applying for the Variance.

In regard to Finding 1, staff does not completely concur with the Applicant's statement. Although the specific use of the site as a Lao Buddhist Temple may be unique, the overall use of the property as a church site is not entirely unique, as there are church sites located throughout the County under like zoning classification and conditions. The subject parcel is surrounded by agricultural-zoned land, with the Applicant stating that the surrounding property is unlikely to produce additional similar structures. The subject parcel is surrounded by parcels zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) and AL-20 (Limited Agricultural, 20-acre minimum parcel size). Both the AE-20 and AL-20 Zone Districts allow churches, parsonages, and other religious institutions subject to a Director Review and Approval. As the surrounding parcels are capable of being utilized as a church site, subject to a land-use permit, staff does not concur with the Applicant's finding. As the Applicant was unable to provide an unusual or extraordinary circumstance, staff is unable to make Finding 1.

In regard to Finding 2, the Applicant believes that a property right is at issue, and states that the County has granted variances for religious uses that include spires and/or architectural features that extend above the height limits of similar zone districts. Although there may be a history of approved variances that are similar to the subject application, each variance application is required to be analyzed on their own merits and conditions. Even though the subject parcel has been approved for use as a Buddhist Temple, staff does not believe that a property right is at issue, as religious beliefs and traditions can still be expressed within the set development

standards of the Fresno County Zoning Ordinance. Therefore, staff is unable to make Finding 2.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 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.*

Reviewing Agencies/Department Comments:

No comments specific to Finding 3 were expressed by reviewing Agencies or Departments.

Analysis:

In support of Finding 3, the Applicant states that the proposed Stupa and Social Hall have been designed in a manner in which the majority of the structure is located below the 35-foot height limit of the underlying zone district. The spires are the only features extending above the height limit. The design is intentional in minimizing any impact to sight lines from adjacent properties and to reduce the overall mass of the portion of the building extending above the height limits while still recognizing the religious and cultural significance of the spire elements.

In regard to Finding 3, the proposal will allow certain architectural features (spires) of the proposed Social Hall and Stupa to be in excess of the maximum building height standard of 35 feet. The proposed buildings are located away from the public right-of-way and are intended to be an architectural feature reflecting cultural and religious traditions. The spires are designed to have as minimal of an impact as possible on surrounding properties. Staff does not believe that the spire height will be materially detrimental to the public welfare or injurious to property and improvement, therefore, staff is able to make Finding 3.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 3 can be made.

Finding 4: *The granting of such Variance will not be contrary to the objectives of the Fresno County General Plan.*

Reviewing Agencies/Department Comments:

No comments specific to Finding 4 were expressed by reviewing Agencies or Departments.

Analysis:

In support of Finding 4, the Applicant states that the approval of this Variance will allow for the quality development of a religious site that reflects the religious beliefs and culture of an ethnic group that has made Fresno their home. The Applicant states that the proposal is in keeping with the intent of the General Plan and feels that the Variance should be granted.

In regard to Finding 4, there are no General Plan Policies that relate to the project proposal. As there are no identified General Plan Policies that conflict with the subject proposal, staff can make Finding 4.

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 Director Review and Approval Application No. 4592 can be made and that the required Findings 1 and 2 for granting Variance No. 4077 cannot be made. Staff therefore recommends approval of Director Review and Approval Application No. 4592, subject to the recommended Conditions and Project Notes, and recommends denial of Variance No. 4077.

PLANNING COMMISSION MOTIONS:

Recommended Motion

- Move to determine the required Findings can be made and move to approve Director Review and Approval Application No. 4592, subject to the Conditions of Approval and Project Notes listed in Exhibit 1; and
- Move to determine the required Findings cannot be made and move to deny Variance No. 4077; and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

Alternative Motion (DRA)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Director Review and Approval Application No. 4592; and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

Alternative Motion (VA)

- Move to determine that the required Findings can be made (state basis for making the Findings) and move to approve Variance Application No. 4077; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

TK:ksn

G:\4360Devs&PIn\PROJSEC\PROJDOCS\VA\4000-4099\4077 - See DRA 4592\SR\DRA 4592 VA 4077 SR.docx

**Director Review and Approval Application No. 4592
Variance Application No. 4077
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan approved by the Planning Commission.
2.	All Conditions of Approval for any previous applications shall be implemented if not already in place.

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.	The proposed Social Hall and Stupa will require plans, permits, and inspections.
2.	There are no permits records for the existing arbor building or 4-car carport, and no permit for the removal of one of the three mobile homes. Prior to issuance of building permits for the proposed Social Hall and Stupa, plans, permits, and inspections will be required for any identified unpermitted structure or removed structure. Additionally, there are no permit records for the conversion of the old school building into an office, activity hall and hall building; and service center building as indicated on the submitted site plan. Prior to issuance of building permits, copies of historical building permits from the County of Fresno Assessor's Office shall be submitted to verify the school buildings and their use.
3..	<p>The following requirements have been set forth by the Site Plan Review Section of the Department of Public Works and Planning:</p> <ul style="list-style-type: none"> A. ADA parking stalls for the physically disabled shall be placed adjacent to facility access ramps or in strategic areas where the disabled shall not have to travel behind parking spaces other than to pass behind the parking space in which they are parked. B. Based on the number of parking stalls in the operational statement and depicted in the site plan, there will be a total of nine (9) ADA stalls; of those stalls, a minimum of two (2) are required to be van-accessible stalls per state standards. ADA stall(s) must be provided for the physically disabled and shall be served by an access aisle 96 inches wide, minimum, and shall be designated van accessible. These spaces must be concrete or asphalt concrete paved and must be located on the shortest possible route to the main entrance so disabled persons do not cross the driveway into the parking lot. C. A four (4)-foot path of travel for disabled persons shall be constructed and striped in accordance with state standards. D. Any proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO) and require submittal of Landscape and Irrigation plans per the Governor's Drought Executive Order of 2015. The Landscape and Irrigation plans shall be submitted to the Department of Public Works and Planning, Site Plan Review unit for review and approval prior to issuance of Building Permits. E. All parking and circulation areas that are not concrete or asphalt concrete paved should be treated with a dust palliative. F. Outdoor lighting should be hooded and directed away from adjoining streets and properties. G. All proposed signs require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.
4.	Plans, permits and inspections will be required for onsite improvements.

Notes

5.	<p>The following requirements have been set forth by the Development Engineering Section of the Department of Public Works and Planning:</p> <ul style="list-style-type: none"> A. An Engineered Grading Plan will be required when moving more than 1,000 cubic yards of material. B. A Grading Permit or Voucher is required for any grading proposed with this application. C. Typically, any access driveway should be set back a minimum of 10 feet from the property line. D. 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. E. For any unpaved or gravel surface access roads, the first 100 feet off the edge of the road right-of-way must be graded and asphalt concrete paved or treated with a dust palliative. F. The project is located within the Fresno Metropolitan Flood Control District (FMFCD) Boundary and Drainage Zones District AU. FMFCD should be consulted for their requirements, and any additional runoff generated by development cannot be drained across property lines. G. Any additional runoff generated by the proposed development of this site cannot be drained across property lines or into County right-of-way, and must be retained on site, per County Standards.
6.	<p>If not already on file, the Applicant shall submit a Traffic Management Plan(s) (TMP) for their special events. As they are all under 500 trips or less, it would be acceptable to generate one TMP that covers up to 500 trips to be utilized for all their events.</p>
7.	<p>The following requirements have been set forth by the Road Maintenance and Operations Division of the Department of Public Works and Planning:</p> <ul style="list-style-type: none"> A. Fruit Avenue is classified as a Collector road in the County's General Plan requiring an ultimate road right-of-way of 84 feet. Currently, Fruit Avenue has a right-of-way of 60 feet to 72 feet along parcel frontage. An additional 12 feet of right-of-way is required along parcel frontage in areas where there is only 30 feet of road right-of-way west of the centerline. Setbacks for new construction should be based upon the ultimate right-of-way for Fruit Avenue. B. Drainage surface water must be held on site. The proposed ponding basin should be engineered to accommodate surface waters generated by proposed improvements. C. An Engineered Grading and Drainage Plan is required to show how additional runoff is being handled and verify compliance with Fresno County's Ordinance. D. An Encroachment Permit from the Road Maintenance and Operations Division is required for any work performed in the County's road right-of-way.
8.	<p>It is recommended that the Applicant consider having the existing septic tank pumped and have the tank and leach field evaluated by an appropriately-licensed contractor if they have not serviced and/or maintained it within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system(s).</p>
9.	<p>The Fresno County "Right to Farm" Ordinance shall be presented to the Applicant so that any necessary Mitigation Measures can be considered by the facility to minimize any potential discomfort or risk to training staff. The Fresno County "Right to Farm" Notice states that "it is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products." Residents or property in or near agricultural districts should be prepared to accept the inconveniences and discomfort associated with normal farm activities. Consistent with this policy, California Civil Code 3482.5 (right-to-farm law) provides that an agricultural pursuit, as defined, maintained for commercial uses shall not become a nuisance due to a changed condition in a locality after such agricultural pursuit has been in operation for three years.</p>
10.	<p>For information purposes, FID's Fresno Colony Canal No. 24 runs westerly along the north side of Annadale Avenue and crosses Fruit Avenue approximately 600 feet south of the subject property. Should any street improvements be required along Fruit Avenue and in the vicinity of the canal, FID requires it review and approve all plans.</p>

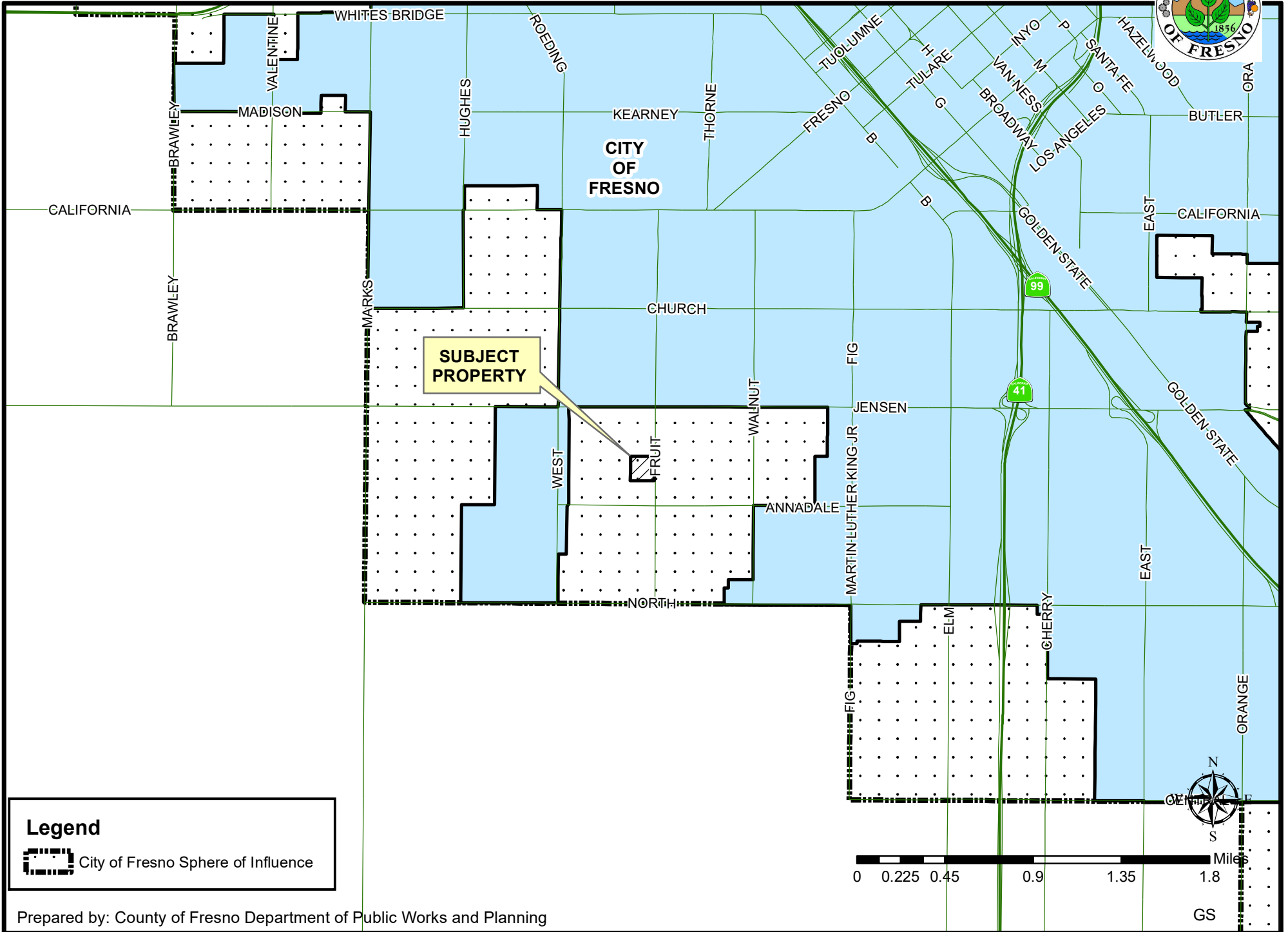
Notes

- | | |
|-----|---|
| 11. | <p>The following requirements have been set forth by the Fresno Metropolitan Flood Control District:</p> <ul style="list-style-type: none">A. Any Drainage and Grading Plans should be reviewed and approved by the Fresno Metropolitan Flood Control District (FMFCD) prior to approval by the County.B. Should street improvements become a requirement of this entitlement, Master Plan facilities may be required, and the County and developer should contact FMFCD.C. In an effort to improve storm runoff quality, outdoor storage areas shall be constructed and maintained such that material that may generate contaminants will be prevented from contact with rainfall and runoff and thereby prevent the conveyance of contaminants in runoff into the storm drain system.D. The District encourages, but does not require that roof drains from non-residential development be constructed such that they are directed onto and through a landscaped grassy swale area to filter out pollutants from roof runoff.E. Runoff from areas where industrial activities, product, or merchandise come into contact with and may contaminate storm water must be treated before discharging off site or into a storm drain. Roofs covering such areas are recommended. Cleaning of such areas by sweeping instead of washing is to be required unless such wash water can be directed to the sanitary sewer system. Storm drains receiving untreated runoff from such areas shall not be connected to the District's system. Loading docks, depressed areas, and areas servicing or fueling vehicles are specifically subject to the requirements. |
|-----|---|

TK:ksn

G:\4360Devs&Pln\PROJSEC\PROJDOCS\VA\4000-4099\4077 - See DRA 4592\SR\DRA 4592 VA 4077 Conditions & PN (Ex 1).docx

LOCATION MAP



SUBJECT PROPERTY

Legend

City of Fresno Sphere of Influence

VARIANCES WITHIN A ONE MILE RADIUS

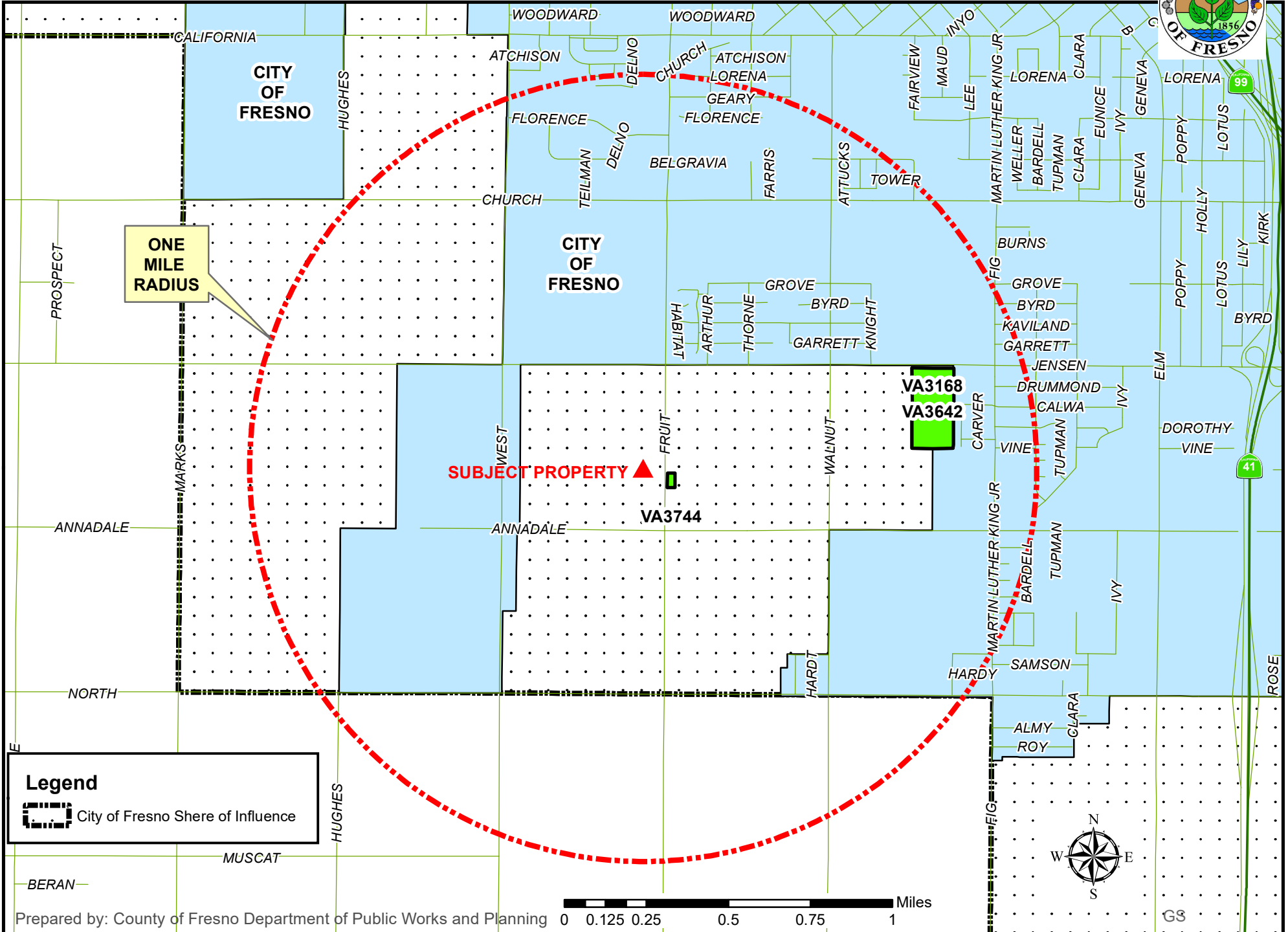
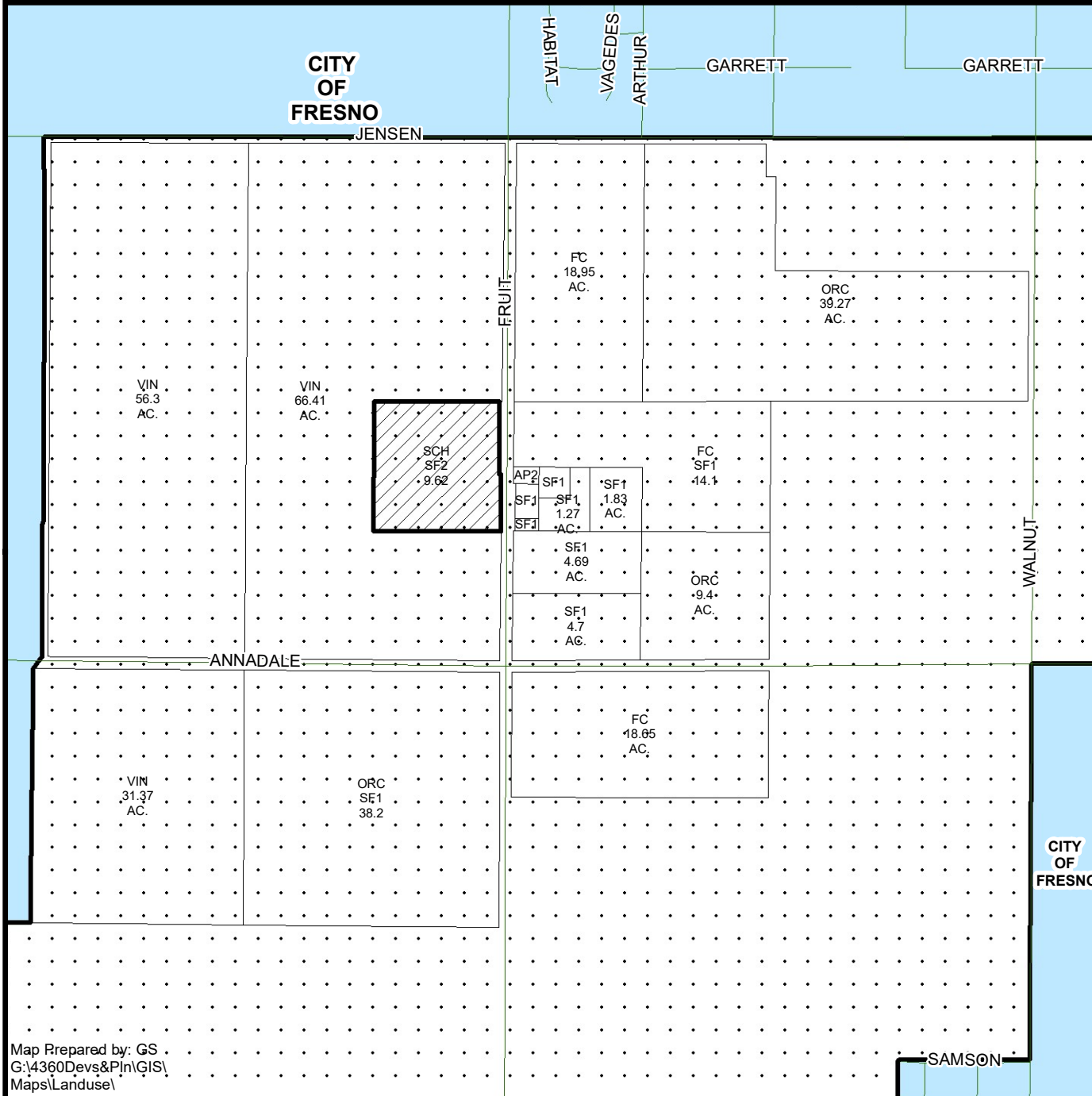




EXHIBIT 4

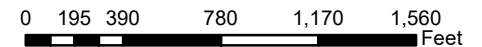
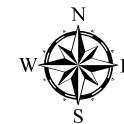
EXISTING LAND USE MAP



LEGEND	
AP1	- APARTMENT
FC	- FIELD CROP
ORC	- ORCHARD
SCH	- SCHOOL
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT
VIN	- VINEYARD

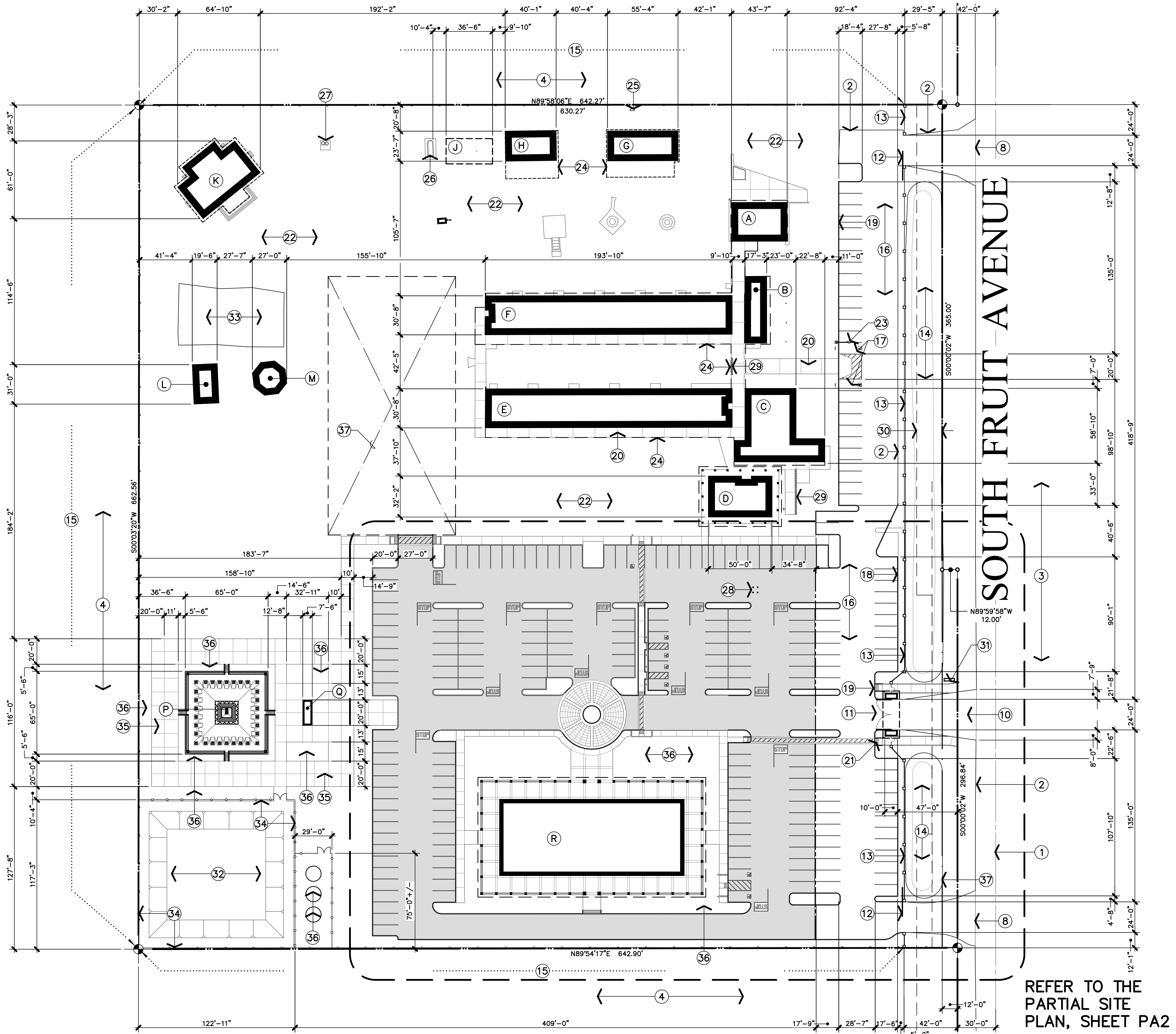
Legend

-  SubjectProperty
-  City of Fresno Sphere of Influence



Map Prepared by: GS
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Department of Public Works and Planning
 Development Services Division



REFER TO THE
PARTIAL SITE
PLAN, SHEET PA2

MASTER SITE PLAN

1" = 40'-0"

EXHIBIT 6

BUILDING LEGEND

DESIGNATION	DESCRIPTION
(A)	EXISTING MONK'S HALL
(B)	EXISTING TEMPLE OFFICES
(C)	EXISTING MONK'S ACTIVITY HALL
(D)	EXISTING KITCHEN / RESTROOM BUILDING
(E)	EXISTING CLASSROOMS
(F)	EXISTING CLASSROOMS
(G)	EXISTING MONK'S RESIDENCE
(H)	EXISTING 4 CAR GARAGE
(J)	EXISTING CARPORT
(K)	EXISTING ARBOR
(L)	EXISTING SERVICE BUILDING
(M)	EXISTING SERVICE BUILDING
(N)	EXISTING SERVICE BUILDING
(P)	PROPOSED STUPA
(Q)	PROPOSED BUDDHA STATUE
(R)	PROPOSED SOCIAL HALL

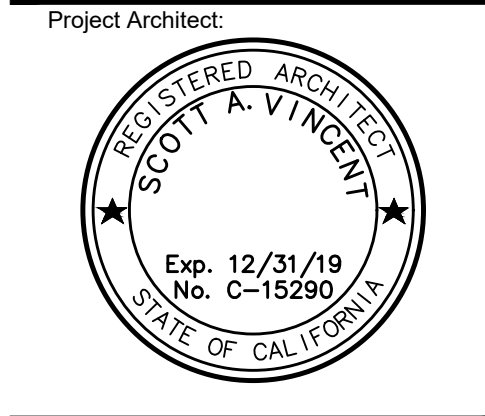
**T H E
VINCENT
COMPANY**
ARCHITECTS, INC.
1500 West Shaw, Ste. 304
Fresno, California 93711
Phone: 559.225.2602

Revisions	Date
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KEYNOTES

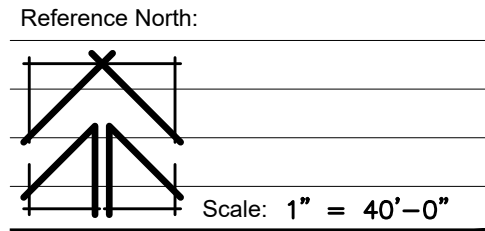
- 1 CENTERLINE OF STREET.
- 2 EXISTING EDGE OF ASPHALT PAVING TO REMAIN.
- 3 EXISTING SINGLE FAMILY RESIDENCES TO REMAIN.
- 4 EXISTING AGRICULTURAL LAND USES TO REMAIN.
- 5 EXISTING POWER POLE TO REMAIN / TYPICAL.
- 6 EXISTING OVERHEAD ELECTRICAL LINE TO REMAIN / TYPICAL.
- 7 EXISTING OVERHEAD ELECTRICAL / TELEPHONE LINE TO REMAIN / TYPICAL.
- 8 EXISTING DRIVE APPROACH TO REMAIN / TYPICAL.
- 9 EXISTING ASPHALT PAVING AT DRIVE APPROACH TO REMAIN.
- 10 EXISTING DRIVEWAY TO EXISTING PARKING LOT TO REMAIN.
- 11 COORDINATE THE INSTALLATION OF THE CEREMONIAL ENTRANCE GATES AND STRUCTURE WITH SHEET A-2. THIS GATE WILL ONLY BE OPENED ON A LIMITED BASIS FOR SPECIAL RELIGIOUS CELEBRATIONS.
- 12 EXISTING WROUGHT IRON SLIDING GATE TO REMAIN. GATE LOCKING MECHANISM SHALL COMPLY WITH FIRE DEPARTMENT REQUIREMENTS. THIS GATE SHALL BE USED FOR DAILY ACCESS TO THE SITE.
- 13 EXISTING WROUGHT IRON FENCING INSTALLED OVER CONCRETE MASONRY BASE TO REMAIN.
- 14 EXISTING STORM WATER RETENTION BASIN TO REMAIN.
- 15 EXISTING 6'-0" HIGH CHAIN LINK FENCE AT PROPERTY LINE TO REMAIN.
- 16 EXISTING ASPHALT PAVED PARKING WITH 4 INCH WIDE WHITE PAINTED STALL STRIPING AT 9'-0" ON-CENTER PER FRESNO COUNTY PUBLIC WORKS REQUIREMENTS TO REMAIN.
- 17 EXISTING ACCESSIBLE PARKING STALLS, UNLOADING ZONE AND SIGNAGE TO REMAIN (NO WORK UNDER THIS PERMIT).
- 18 EXISTING 6 INCH CONTINUOUS CONCRETE CURB TO REMAIN.
- 19 EXISTING 6 INCH CONTINUOUS CONCRETE CURB AT CEREMONIAL GATE STRUCTURE TO REMAIN.
- 20 EXISTING CONCRETE WALK TO REMAIN.
- 21 INSTALL NEW 4 INCH THICK CONCRETE WALK OVER COMPACTED NATIVE SOIL AS INDICATED. REFER TO DETAIL 2, SHEET A-5 FOR ADDITIONAL INFORMATION.
- 22 EXISTING GRAVEL OVER NATIVE SOIL TO REMAIN.
- 23 EXISTING POLE LIGHT TO REMAIN.
- 24 LINE OF ROOF OVERHANGS SHOWN DASHED / TYPICAL.
- 25 EXISTING ELECTRICAL MAIN SERVICE CABINET TO REMAIN.
- 26 EXISTING GROUND MOUNTED PROPANE TANK TO REMAIN.
- 27 EXISTING DOMESTIC WATER WELL TO REMAIN.
- 28 EXISTING SEWER CLEAN-OUT AND BARRIER POSTS TO BE RELOCATED.
- 29 EXISTING 6'-0" HIGH REINFORCED CONCRETE MASONRY FENCE TO REMAIN.
- 30 LINE OF 20'-0" FRONT YARD SETBACK SHOWN DASHED.
- 31 EXISTING PROJECT MONUMENT SIGN TO REMAIN.
- 32 INDICATES LOCATION OF PROPOSED ON-SITE STORM WATER DETENTION BASIN.
- 33 PROPOSED FIRE SUPPRESSION WATER STORAGE TANKS TO BE INSTALLED.
- 34 6'-0" HIGH CHAIN LINK FENCE WITH VINYL SLATS AND 10'-0" WIDE ACCESS GATES.
- 35 OUTDOOR PLAZA WITH 4 INCH THICK CONCRETE PAVING INSTALLED OVER COMPACTED NATIVE SOIL.
- 36 PROPOSED PLANTER AREA
- 37 PROPOSED OVERFLOW PARKING SUPPORTED BY "GRASS PAVE" PAVING SUPPORT.

PROPOSED SOCIAL HALL FOR:
WAT LAO
DHAMMA SACCA
 2710 SOUTH FRUIT AVENUE
 FRESNO, CALIFORNIA



Issues:	Date:
● DESIGN REVIEW	05.14.19
○ PLAN CHECK	
○ BACK CHECK	
○ PERMITS	
○ CONSTRUCTION	
○ AS BUILT	

All drawings and written material appearing herein constitute original work of the architect and may not be duplicated, used, or disclosed without written consent of the architect.

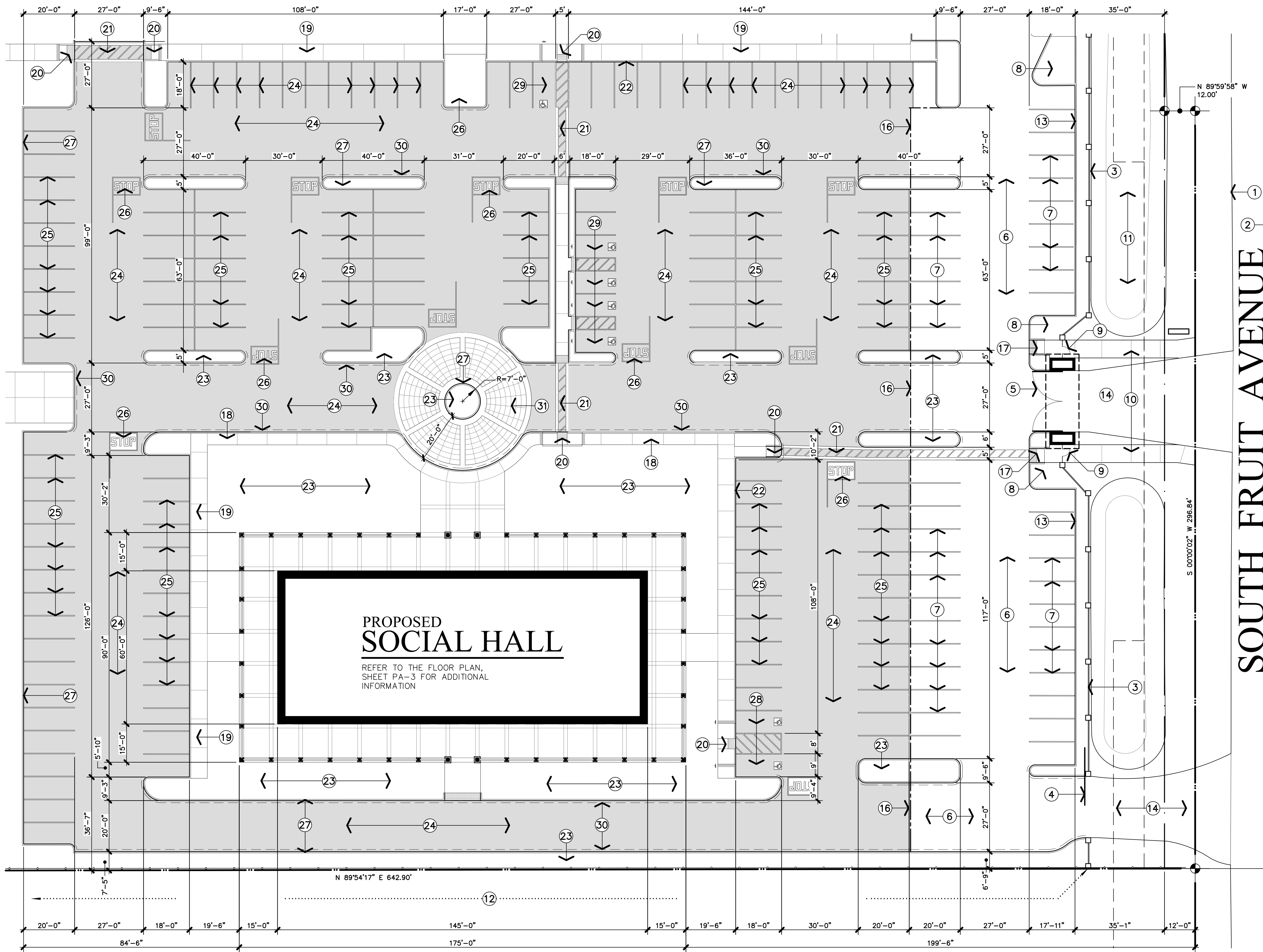


Project Name: TEMPLE SOCIAL HALL
FRESNO, CALIFORNIA
Project Number: 160305
Plot Date: 04.24.19
Sheet Number:

PA1

Of . Sheets .

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**PROPOSED
SOCIAL HALL**

REFER TO THE FLOOR PLAN,
SHEET PA-3 FOR ADDITIONAL
INFORMATION

STATISTICS

PROJECT ADDRESS	2710 SOUTH FRUIT AVENUE FRESNO, CALIFORNIA
ASSESSOR'S PARCEL	328-050-17
PRE-APPLICATION REVIEW NO.	38296
PRIOR DRA APPROVAL NO.	3280
CURRENT ZONING	AL-20
PROPOSED WORK	CONSTRUCTION OF A CEREMONIAL ENTRANCE GATE AND FENCE ALONG THE STREET FRONTAGE

SITE AREA	419,047 S.F. / 9.62 ACRES
SITE COVERAGE	
a. EXISTING BUILDINGS	24,134 S.F. (5.75%)
b. EXISTING PARKING/PAVING	32,691 S.F. (7.80%)
c. PROPOSED BUILDINGS	19,975 S.F. (4.70%)
d. PROPOSED PARKING/PAVING	72,124 S.F. (17.23%)
e. LANDSCAPE AREA	270,123 S.F. (66.14%)
BUILDING AREA	
1. STUPPA	4,225 S.F.
2. SOCIAL HALL	
a. BUILDING	8,700 S.F.
b. PORTICO	7,050 S.F.
TOTAL AREA	19,975 S.F. (4.70%)
OCCUPANCY GROUP	A-3
CONSTRUCTION TYPE	VB WITH NFPA 13 AUTOMATIC FIRE SPRINKLER
ALLOWABLE AREA (PER BUILDING) (S1 PER CBC 506.2)	24,000 S.F.
ALLOWABLE BUILDING HEIGHT	1 STORY/ 60 FEET
PARKING REQUIRED	
a. SOCIAL HALL BUILDING (8,700 S.F. @ 1/100 S.F.)	87 STALLS
b. STUPPA (4,225 S.F. @ 1/100 S.F.)	43 STALLS
c. TOTAL PARKING REQUIRED	130 STALLS
d. ACCESSIBLE STALLS REQUIRED	4 STALL
PARKING PROVIDED	
a. STANDARD STALLS	152 STALLS
b. ACCESSIBLE STALLS PROVIDED	7 STALLS
c. TOTAL STALLS PROVIDED	159 STALLS

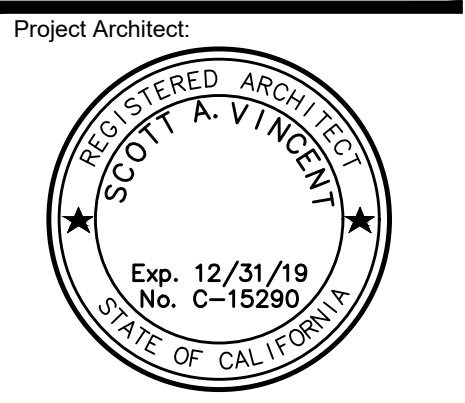
KEYNOTES

- 1 INDICATES THE LOCATION OF THE EXISTING PAVING TRANSITION.
- 2 INDICATES THE CENTER OF THE STREET.
- 3 INDICATES THE LOCATION OF THE EXISTING WROUGHT IRON FENCE TO REMAIN.
- 4 INDICATES THE LOCATION OF THE EXISTING WROUGHT IRON ROLLING GATES TO REMAIN.
- 5 INDICATES THE LOCATION OF THE EXISTING WROUGHT IRON GATES TO REMAIN.
- 6 INDICATES THE LOCATION OF THE EXISTING ASPHALTIC CONCRETE DRIVEWAY.
- 7 INDICATES THE LOCATION OF THE EXISTING 4 INCH WIDE WHITE PAINTED STRIPING.
- 8 INDICATES THE LOCATION OF EXISTING LANDSCAPING TO REMAIN.
- 9 INDICATES THE LOCATION OF EXISTING PEDESTRIAN GATES TO REMAIN.
- 10 INDICATES LOCATION OF EXISTING 4'-0" x 4 INCH THICK CONCRETE WALK TO REMAIN.
- 11 INDICATES THE LOCATION OF EXISTING PONDING BASIN TO REMAIN.
- 12 INDICATES THE LOCATION OF EXISTING CHAIN LINK FENCE TO REMAIN.
- 13 INDICATES THE LOCATION OF EXISTING 6 INCH CONTINUOUS CONCRETE CURB TO REMAIN.
- 14 INDICATES THE LOCATION OF EXISTING CONCRETE DRIVEWAY APPROACH TO REMAIN.
- 15 EXISTING POLE MOUNTED SITE LIGHT TO REMAIN.
- 16 DASHED LINE INDICATES THE LOCATION OF WHERE THE NEW PAVING AND EXISTING PAVING MEET.
- 17 INDICATES THE LOCATION OF EXISTING ACCESSIBLE RAMP TO REMAIN.
- 18 INSTALL 4'-0" WIDE x 4 INCH THICK CAST-IN-PLACE CONCRETE WALKWAY WITH NON-SLIP FINISH (AS SELECTED BY THE OWNER) APPLIED OVER COMPACTED NATIVE SOIL. PROVIDE 5% MAXIMUM SLOPE IN THE DIRECTION OF TRAVEL WITH A 2% MAXIMUM CROSS-SLOPE.
- 19 INSTALL 7'-0" WIDE x 4 INCH THICK CAST-IN-PLACE CONCRETE WALKWAY WITH NON-SLIP FINISH (AS SELECTED BY THE OWNER) APPLIED OVER COMPACTED NATIVE SOIL. PROVIDE 5% MAXIMUM SLOPE IN THE DIRECTION OF TRAVEL WITH A 2% MAXIMUM CROSS-SLOPE.
- 20 INDICATES THE LOCATION OF CAST-IN-PLACE ACCESSIBLE RAMP WITH 8.33% MAXIMUM SLOPE. PROVIDE 3'-0" WIDE TRUNCATED DOME PATTERN AT JUNCTION OF LANDING WITH PAVING PER THE ACCESSIBILITY REQUIREMENTS OF CHAPTER 11B OF THE CALIFORNIA BUILDING CODE.
- 21 INSTALL 4'-0" WIDE (MINIMUM) PAINTED CROSSWALK WITH 5% MAXIMUM SLOPE AND 2% MAXIMUM CROSS-SLOPE.
- 22 INSTALL 6 INCH CONTINUOUS CONCRETE CURB WITH INTEGRAL 4 INCH THICK CONCRETE WALK OVER COMPACTED NATIVE SOIL/ TYPICAL.
- 23 LANDSCAPE AREAS. COORDINATE WORK WITH LANDSCAPE PLANS/ TYPICAL.
- 24 INSTALL ASPHALTIC CONCRETE PAVING OVER CLASS II AGGREGATE BASE OVER NATIVE SOIL COMPACTED TO 90% PER CITY OF FRESNO PUBLIC WORKS STANDARDS (SHOWN SHADED)/ TYPICAL.
- 25 INSTALL 4 INCH WIDE WHITE PAINTED STRIPING AT 9'-0" ON-CENTER PER CITY OF FRESNO PUBLIC WORKS STANDARDS/ TYPICAL AT PARKING STALLS.
- 26 INDICATES LOCATION OF NEW PAINTED TRAFFIC SIGNAGE PER CITY OF FRESNO PUBLIC WORKS STANDARDS/ TYPICAL.
- 27 6 INCH CONTINUOUS CONCRETE CURB/ TYPICAL.
- 28 INDICATES LOCATION OF ACCESSIBLE PARKING STALL WITH 8'-0" WIDE UNLOADING AREA. INSTALL SIGNAGE AND MARKING AS REQUIRED BY TITLE 24 CCR ACCESSIBILITY REQUIREMENTS
- 29 INDICATES LOCATION OF ACCESSIBLE PARKING STALL WITH 5'-0" WIDE UNLOADING AREA. INSTALL SIGNAGE AND MARKING AS REQUIRED BY TITLE 24 CCR ACCESSIBILITY REQUIREMENTS
- 30 DASHED LINE INDICATES LOCATION(S) OF CURBS TO BE PAINTED RED AND MARKED "FIRE LANE - NO PARKING". LETTERS SHALL BE WHITE, 3 INCHES HIGH AND SPACED AT 50'-0" ON-CENTER PER CITY OF FRESNO FIRE DEPARTMENT STANDARDS/ TYPICAL.
- 31 INDICATES LOCATION OF COLORED CONCRETE ACCENT PAVING WITH TOOLED JOINT PATTERN.

**T H E
VINCENT
COMPANY**
ARCHITECTS, INC.
1500 West Shaw, Ste. 304
Fresno, California 93711
Phone: 559.225.2602

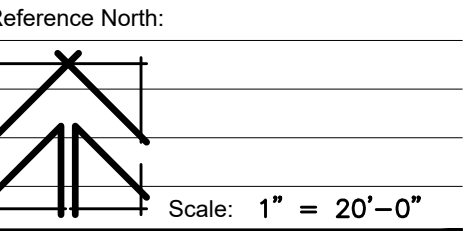
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PROPOSED SOCIAL HALL FOR:
**WAT LAO
DHAMMA SACCA**
2710 SOUTH FRUIT AVENUE
FRESNO, CALIFORNIA



Issues:	Date:
DESIGN REVIEW	05.14.19
PLAN CHECK	
BACK CHECK	
PERMITS	
CONSTRUCTION	
AS BUILT	

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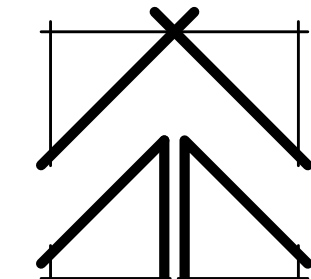


Project Name: TEMPLE SOCIAL HALL
FRESNO, CALIFORNIA
Project Number: 160305
Plot Date: 02.13.19
Sheet Number:

PA2

**PARTIAL
SITE PLAN**

1" = 20'-0"



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BUILDING STATISTICS

**T H E
VINCENT
COMPANY**

ARCHITECTS, INC.

1500 West Shaw, Ste. 304
Fresno, California 93711

Phone: 559.225.2602

BUILDING AREA(S):	
a. SOCIAL HALL	6,352 S.F.
b. RAISED CHANCEL	903 S.F.
c. MEETING ROOM (1)	600 S.F.
d. MEETING ROOM (2)	600 S.F.
e. STORAGE / STAIRS	245 S.F.
f. COVERED PORTICO	7,050 S.F.
g. TOTAL BUILDING AREA	15,750 S.F.

OCCUPANCY GROUP(S):	
a. SOCIAL HALL	A-3
b. MEETING ROOMS	B

CONSTRUCTION TYPE: V-B WITH NFPA 13 FIRE SPRINKLER SYSTEM.

OCCUPANCY LOAD(S)	
a. PRIVATE MEETING ROOM (1 PERSON / 15 S.F.)	40 PERSONS
b. PRIVATE MEETING ROOM (1 PERSON / 15 S.F.)	40 PERSONS
c. SOCIAL HALL (1 PERSON / 15 S.F.)	423 PERSONS
d. RAISED CHANCEL (1 PERSON / 200 S.F.)	5 PERSONS
e. TOTAL OCCUPANT LOAD	508 PERSONS

Revisions	Date
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△	
△	
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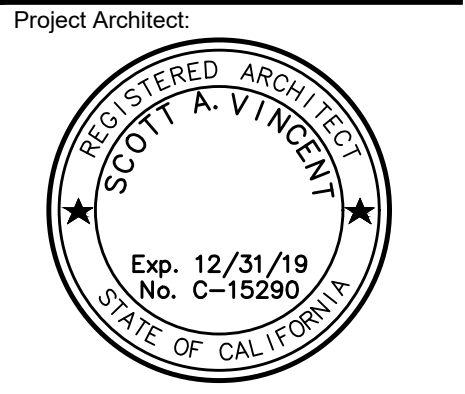
KEYNOTES

- 1 CAST-IN-PACE CONCRETE WALKWAY / OUTDOOR PLAZA. COORDINATE THE WORK WITH THE PARTIAL SITE PLAN, SHEET PA-2.
- 2 PLANTER AREAS. COORDINATE THE WORK WITH THE PARTIAL SITE PLAN, SHEET PA-2.
- 3 TOOLED CONCRETE CONTROL JOINTS / TYPICAL.
- 4 DECORATIVE COLUMN(S). COORDINATE THE WORK WITH THE EXTERIOR ELEVATIONS / TYPICAL.
- 5 DECORATIVE 36 INCH HIGH BALLUSTRADE. COORDINATE THE WORK WITH THE EXTERIOR ELEVATIONS.
- 6 COORDINATE WINDOW SIZE AND PATTERN WITH THE EXTERIOR ELEVATIONS.
- 7 OPEN SPACE FOR WORSHIP SERVICES. SEATING SHALL BE ON MATS POSITIONED ON THE FLOOR.
- 8 RAISED CHANCEL WITH ACCESS ALLOWED ONLY TO THE TEMPLE MONKS
- 9 LOCATION OF BUDDHA STATUE.
- 10 PROVIDE RAMP TO MAIN LEVEL AT 1:12 MAXIMUM SLOPE.
- 11 DECORATIVE GUARDRAIL AT RAMP.
- 12 STAIRS WITH (3) 6.0 HIGH RISERS AND (2) 12.00 INCH WIDE TREADS.
- 13 ROBE CLOSET.
- 14 BUILT-IN BASE CABINET WITH BOOK SHELVES ABOVE.

PROPOSED SOCIAL HALL FOR:

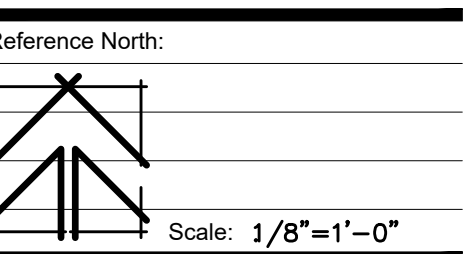
WAT LAO
DHAMMA SACCA

2710 SOUTH FRUIT AVENUE
FRESNO, CALIFORNIA



Issuances:	Date:
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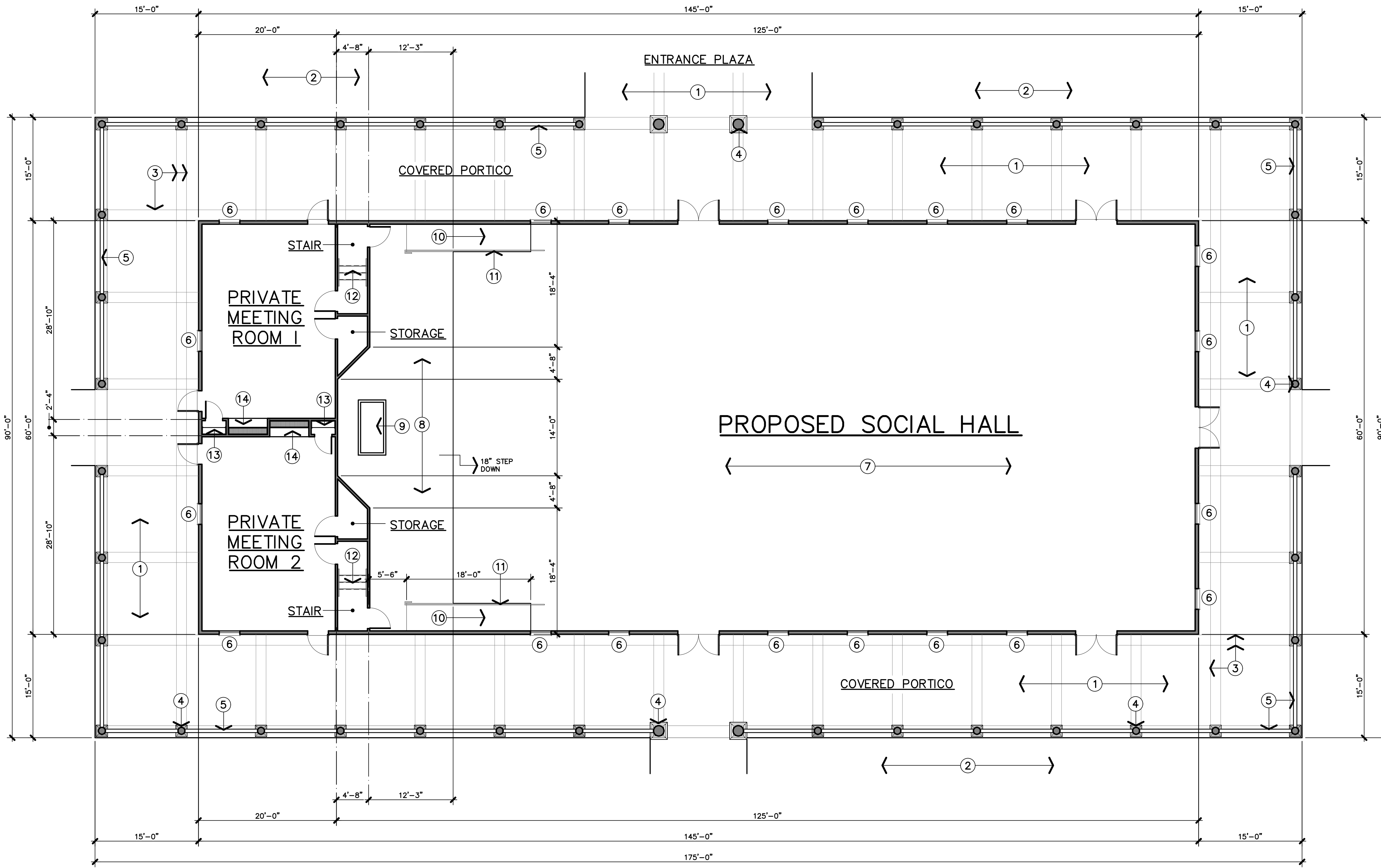


Project Name: TEMPLE SOCIAL HALL
FRESNO, CALIFORNIA

Project Number: 160305
Plot Date: 02.12.19
Sheet Number:

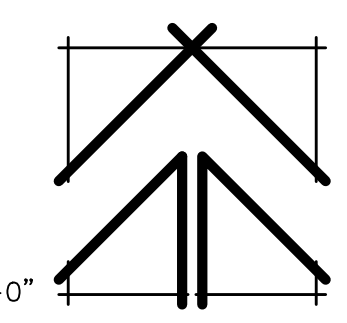
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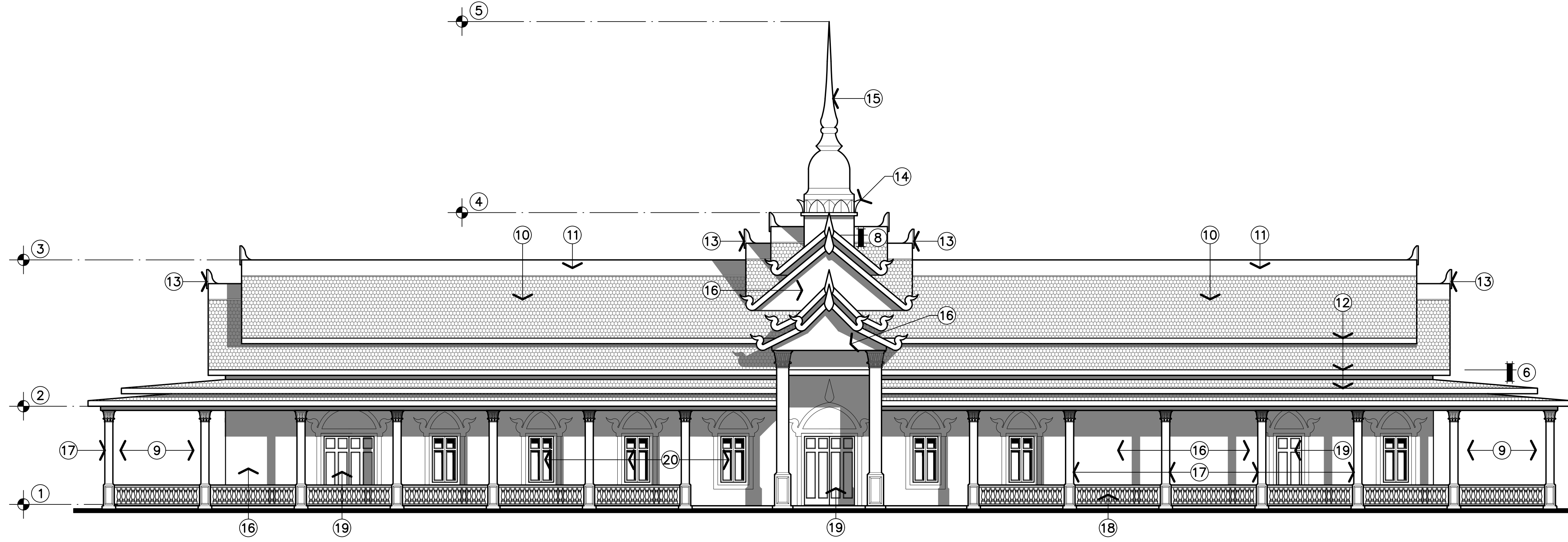


SOCIAL HALL FLOOR PLAN

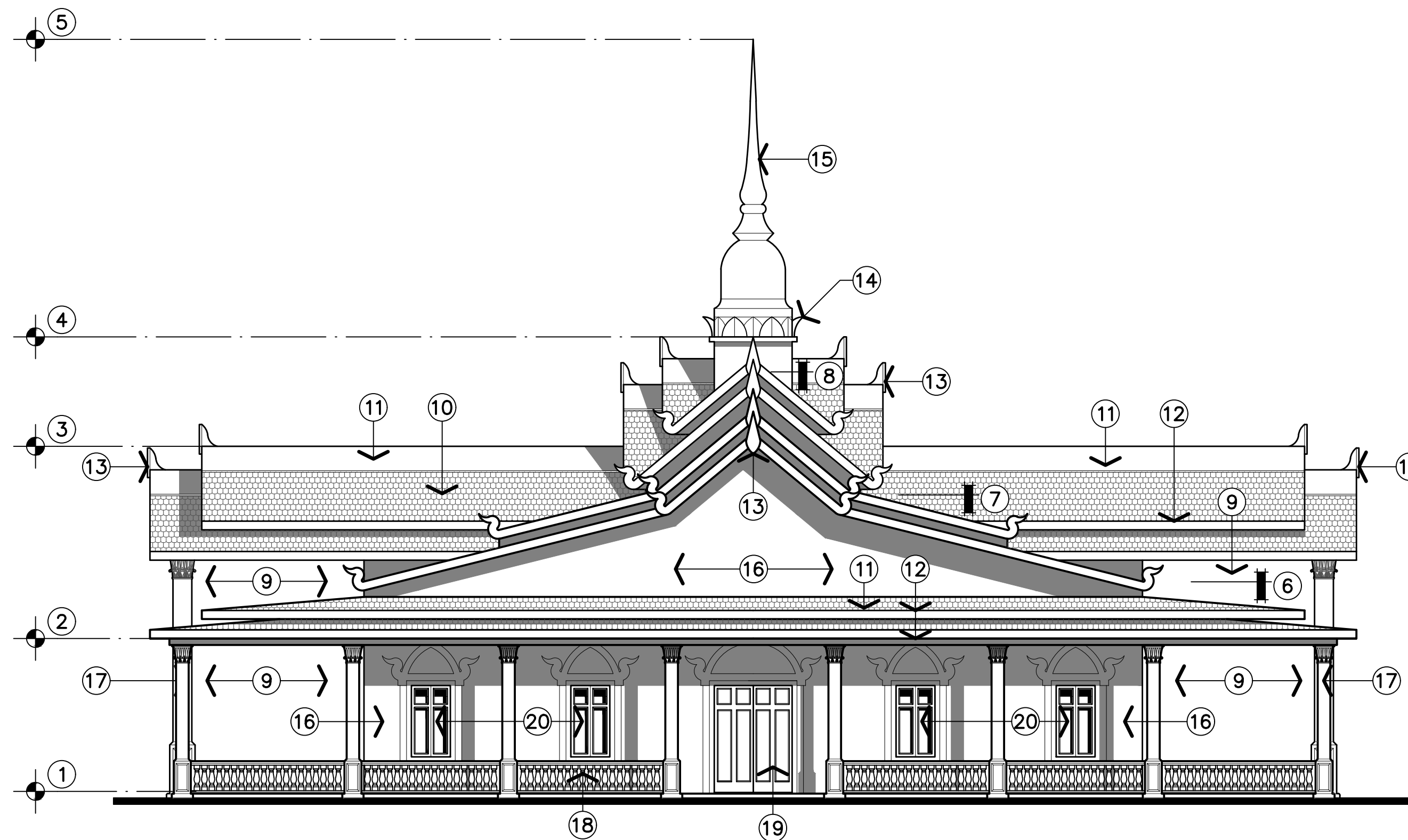
1/8" = 1'-0"



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NORTH ELEVATION



EAST ELEVATION

KEYNOTES

- ① FINISHED FLOOR ELEVATION: + 0'-0"
- ② TOP OF BEAM ELEVATION: .
- ③ TOP OF PEDESTAL ELEVATION: .
- ④ TOP OF RIDGE ELEVATION: + 35'-0"
- ⑤ TOP OF SPIRE ELEVATION: + 58'-0"
- ⑥ TYPICAL ROOF PITCH (LOWER ROOF): 2:12
- ⑦ TYPICAL ROOF PITCH (LOWER ROOF): 2:12
- ⑧ TYPICAL ROOF PITCH (LOWER ROOF): 2:12
- ⑨ OPEN TO BEYOND
- ⑩ INDICATES THE LOCATION OF CLASS 'A' CONCRETE TILE ROOF INSTALLED OVER 30# ROOFING FELTS INSTALLED OVER PLYWOOD ROOF SHEATHING PER THE MANUFACTURER'S MOST RECENT RECOMMENDATIONS AS APPROVED BY THE ARCHITECT / TYPICAL
- ⑪ INDICATES THE LOCATION OF DECORATIVE SHEET METAL RIDGE CAP INSTALLED OVER 30# ROOFING FELTS INSTALLED OVER PLYWOOD ROOF SHEATHING / TYPICAL
- ⑫ INDICATES THE LOCATION OF 2 x 10 SMOOTH SAWN HEM FIR FASCIA WITH 1 x 3 STARTER STRIP. PREPARE SURFACE AND PROVIDE PAINTED FINISH AS NOTED ON THE EXTERIOR COLOR SCHEDULE / TYPICAL
- ⑬ INDICATES THE LOCATION OF DECORATIVE HEM FIR GABLE END TRIM. PREPARE SURFACE AND PROVIDE PAINTED FINISH AS NOTED ON THE EXTERIOR COLOR SCHEDULE / TYPICAL
- ⑭ INDICATES THE LOCATION OF LOTUS LEAF TRIM WITH PLASTER FINISH TO MATCH ADJACENT SURFACES. PREPARE SURFACE AND PROVIDE PAINTED FINISH AS NOTED ON THE EXTERIOR COLOR SCHEDULE / TYPICAL
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- ⑲ INDICATES THE LOCATION OF SOLID CORE DECORATIVE WOOD DOOR(S) WITH PRE-CAST CONCRETE SURROUND TRIM AS SHOWN. PROVIDE FINISH AS NOTED ON THE EXTERIOR COLOR SCHEDULE / TYPICAL
- ⑳ INDICATES THE LOCATION OF WOOD FRAMED DUAL GLAZED WINDOW(S) WITH PRE-CAST CONCRETE SURROUND TRIM AS SHOWN. PROVIDE FINISH AS NOTED ON THE EXTERIOR COLOR SCHEDULE / TYPICAL

**T H E
VINCENT
COMPANY**

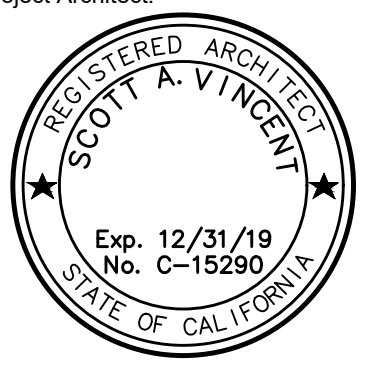
ARCHITECTS, INC.

1500 West Shaw, Ste. 304
Fresno, California 93711

Phone: 559.225.2602

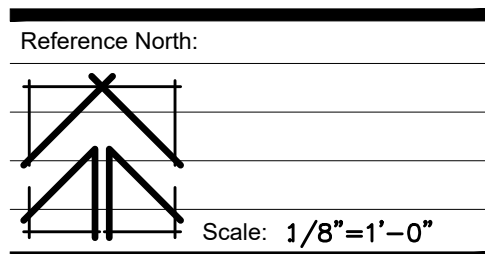
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PROPOSED SOCIAL HALL FOR:
**WAT LAO
DHAMMA SACCA**
 2710 SOUTH FRUIT AVENUE
 FRESNO, CALIFORNIA



Issuances:	Date:
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Project Name: TEMPLE SOCIAL HALL
FRESNO, CALIFORNIA

Project Number: 160305
Plot Date: 02.13.19

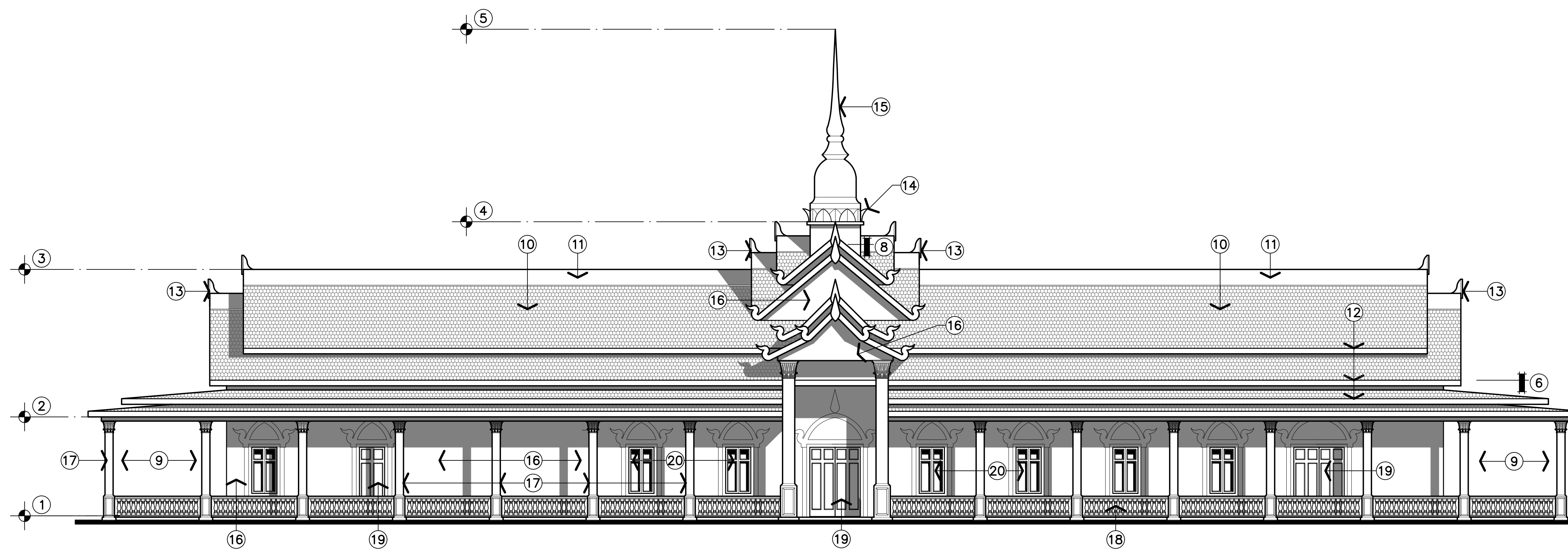
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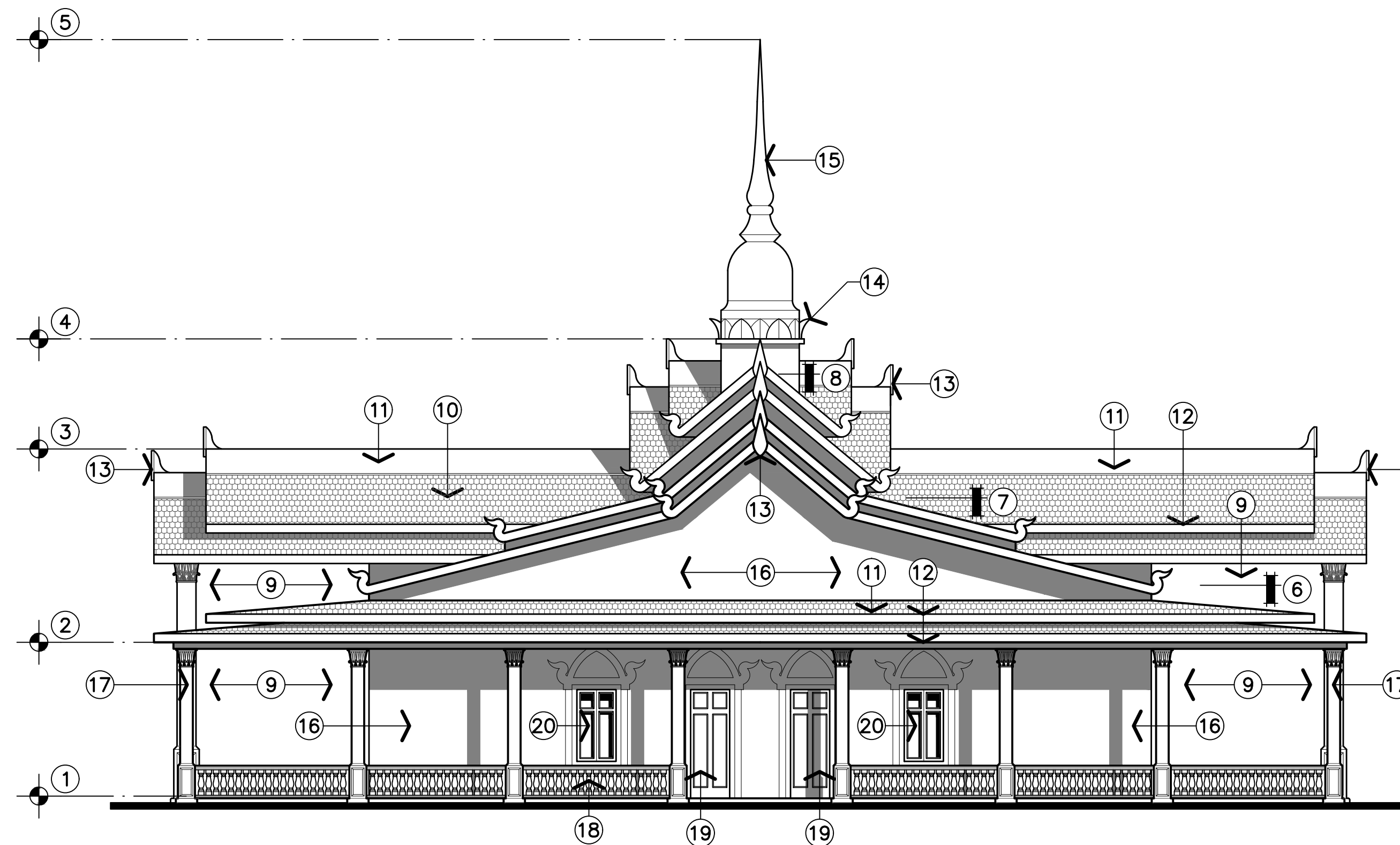
SOCIAL HALL ELEVATIONS

1/8" = 1'-0"

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SOUTH ELEVATION



WEST ELEVATION

KEYNOTES

- ① FINISHED FLOOR ELEVATION: + 0'-0"
- ② TOP OF BEAM ELEVATION: .
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THE VINCENT COMPANY

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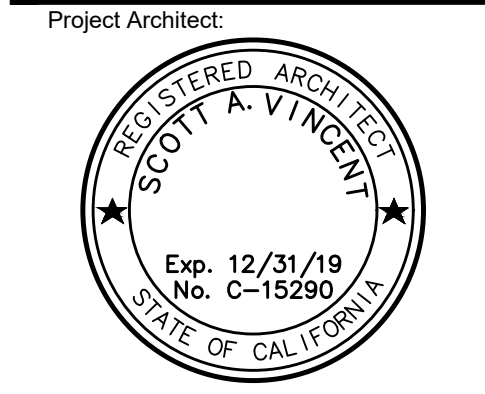
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PROPOSED SOCIAL HALL FOR:

WAT LAO

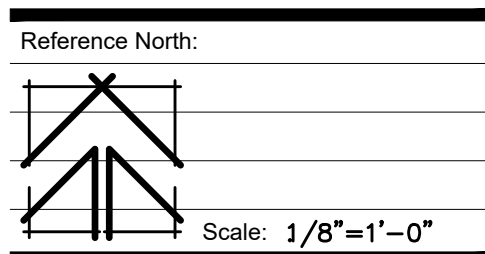
DHAMMA SACCA

2710 SOUTH FRUIT AVENUE
FRESNO, CALIFORNIA



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Project Name: TEMPLE SOCIAL HALL
FRESNO, CALIFORNIA

Project Number: 160305
Plot Date: 02.13.19

Sheet Number:

PA5

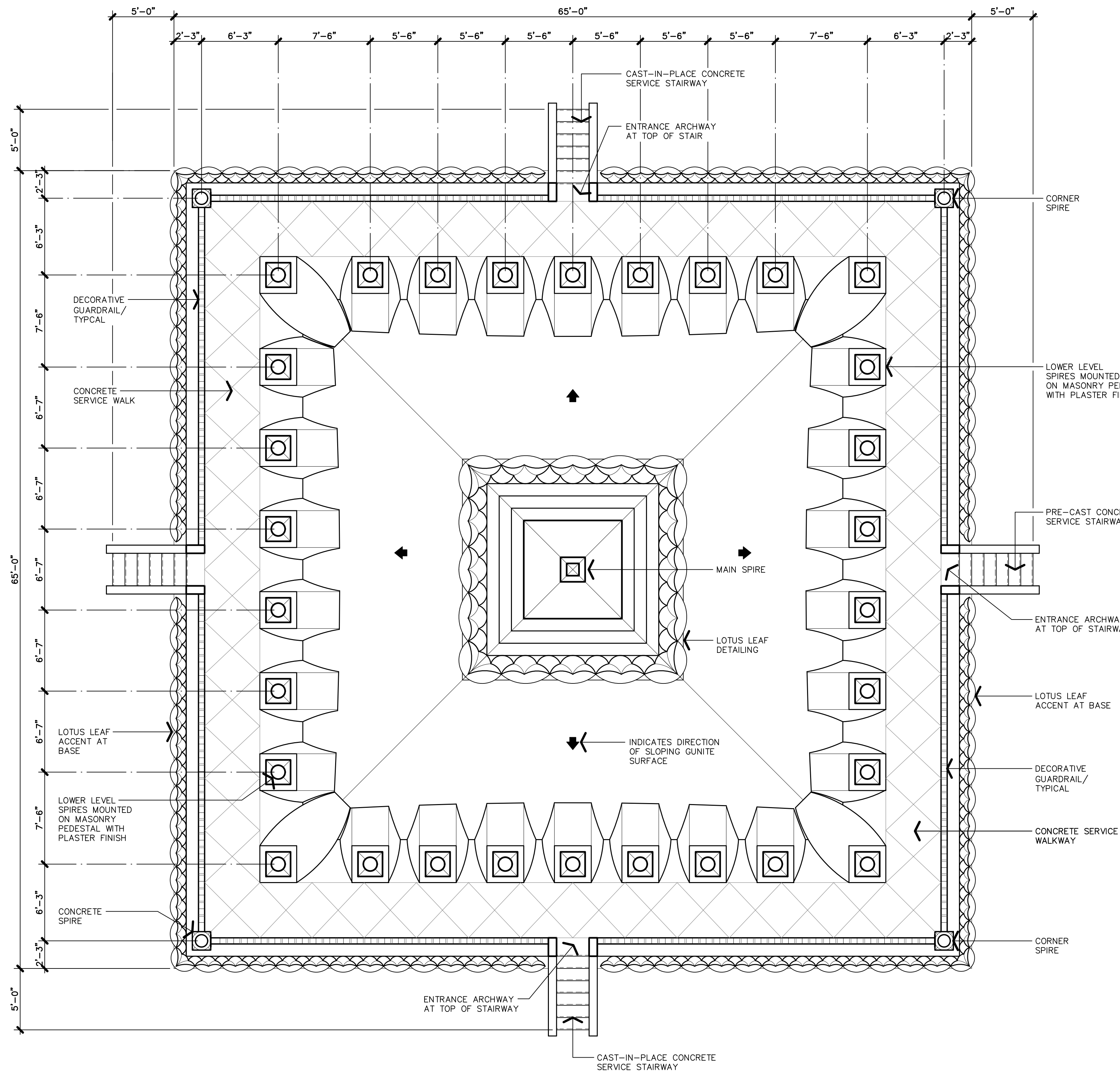
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SOCIAL HALL ELEVATIONS

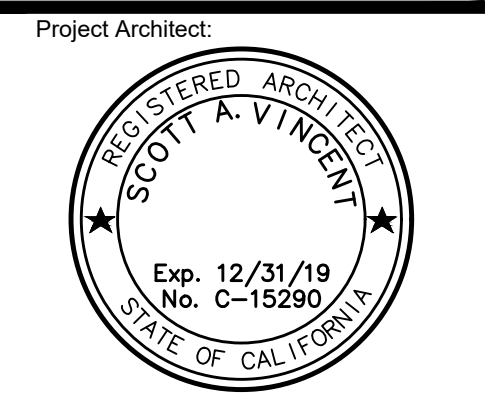
1/8" = 1'-0"

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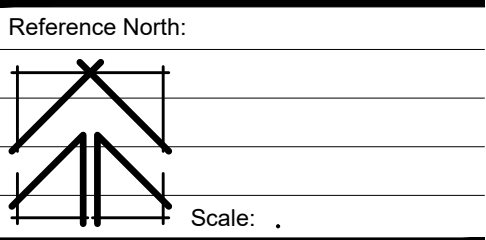


PROPOSED SOCIAL HALL FOR:
WAT LAO
DHAMMA SACCA
 2710 SOUTH FRUIT AVENUE
 FRESNO, CALIFORNIA



Issuances:	Date:
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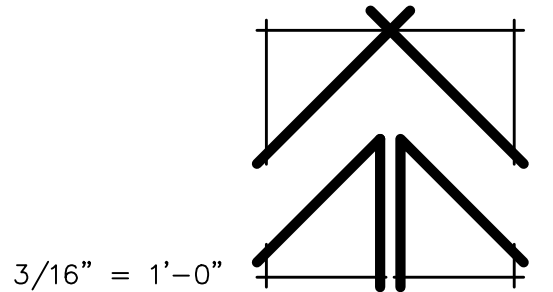
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Project Name: TEMPLE SOCIAL HALL
FRESNO, CALIFORNIA
Project Number: 160305
Plot Date: 02.12.19

Sheet Number:
PA6
Of . Sheets .

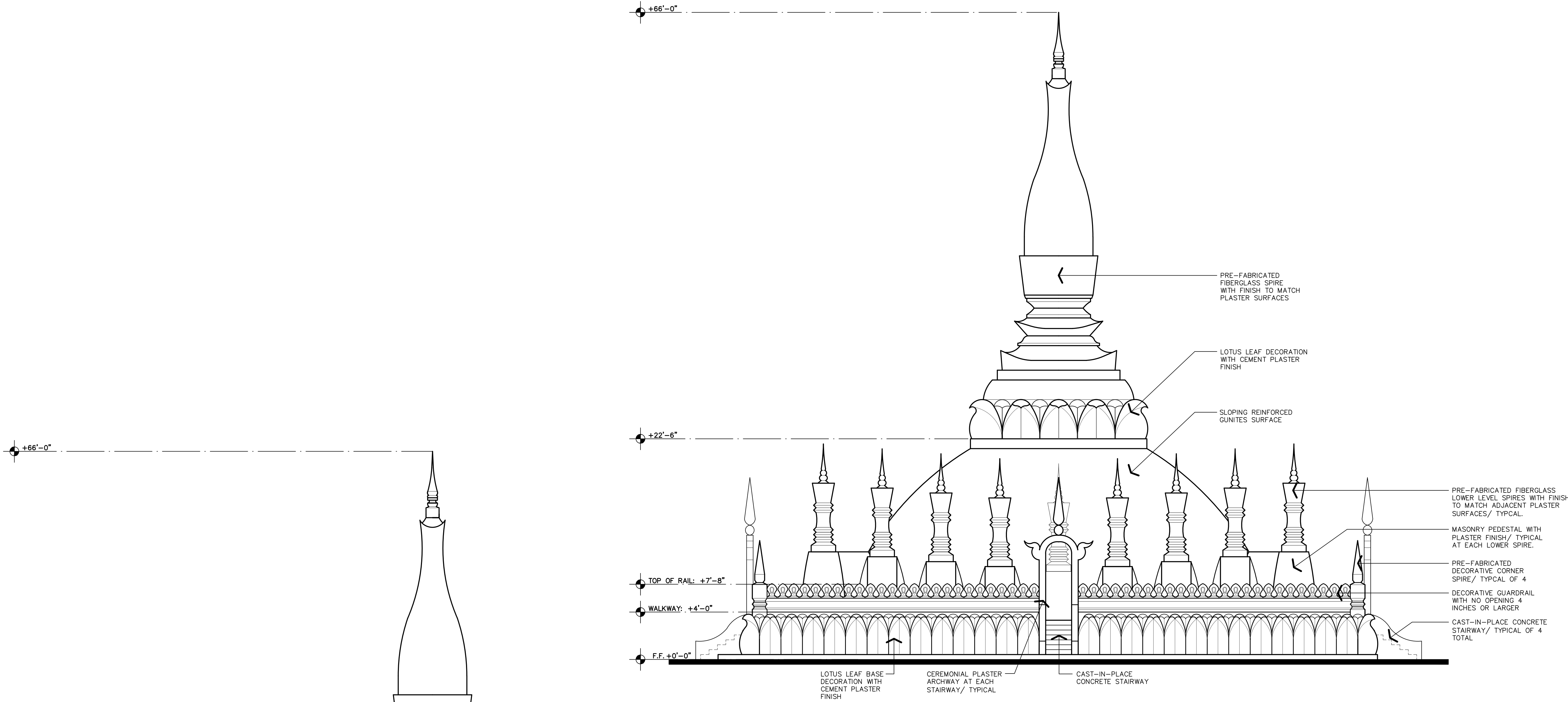
STUPA FLOOR PLAN



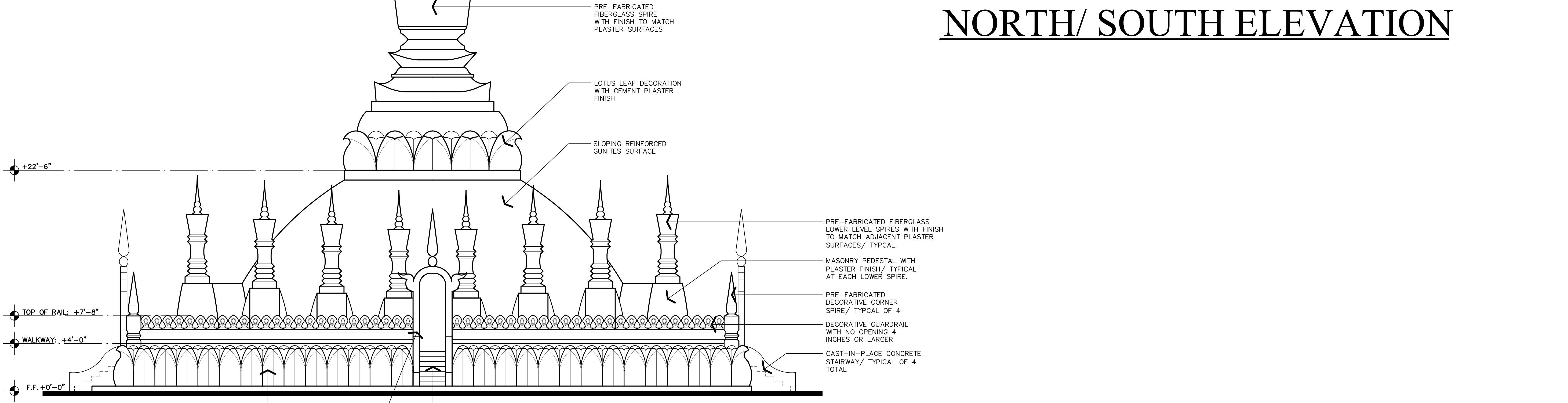
3/16" = 1'-0"

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NORTH/ SOUTH ELEVATION



EAST/WEST ELEVATION

**STUPA
ELEVATIONS**

3/16" = 1'-0"

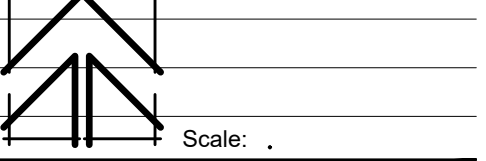
PROPOSED SOCIAL HALL FOR:
**WAT LAO
DHAMMA SACCA**
 2710 SOUTH FRUIT AVENUE
 FRESNO, CALIFORNIA



Issuances:	Date:
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Reference North:



Project Name: TEMPLE SOCIAL HALL
FRESNO, CALIFORNIA

Project Number: 160305
Plot Date: 02.12.19
Sheet Number:

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Of . Sheets .

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STATEMENT OF VARIANCE FINDINGS FOR

**WAT LAO DHAMMA
SACCA TEMPLE**

2710 South Fruit Avenue
Fresno, California

RECEIVED
COUNTY OF FRESNO

JUL 22 2019

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

As required by County of Fresno policies, this document will serve as the Applicant's statement regarding the four required findings for a Variance to be granted. More specifically:

Finding 1: *There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the vicinity having the identical zoning classification: The use of this property as a Lao Buddhist Temple as allowed under DRA# 3280 and SPR# 7096 brings along with it certain religious symbols and traditions found in the spires located on the two proposed structures. With the Agricultural zoning designation found on the surrounding properties, it is highly unlikely that similar structures will be proposed on adjacent / surrounding lands. As such, we do not believe that approval of this variance will create a precedence that will be replicated in the area.*

Finding 2: *Such 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 in the vicinity having the identical zoning classification: It is our understanding that the County has granted Variances to religious uses (i.e. churches) that have included spires and / or other architectural features that extend above the height limits of similar zone Districts. These have been granted in recognition of these elements as an expression of the religious beliefs associated with the use of the site. This site has been approved for use as a Buddhist Temple, and the logical extension is that the worship facilities should be allowed to reflect their religious beliefs and traditions.*

Finding 3: *The granting of the variance will not be materially detrimental to the public welfare or injurious to property and improvement in which the property is located: The design of both structures have been done in a manner in which the majority of the structure is located below the 35 foot height limit for the AL-20 District, with only the spires extending above the height limit. This design is intentional in trying to minimize any impact to*

sight lines from adjacent properties and to reduce the overall mass of the portion of the building extending above the height limit while still recognizing the religious and cultural significance of the spire elements.

Finding 4:

The granting of such variance will not be contrary to the objectives of the Fresno County General Plan: We believe that approval of this Variance will allow for the quality development of a religious (Buddhist) site that reflects the religious beliefs and culture of an ethnic group that has made Fresno their home. This adds to the diversity of our community, and allows us all to enjoy what they have to offer. We believe that this is in keeping with the intent of the General Plan, and as such, feel that the Variance should be granted.