



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 3 December 14, 2017

**SUBJECT:** Initial Study Application No. 7091 and Amendment Application No. 3816

Rezone a 30.05-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District to allow a limited number of Light Manufacturing uses as requested by the Applicant.

**LOCATION:** The subject parcel is located on the southwest corner of W. Belmont Avenue and N. Marks Avenue, adjacent to the city limits of the City of Fresno (SUP. DIST. 1) (APN 326-060-31).

**OWNER/APPLICANT:** Nick's Trucking, Inc.

**STAFF CONTACT:** Christina Monfette, Planner  
(559) 600-4245

Marianne Mollring, Senior Planner  
(559) 600-4569

### RECOMMENDATION:

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7091; and
- Recommend that the Board of Supervisors determine that the proposed M-1(c) (Light Manufacturing, Conditional) Zone District is consistent with the General Plan and County-adopted Fresno High-Roeding Community Plan; and
- Direct the Secretary to prepare a Resolution to forward Amendment Application (AA) No. 3816 to the Board of Supervisors with a recommendation of approval, subject to the Conditions of Approval listed in the Staff Report.

**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval, and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Uses Allowed Under Proposed M-1(c) Zoning
6. Uses Allowed Under M-1 Zoning with Applicant-Removed Uses
7. Uses Allowed Under AL-20 Zoning
8. Summary of Initial Study Application No. 7091
9. Draft Mitigated Negative Declaration

**SITE DEVELOPMENT, OPERATIONAL INFORMATION AND STANDARDS:**

**Site Development and Operational Information:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Limited Industrial Reserve in the Fresno High-Roeding Community Plan	No change
Zoning	AL-20 (Limited Agricultural, 20-acre minimum parcel size)	Rezone to an M-1(c) (Light Manufacturing, Conditional) Zone District limited to the uses listed in Exhibit 5.
Parcel Size	30.05-acre parcel	No change
Project Site	30.05-acre parcel	No change
Structural Improvements	None	No change
Nearest Residence	Approximately 100 feet north of the subject parcel	No change
Surrounding Development	Industrial uses, FMFCD ponding basin, Fire Station, and vacant uses	No change

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Operational Features	Excavation and fill activities as approved by Unclassified Conditional Use Permit (CUP) No. 2859 and Special Use Permit No. 187	No change to existing use; other features will be dependent on use
Employees	Four	Dependent on use
Customers	None	Dependent on use
Traffic Trips	20-30 daily truck trips	Up to 1,835 daily trips estimated by the Traffic Impact Study at maximum development
Lighting	None	Dependent on use
Hours of Operation	N/A	Dependent on use

**Setback, Separation and Parking:**

	<b>Current Standard: AL-20</b>	<b>Proposed Operation: M-1(c)</b>	<b>Is Standard Met (y/n)</b>
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Front: None* Side: None* Rear: None*  *or 15 feet when adjacent to a residential district	Yes
Parking	<u>Residential/By-Right Use:</u> No requirements  <u>Discretionary Use:</u> Dependent on use (none for operating CUP No. 2859)	One space for each two permanent employees, one space for each truck and one space for each sales person	Yes
Lot Coverage	No requirement	No requirement	N/A
Separation between Buildings	Six feet minimum	No requirement	Yes
Wall Requirements	No requirements	Solid masonry walls shall be erected where the district borders a residential district	Yes: Property does not border a residential district.

	<b>Current Standard: AL-20</b>	<b>Proposed Operation: M-1(c)</b>	<b>Is Standard Met (y/n)</b>
Septic Replacement Area	100 percent	No change	No change
Water Well Separation	Septic tank: 50 feet Disposal field: 100 feet Seepage pit: 150 feet	No change	No change

**Circulation and Traffic:**

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	No	N/A	N/A
Public Road Frontage	Yes	1,000 feet along W. Belmont Avenue and 1,260 feet along N. Marks Avenue	No change
Direct Access to Public Road	Yes	W. Belmont Avenue	No change
Road Average Daily Traffic (ADT)		N. Marks Avenue: 4,600 W. Belmont Avenue: 4,300	Up to 1,835 daily trip increase estimated by the Traffic Impact Study, between both roads.
Road Classification		N. Marks Avenue: Arterial W. Belmont Avenue: Arterial	No change
Road Width		N. Marks Avenue: 38.5 feet W. Belmont Avenue: 37.4 feet	No change
Road Surface		N. Marks Avenue and W. Belmont Avenue: paved	No change
Traffic Trips		None	Up to 1,835
Traffic Impact Study (TIS) Prepared	Yes	N/A	A TIS was prepared by Peters Engineering Group, dated January 18, 2017 with an addendum dated July 19, 2017.
Road Improvements Required		N/A	The Applicant shall contribute a pro-rata share for improvements to Olive, Marks, Brawley, Belmont, Valentine, and Hughes Avenues.

**Surrounding Properties:**

	<b>Size:</b>	<b>Use:</b>	<b>Zoning:</b>	<b>Nearest* Residence:</b>
North	2.68 acres	Residential	M-1	100 feet
	3.38 acres	FMFCD Ponding Basin	Open Space (City property)	None
South	6.00 acres	Vacant	Light Industrial (IL) (City Property)	None
East	Four 1.89-acre parcels	All Vacant	M-3 (Heavy Industrial)	None
West	26.85 acres	Fire Station	AL-20	None

\*As measured from the nearest property line

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

**ENVIRONMENTAL ANALYSIS:**

An Initial Study (IS) was prepared for this proposal by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. The IS was updated to reflect consultation with the Dumna Wo Wah Tribal Government, but recirculation was not required.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: August 18, 2017.

**PUBLIC NOTICE:**

Notices were sent to 62 property owners within a quarter-mile of the subject parcels, exceeding the 300-foot minimum notification requirement prescribed by the California Government Code and County Zoning Ordinance.

Note that the Board of Supervisors' hearing for this item will be scheduled and noticed following the Planning Commission's recommendation.

**PROCEDURAL CONSIDERATIONS:**

A rezoning (Amendment Application) is a legislative act requiring action by the Board of Supervisors. A decision by the Planning Commission in support of a rezone request is an advisory action and requires an affirmative vote of the majority of its total membership. A recommendation for approval is then forwarded to the Board of Supervisors for final action. A Planning Commission decision to deny a rezoning, however, is final unless appealed to the Board of Supervisors.

**BACKGROUND INFORMATION:**

According to County records, the subject parcel was originally zoned A-2 (General Agricultural) and M-1 (Light Industrial) prior to 1960. This zoning was confirmed by the Board of Supervisors on June 20, 1960. On August 20, 1963, the Board of Supervisors approved Amendment Application No. 3138, which rezoned all of the subject parcel to the current AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District as part of the broad-scale rezoning effort associated with adoption of the Fresno High-Roeding Community Plan.

In 1955, the Board of Supervisors approved Special Use Permit No. 187, filed by Craycroft Brick Company, authorizing excavation and landfilling operations on the 18.39-acre area. Craycroft Brick Company utilized the site to excavate material for brick manufacturing and to fill in the excavated areas with inert materials. On November 12, 1998, the Planning Commission approved Conditional Use Permit (CUP) No. 2859, which authorized the use of a 5.03-acre portion of this parcel for use as a solid waste processing facility, which would continue to fill in the areas excavated by Craycroft Brick Company under Special Use Permit No. 187 in addition to processing pre-sorted solid waste. The Applicant’s trucking operation, Nick’s Trucking, currently operates on this parcel under CUP No. 2859. Since this operation was approved under an Unclassified CUP, the use is not tied to a Zone District and the current rezoning application will not impact the permit. If this application is approved, the Applicant would be allowed to park the trucks used for this operation on the subject parcel without additional discretionary approval.

This proposal entails the rezoning of a 30.05-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) to an M-1(c) (Light Manufacturing, Conditional) Zone District. If approved, this rezone would allow by-right uses on the property which are more intensive than the by-right uses currently permitted. Further, this rezone would reduce the population density in the area since no residential uses are allowed by right in the M-1 Zone District, except a caretaker’s residence. The setback requirements of the M-1 Zone District are less restrictive than the setback requirements of the currently-zoned AL-20 District.

The subject parcel is located adjacent to the City of Fresno’s city limits and is within its Sphere of Influence (SOI). A Memorandum of Understanding (MOU) between the County and the City of Fresno requires that applications for new urban development within the City’s SOI are referred to the City for Annexation. This application was referred on November 4, 2015 as part of the pre-application review process. Because annexation of the subject parcel would create a County Island, which is a violation of the Memorandum of Understanding between the City and County, the City of Fresno released this application to the County for processing on February 2, 2016. The rezoning application was filed on February 4, 2016.

**ANALYSIS/DISCUSSION/GENERAL PLAN CONSISTENCY:**

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
Policy LU-F.29: The County may approve rezoning requests and discretionary permits for new industrial development or expansion of existing industrial uses subject to conditions concerning the following criteria or other conditions adopted by the Board of Supervisors:	a. Adverse impacts of noise, odor, vibration, smoke, noxious gasses, heat and glare, dust and dirt, combustibles, and other pollutants were addressed by Initial Study No. 7091, which was prepared for this application. To reduce adverse light impacts, a mitigation measure was included requiring that all lighting be hooded and pointed downward. No adverse

Relevant Policies:	Consistency/Considerations:
<ul style="list-style-type: none"> <li>a. Operational measures or specialized equipment to protect public health, safety, and welfare, and to reduce adverse impacts of noise, odor, vibration, smoke, noxious gases, heat and glare, dust and dirt, combustibles, and other pollutants on abutting properties.</li> <li>b. Provisions for adequate off-street parking to handle maximum number of company vehicles, salespersons, and customers/visitors.</li> <li>c. Mandatory maintenance of non-objectionable use areas adjacent to or surrounding the use in order to isolate the use from abutting properties.</li> <li>d. Limitations on the industry's size, time of operation, or length of permit.</li> </ul>	<ul style="list-style-type: none"> <li>impacts related to noise, odor, vibration, smoke, noxious gasses, dust and dirt, combustibles, or other pollutants were identified.</li> <li>b. The proposed rezoning was reviewed by various agencies and the Fresno County Design Division. Specific parking requirements will be addressed during the mandatory Site Plan Review process required by the conditional rezoning.</li> <li>c. The subject parcel and surrounding parcels are designated as Limited Industrial by the County-adopted Fresno High-Roeding Community Plan with the Edison Community Plan to the south. There are no adjacent parcels zoned for residential use and the parcels in the City are zoned for industrial uses.</li> <li>d. Mandatory Site Plan Review of all development on the property will reduce adverse impacts on surrounding properties.</li> </ul>
<p>Policy LU-F.30: The County shall generally require community sewer and water services for industrial development. Such services shall be provided in accordance with the provisions of the Fresno County Ordinance, or as determined by the State Water Quality Control Board.</p>	<p>The City of Fresno has confirmed that the project will be able to receive sewer and water services.</p>

**Reviewing Agency/Department Comments:**

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.

Belmont Avenue is a County-maintained road classified as an Arterial road with an existing 30- to 50-foot right-of-way south of the section line along the parcel frontage, per Plat Book. According to Precise Plan Line Serial No. 91, sheet 4 of 4 sheets, the ultimate right-of-way width south of the section line along the parcel frontage is 50 feet. Records indicate this section of Belmont Avenue from Marks Avenue to Valentine Avenue has an average daily traffic (ADT) of 4,300, pavement width of 37.4 feet, structural section of 0.35 feet Asphalt Concrete (AC)/0.40 feet Aggregate Base (AB)/1.125 feet Aggregate Subbase (AS), and is in very poor condition. Marks Avenue is a County-maintained road classified as an Arterial road with an existing 38.5-foot right-of-way west of the section line along the parcel frontage, per Plat Book. The minimum width for an Arterial road right-of-way east of the

section line is 53 feet. Records indicate this section of Marks Avenue from Fresno County limits to Belmont Avenue has an ADT of 4,600, pavement width of 24.1 feet, structural section of 0.20 feet AC, and is excellent condition. Any work done within the right-of-way to construct a new driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.

Typically, any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site, and shall not swing outward. In an Arterial classification, if not already present, on-site turnarounds are required for vehicles leaving the site to enter the Arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an Arterial road is usually limited to one common point. No new access points are allowed without prior approval. A 30-foot by 30-foot corner cutoff is needed for sight distance purposes at any proposed driveway onto Belmont or Marks Avenues.

According to FEMA FIRM Panel 2105H, the parcels are not subject to flooding from the 1%-chance storm. According to U.S.G.S. Quad Maps, the San Joaquin Valley Railroad is located at the south side of the subject property. Any improvements or access across their tracks in this area should be coordinated with the owners of the railroad.

The project is located within the Fresno Metropolitan Flood Control District (FMFCD) Boundary Drainage Zone UU3. FMFCD should be consulted for their requirements and any additional runoff generated by development cannot be drained across property lines.

The City of Fresno should be consulted regarding their requirements for any future off-site improvements and driveway placement relative to the property line. An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. A grading permit or voucher may be required for grading proposed with this application.

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

For informational purposes, FID's active Victoria Colony - E. Branch No. 43 runs southerly and crosses Belmont Avenue approximately 870 feet west of the subject property. Should this project include any street and/or utility improvements along Belmont Avenue or in the vicinity of the canal crossing, FID requires it review and approve all plans.

For informational purposes, FID's active Houghton No. 78 runs westerly approximately 150 feet southwest of the subject property at its closest point. Should this project include any utility improvements in the vicinity of the canal, FID requires it review and approve all plans.

For informational purposes, FID's active Cole - S. Branch No. 40 runs westerly and crosses Marks Avenue approximately 95 feet south of the subject property. Should this project include any street and/or utility improvements along Marks Avenue or in the vicinity of the pipeline crossing, FID requires it review and approve all plans.

Fresno Metropolitan Flood Control District (FMFCD): The subject site shall pay drainage fees at the time of development based on the fee rates in effect at that time. The drainage fee for the area of proposed improvements will be calculated with the submittal to the District of the building entitlement or site grading plan. The tentative drainage fee is estimated to be \$190,225.00.



There are Master Plan facilities within the proposed project to be constructed with development of the subject application. The cost of construction of Master Plan facilities, excluding dedication of storm drainage easements, is eligible for credit against the drainage fee of the drainage area served by the facilities. A development agreement shall be executed with the District to effect such credit. Reimbursement provisions, in accordance with the Drainage Fee Ordinance, will be included to the extent that the developer's Master Plan costs for an individual drainage area exceed the fee of said area. Should the facilities cost for such individual area total less than the fee of said area, the difference shall be paid upon demand to the City/County or District. A minimum fifteen-foot (15')-wide storm drain easement will be required whenever storm drain facilities are located on private property. No encroachments into the easement will be permitted, including, but not limited to, foundations, roof overhangs, swimming pools, and trees.

The District requires that the storm drainage patterns conform to the District's Master Plan. Construction of the Master Plan facilities will provide permanent service to the project. The District will need to review and approve all improvement plans for any proposed construction of curb and gutter or other drainage facilities for conformance to the Master Plan within the project area. The proposed development is not located within a 100-year flow prone area as designated on the latest Flood Insurance Rate Maps available to the District.

A State National Pollutant Discharge Elimination System (NPDES) general permit for storm water discharges associated with construction activities is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre if part of a larger common plan of development or sale).

Construction activity, including grading, clearing, grubbing, filling, excavation, development or redevelopment of land that results in a disturbance of one (1) acre or more of the total land area, or less if part of a larger plan of development or sale, must secure a storm water discharge permit in compliance with the U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System regulations (CFR Parts 122-124, Nov. 1990). The permit must be secured by filing a Notice of Intent for the State General Permit for Construction Activity with the State Water Resources Control Board. The notice must be filed prior to the start of construction.

Fresno County Department of Public Health, Environmental Health Division: As per the application, the facility shall connect to the City of Fresno for water and sewer services.

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 (permits required).

Future tenants may be required to comply with hazardous materials business plan reporting requirements. Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95.

State Water Resources Control Board (SWRCB): The Division strongly encourages that Nick's Trucking receive water service from the City. If Nick's Trucking cannot connect to the City, and will serve 25 or more people a day for at least 60 days out of the year through a private well, it shall be a regulated public water system.

This project was reviewed by the following agencies, which indicated “No comment” or “No concern” in regard to this project: Fresno County Department of Agriculture, Building and Safety Section of the Fresno County Department of Public Works and Planning, California Department of Transportation (Caltrans), Kings River Conservation District, Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, Table Mountain Rancheria, and Zoning Section of the Fresno County Department of Public Works and Planning.

### **Analysis:**

One fundamental issue regarding any rezone request is whether the proposed zone change is consistency with the General Plan. This parcel is located adjacent to the City of Fresno and is a part of the Fresno High-Roeding Community Plan. Nearby parcels that are part of the City of Fresno have been designated for Light Manufacturing Uses (City Zoning IH). In this area of Belmont Avenue, parcels adjacent to the road are designated by the Community Plan for Industrial uses, with some nearby parcels designated for commercial. Further north of Belmont and west of Valentine, the parcels are designated for Residential uses.

The subject parcel and some other parcels south of Belmont Avenue are zoned AL-20 (Limited Agricultural, 20-acre minimum parcel size). Other surrounding zoning includes M-1 (Light Manufacturing) and M-3 (Heavy Industrial), while west of Valentine Avenue, most parcels north of Belmont are zoned Rural Residential.

The Urban Industrial Policies of the General Plan indicate that community water and sewer services will generally be required for industrial development in accordance with the provisions of the Fresno County Ordinance Code. In the case of this application, the Applicant has received confirmation from the City of Fresno that sewer and water services can be provided to the project site.

The Transportation Element of the General Plan provides that necessary road improvements and right-of-way dedications are required as a condition of land development to ensure that roads will safely serve expanding development. Industrial Zoning requests typically require evaluation of potential traffic impacts associated with a very broad range of uses permitted by right; however, this study was limited to those uses requested by the Applicant (Exhibit 6).

A Traffic Impact Study was prepared by Peters Engineering Group, dated January 18, 2016. This review indicated the need to make the following improvements to County roads: signalization and lane additions at Olive Avenue and Marks Avenue intersections: add a left-turn lane and additional through lanes for Northbound, Southbound, Eastbound and Westbound; signalization and lane additions at Brawley Avenue and Belmont Avenue intersections: add a left-turn lane and additional through lane for Northbound, Southbound, Eastbound and Westbound; signalization and lane additions at Valentine Avenue and Belmont Avenue intersections: add a left-turn lane and additional through lane for Northbound, Southbound, Eastbound and Westbound; signalization and lane additions at Marks Avenue and Belmont Avenue intersections: add a left-turn lane, a right-turn lane, and an additional through lane for Northbound, Southbound, Eastbound and Westbound; signalization and lane additions at Hughes Avenue and Belmont Avenue intersections: add a left-turn lane for Northbound and Southbound; and add a left-turn lane and an additional through lane for Eastbound and Westbound; and widening Belmont Avenue from two lanes to four lanes from Brawley Avenue to Marks Avenue. A pro-rata share of the cost associated

with these improvements has been calculated, and payment has been made a Mitigation Measure.

Comments from agencies which relate to development have been included as project notes, since no development is proposed or approved as part of this application. However, as part of a conditional zoning, all development on this parcel is subject to Site Plan Review, at which time the noted development comments will become mandatory.

As discussed earlier in this report, CUP No. 2859, which approved the operation of a solid waste disposal facility, is still in operation on the subject parcel. In general, the conditions of approval for CUP No. 2859 were completed prior to the issuance of permits for the solid waste processing facility. However, some operational conditions, such as restrictions on equipment and hours of operation, will remain in full effect if this application is approved.

Under the provisions of Assembly Bill 52 (AB 52), the Dumna Wo Wah Tribal Government requested consultation regarding the potential for this project to impact cultural resources. The Tribe was unable to identify any tribal cultural resources pursuant to the definition at Public Resources Code Section 21704. On November 21, 2017, the County concluded consultation with the Dumna Wo Wah Tribe, pursuant to Section 21080.3.2(b)(2) of the California Resources Code.

Based on the above information, and with adherence to the Mitigation Measures, Conditions of Approval and Project Notes, staff believes that the proposed rezone will not have an adverse effect upon surrounding properties and is consistent with the General Plan and the County-adopted Fresno High-Roeding Community Plan.

**Recommended Conditions of Approval:**

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

**PUBLIC COMMENT:**

None.

**CONCLUSION:**

Staff believes that the proposed rezone from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) to an M-1(c) (Light Manufacturing, Conditional) Zone District is consistent with the Fresno County General Plan and County-adopted Fresno High-Roeding Community Plan, and recommends approval of Amendment Application No. 3816, subject to the Mitigation Measures, Conditions of Approval and Project Notes identified in the Staff Report.

## **PLANNING COMMISSION MOTIONS:**

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

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7091; and
- Recommend that the Board of Supervisors determine that the proposed M-1(c) (Light Manufacturing) Zone District is consistent with the General Plan and County-adopted Fresno High-Roeding Community Plan; and
- Direct the Secretary to prepare a Resolution to forward Amendment Application (AA) No. 3816 to the Board of Supervisors with a recommendation of approval, subject to the Mitigation Measures and Condition of Approval listed in the Staff Report.

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

- Determine that the proposed M-1(c) (Light Manufacturing) Zone District is not consistent with the General Plan and County-adopted Fresno High-Roeding Community Plan (state reasons); 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. 7091 and Amendment Application No. 3816  
(Including Conditions of Approval and Project Notes)**

<b>Mitigation Measures</b>					
<b>Mitigation Measure No.*</b>	<b>Impact</b>	<b>Mitigation Measure Language</b>	<b>Implementation Responsibility</b>	<b>Monitoring Responsibility</b>	<b>Time Span</b>
*1.	Aesthetics	All lighting shall be hooded and directed as to not shine toward adjacent property and public streets.	Applicant	Applicant/ Public Works and Planning	Ongoing
*2.	Transportation/ Traffic	Prior to issuance of building permits for development of the 10 <sup>th</sup> acre of the project site, the Applicant shall construct a 100-foot-long storage length with transitions for Northbound right-turn lane at intersection of Olive Avenue and Marks Avenue. Construction shall be to Fresno City standards.	Applicant	Applicant/ Fresno County Road Maintenance and Operations Division	Prior to the issuance of building permits for development of the tenth acre
*3.	Transportation/ Traffic	At such time as encroachment permits are sought for direct access off Belmont Avenue, or at the time of issuance of building permits for development of the 10 <sup>th</sup> acre of the project site, the Applicant shall construct Belmont Avenue frontage improvements, including curb, gutter, drainage facilities, striping, and paving. Improvements shall be to County of Fresno standards.	Applicant	Applicant/ Fresno County Road Maintenance and Operations Division	Prior to the issuance of building permits for development of the tenth acre or the issuance of encroachment permits for access off Belmont Avenue
*4	Transportation/ Traffic	The Applicant shall enter into a Traffic Mitigation Agreement with the County of Fresno agreeing to participate in the funding of the following future off-site traffic improvements:  a. Signalization and lane additions at Olive Avenue and Marks Avenue Intersections: add a left turn lane and additional through lanes for Northbound, Southbound, Eastbound and Westbound. The project's maximum share is 1.18% which is \$13,170.00 for the entire parcel or \$439.00 per acre developed.	Applicant	Applicant/ Fresno County Road Maintenance and Operations Division	Prior to the issuance of building permits

**EXHIBIT 1**

		<p>b. Signalization and lane additions at Brawley Avenue and Belmont Avenue intersections: add a left-turn lane and additional through lane for Northbound, Southbound, Eastbound and Westbound. The project's maximum share is 0.81% which is \$11,125.00 for the entire parcel or \$371.00 per acre developed.</p> <p>c. Signalization and lane additions at Valentine Avenue and Belmont Avenue intersections: add a left-turn lane and additional through lane for Northbound, Southbound, Eastbound and Westbound. The project's maximum share is 1.80% which is \$21,658.00 for the entire parcel or \$722.00 per acre developed.</p> <p>d. Signalization and lane additions at Marks Avenue and Belmont Avenue intersections: add a left-turn lane, a right-turn lane, and an additional through lane for Northbound, Southbound, Eastbound and Westbound. The project's maximum share is 6.25% which is \$65,673.00 for the entire parcel or \$2,189.00 per acre developed.</p> <p>e. Signalization and lane additions at Hughes Avenue and Belmont Avenue intersections: add a left-turn lane for Northbound and Southbound; and add a left-turn lane and an additional through lane for Eastbound and Westbound. The project's maximum share is 2.59% which is \$22,976.00 for the entire parcel or \$766.00 per acre developed.</p> <p>f. Widening Belmont Avenue from two lanes to four lanes from Brawley Avenue to Marks Avenue:</p> <ul style="list-style-type: none"> <li>i. From Brawley Avenue to Valentine Avenue, the project's maximum share is 1.36% which is \$28,508.00 for the entire parcel or \$950.00 per acre developed.</li> <li>ii. From Valentine Avenue to Site Access, the project's maximum share is 1.86% which is \$32,072.00 for the entire parcel or \$1,069.00 per acre developed.</li> <li>iii. From Site Access to Marks Avenue, the project's maximum share is 9.69% which is \$41,801.00 for the entire parcel or \$1,393.00 per acre developed.</li> </ul>			
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## Conditions of Approval

1. The uses allowed on the property shall be limited to the following, subject to the Property Development Standards in Section 845.5:

Related Uses:

- Advertising Structures
- Automobile Repairs (conducted within a completely enclosed building)
- Automobile re-upholstery
- Caretaker's Residence, which may include an office for the permitted industrial use
- Electrical supply
- Equipment Rental or sale
- Farm equipment sales and service
- Frozen food lockers
- Boarding and training, breeding and personal kennels
- Ice and cold storage plants
- Newspaper publishing
- Signs, subject to the provisions of Section 843.5-K
- Truck driver's training schools

Manufacturing:

- Aircraft, modification, storage, repair and maintenance
- Automotive
  - Painting
  - Automotive reconditioning
  - Truck repairing and overhauling
  - Upholstering
  - Battery assembly (including repair and rebuilding) limited to the use of previously manufactured components
- Boat building and repairs
- Book binding
- Bottling plants
- Ceramic products using only previously pulverized clay and fired in kilns only using electricity or gas
- Commercial grain elevators
- Garment manufacturing
- Machinery and Shop [no punch presses over twenty (20) tons or drop hammers]
  - Blacksmith shops
  - Cabinet or carpenter shops
  - Electric motor rebuilding
  - Machine shops
  - Sheet metal shops
  - Welding shops

- Manufacturing, compounding, assembly or treatment of articles or merchandise from previously prepared materials
- Manufacturing, compounding, processing, packing or treatment of such products as:
  - Bakery goods
  - Candy
  - Cosmetics
  - Dairy products
  - Drugs
  - Food products (excluding fish and meat products, sauerkraut, wine, vinegar, yeast and the resting of fats and oils) if connected with an adequate sewer system
  - Fruit and vegetable (packing only)
  - Honey extraction plant
  - Perfume
  - Toiletries
- Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously prepared materials:
  - Canvas
  - Cellophane
  - Cloth
  - Cork
  - Felt
  - Fiber
  - Fur
  - Glass
  - Leather
  - Paper, no milling
  - Precious or semi-precious stones or metals
  - Plaster
  - Plastic
  - Shells
  - Textiles
  - Tobacco
  - Wood
  - Yarns
- Manufacturing and maintenance of electric or neon signs
- Planing mills
- Printing shops, lithographing, publishing
- Rubber and metal stamps
- Shoes
- Stone monument works



	<ul style="list-style-type: none"> <li>○ Storage Yards <ul style="list-style-type: none"> <li>▪ Contractors storage yard</li> <li>▪ Drying and freight yard</li> <li>▪ Feed and fuel yard</li> <li>▪ Machinery rental</li> <li>▪ Motion picture studio storage yard</li> <li>▪ Transit storage</li> <li>▪ Trucking yard terminal, except freight classifications</li> </ul> </li> <li>○ Textiles</li> <li>○ Wholesaling and warehousing</li> <li>○ Wholesale meat cutting and packing, provided there shall be no slaughtering, fat rendering or smoke curing</li> <li>□ Processing: <ul style="list-style-type: none"> <li>○ Creameries</li> <li>○ Laboratories</li> <li>○ Blueprinting and photocopying</li> <li>○ Laundries</li> <li>○ Carpet and rug cleaning</li> <li>○ Cleaning and dyeing plants</li> <li>○ Tire retreading, recapping, rebuilding</li> <li>○ Lumber drying kilns; gas, electric, or oil fired only</li> <li>○ Feather cleaning and storage of cleaned feathers within an enclosed structure</li> </ul> </li> <li>□ Fabrication: <ul style="list-style-type: none"> <li>○ Rubber, fabrication of products made from finished rubber</li> <li>○ Assembly of small electric and electronic equipment</li> <li>○ Assembly of plastic items made from finished plastic</li> </ul> </li> <li>□ Other uses: <ul style="list-style-type: none"> <li>○ Agricultural uses</li> <li>○ Communication equipment buildings</li> <li>○ Electric transmission substations</li> <li>○ Off-street parking</li> <li>○ Medical Marijuana Cultivation Facility licensed under Chapter 6.6 of Title 6 of County Ordinance Code</li> <li>○ Public utility service yards with incidental buildings</li> <li>○ Electric distribution substations</li> <li>○ Temporary or permanent telephone booths</li> <li>○ Water pump stations</li> </ul> </li> </ul>
2.	The project shall connect to the City of Fresno for sewer and water services.

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

## Notes

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

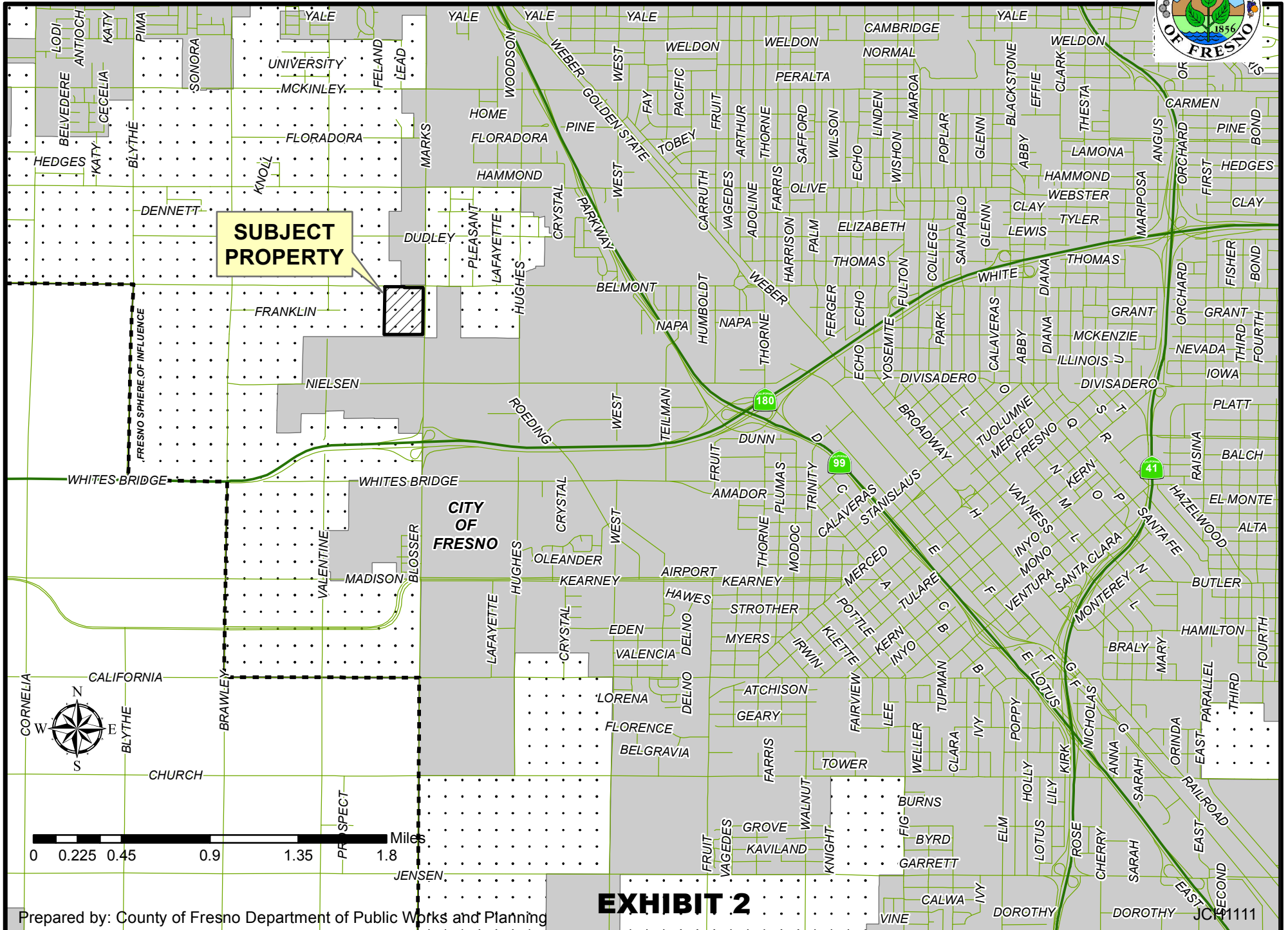
1.	Any additional runoff generated by development cannot be drained across property lines. A grading permit or voucher may be required for any grading proposed with this application.
2.	Any work done within the right-of-way to construct a new driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.
3.	Any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.
4.	If not already present, on-site turnarounds are required for vehicles leaving the site to enter the Arterial road in a forward motion so that vehicles do not back out onto the roadway.
5.	A 30-foot by 30-foot corner cutoff is need for sight distance purposes at any proposed driveway onto Belmont and Marks Avenue.
6.	The subject site will be required to pay the Fresno Metropolitan Flood Control District drainage fees at the time of any development based on the fee rates in effect at that time.
7.	The Fresno Metropolitan Flood Control District (District) requires that the storm drainage patterns for the development conform to the District's Master Plan. The District will need to review and approve all improvement plans for any proposed construction of curb and gutter or storm drainage facilities for conformance to the Master Plan within the project area. Specific construction requirements will be addressed with future entitlements on the property that may include street reconstruction.
8.	A State National Pollutant Discharge Elimination System (NPDES) general permit for storm water discharges associated with construction activities is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre if part of a larger common plan of development or sale).
9.	Construction activity, including grading, clearing, grubbing, filling, excavation, development or redevelopment of land that results in a disturbance of one (1) acre or more of the total land area, or less if part of a larger plan of development or sale, must secure a storm water discharge permit in compliance with the U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System regulations (CFR Parts 122-124, Nov. 1990). The permit must be secured by filing a Notice of Intent for the State General Permit for Construction Activity with the State Water Resources Control Board. The notice must be filed prior to the start of construction.
10.	As part of the mandatory Site Plan Review Process, new development on this parcel shall be submitted to the San Joaquin Valley Unified Air Pollution Control District to determine if an Indirect Source Review application is required.
11.	For informational purposes, the following Fresno Irrigation District (FID) Canals are located in the vicinity of the project: FID's active Victoria Colony - E. Branch No. 43 runs southerly and crosses Belmont Avenue approximately 870 feet west of the subject property; FID's active Houghton No. 78 runs westerly approximately 150 feet southwest of the subject property at its closest point; and FID's active Cole - S. Branch No. 40 runs westerly and crosses Marks Avenue approximately 95 feet south of the

<b>Notes</b>	
	subject property. Should this project include any street and/or utility improvements in the vicinity of these existing improvements, FID requires it review and approve all plans.
12	Future tenants may be required to comply with hazardous materials business plan reporting requirements. Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95.
13.	All Conditions of Approval for the existing Conditional Use Permit No. 2859 shall remain in full effect.

CMM:ksn

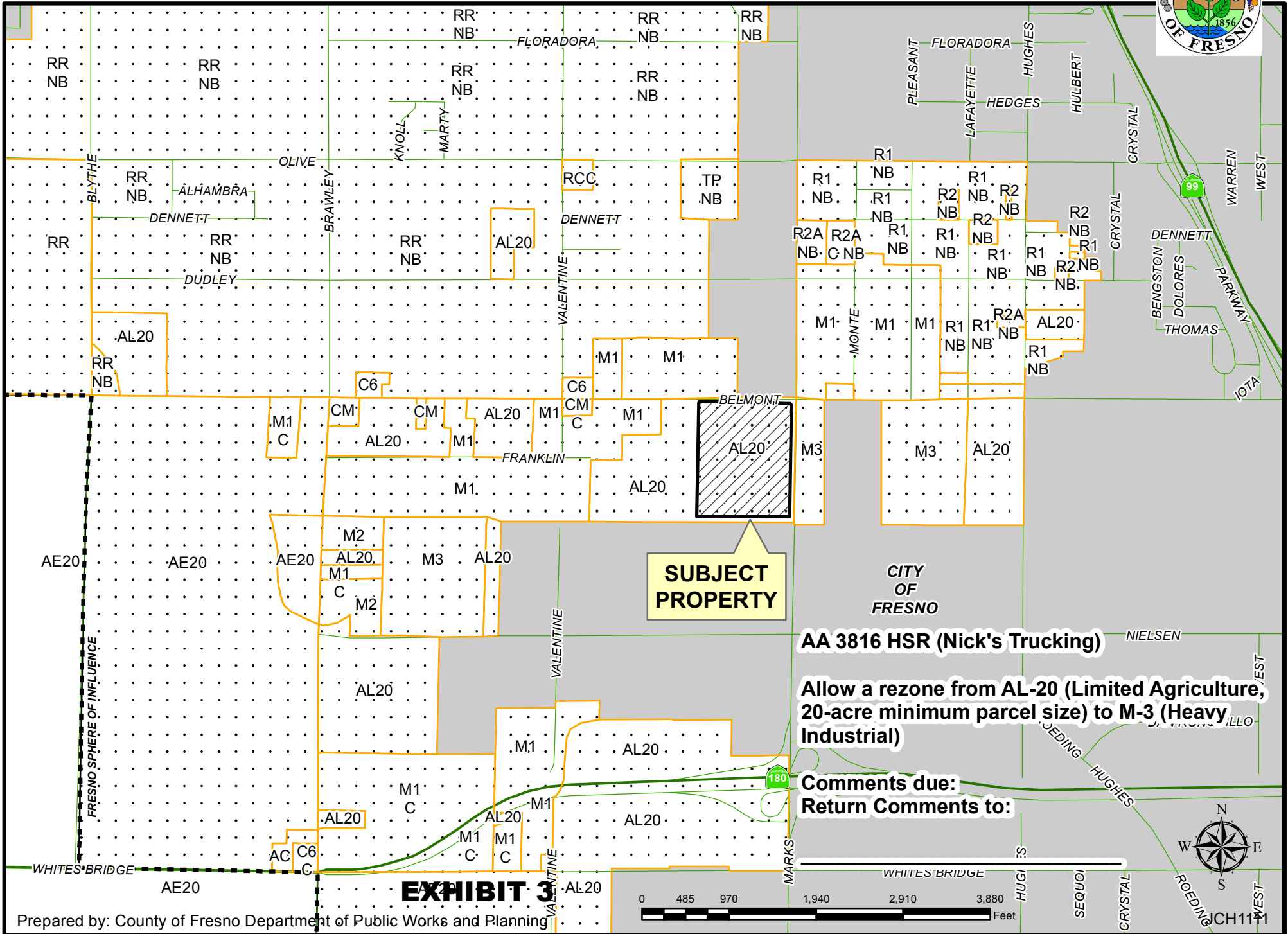
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# LOCATION MAP



## EXHIBIT 2

# EXISTING ZONING MAP



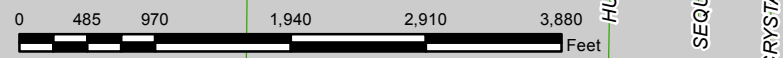
**SUBJECT PROPERTY**

**AA 3816 HSR (Nick's Trucking)**

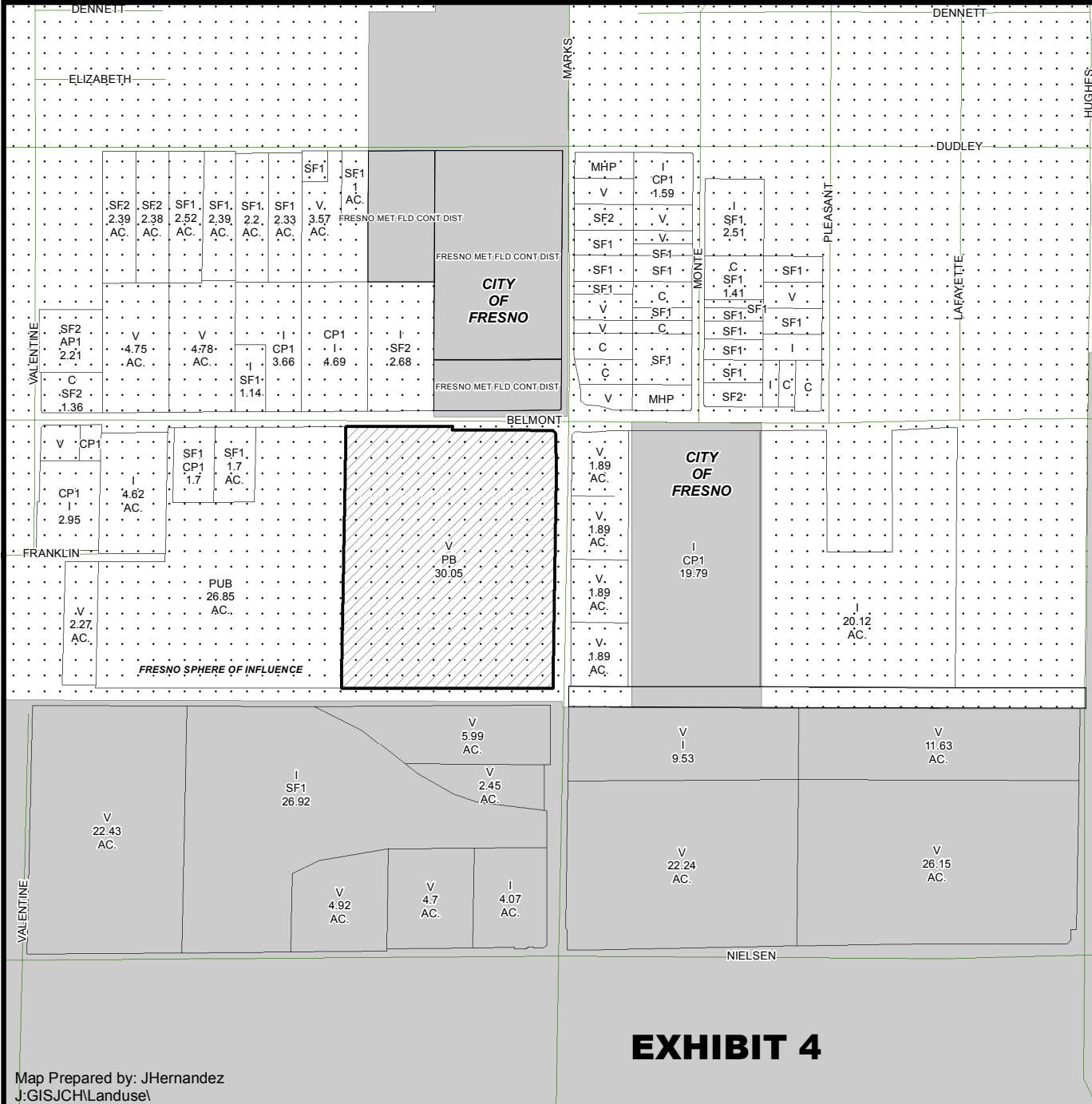
**Allow a rezone from AL-20 (Limited Agriculture, 20-acre minimum parcel size) to M-3 (Heavy Industrial)**

**Comments due:  
Return Comments to:**

## EXHIBIT 3



# EXISTING LAND USE MAP

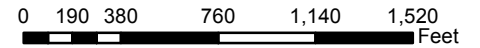
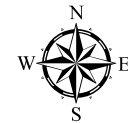


### LEGEND

- MHP - MOBILE HOME PARK
- AP1 - APARTMENT
- C - COMMERCIAL
- CP# - OFFICE COMM./PROF
- I - INDUSTRIAL
- PONDING BASIN
- SF# - SINGLE FAMILY RESIDENCE
- V - VACANT
- PUB - PUBLICLY OWNED

### LEGEND:

Subject Property



## EXHIBIT 4

**Proposed Uses AA3816:**

**M-1(c)**

A. Related Uses:

1. Advertising Structures
2. Automobile Repairs (conducted within a completely enclosed building)
3. Automobile re-upholstery
4. Caretaker's Residence, which may include an office for the permitted industrial use
5. Electrical supply
6. Equipment Rental or sale
7. Farm equipment sales and service
8. Frozen food lockers
9. Boarding and training, breeding and personal kennels
10. Ice and cold storage plants
11. Newspaper publishing
12. Signs, subject to the provisions of Section 843.5-K
13. Truck driver's training schools

B. Manufacturing

1. Aircraft, modification, storage, repair and maintenance
2. Automotive
  - a. Painting
  - b. Automotive reconditioning
  - c. Truck repairing and overhauling
  - d. Upholstering
  - e. Battery assembly (including repair and rebuilding) limited to the use of previously manufactured components
3. Boat building and repairs
4. Book binding
5. Bottling plants
6. Ceramic products using only previously pulverized clay and fired in kilns only using electricity or gas
7. Commercial grain elevators
8. Garment manufacturing
9. Machinery and Shop (no punch presses over twenty (20) tons or drop hammers)
  - a. Blacksmith shops
  - b. Cabinet or carpenter shops
  - c. Electric motor rebuilding
  - d. Machine shops
  - e. Sheet metal shops
  - f. Welding shops

- g. Manufacturing, compounding, assembly or treatment of articles or merchandise from previously prepared materials
10. Manufacturing, compounding, processing, packing or treatment of such products as:
    - a. Bakery goods
    - b. Candy
    - c. Cosmetics
    - d. Dairy products
    - e. Drugs
    - f. Food products (excluding fish and meat products, sauerkraut, wine, vinegar, yeast and the resting of fats and oils) if connected with an adequate sewer system.
    - g. Fruit and vegetable (packing only)
    - h. Honey extraction plant
    - i. Perfume
    - j. Toiletries
  11. Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously prepared materials:
    - a. Canvas
    - b. Cellophane
    - c. Cloth
    - d. Cork
    - e. Felt
    - f. Fibre
    - g. Fur
    - h. Glass
    - i. Leather
    - j. Paper, no milling
    - k. Precious or semi-precious stones or metals
    - l. Plaster
    - m. Plastic
    - n. Shells
    - o. Textiles
    - p. Tobacco
    - q. Wood
    - r. Yarns
  12. Manufacturing and maintenance of electric or neon signs
  13. Planing mills
  14. Printing shops, lithographing, publishing
  15. Rubber and metal stamps
  16. Shoes
  17. Stone monument works
  18. Storage Yards



- a. Contractors storage yard
- b. Draying and freight yard
- c. Feed and fuel yard
- d. Machinery rental
- e. Motion picture studio storage yard
- f. Transit storage
- g. Trucking yard terminal, except freight classifications

19. Textiles

20. Wholesaling and warehousing

21. Wholesale meat cutting and packing, provided there shall be no slaughtering, fat rendering or smoke curing

C. Processing

1. Creameries
2. Laboratories
3. Blueprinting and photocopying
4. Laundries
5. Carpet and rug cleaning
6. Cleaning and dyeing plants
7. Tire retreading, recapping, rebuilding
8. Lumber drying kilns; gas, electric, or oil fired only
9. Feather cleaning and storage of cleaned feathers within an enclosed structure

D. Fabrication

1. Rubber, fabrication of products made from finished rubber
2. Assembly of small electric and electronic equipment
3. Assembly of plastic items made from finished plastic

E. Other uses

1. Agricultural uses
2. Communication equipment buildings
3. Electric transmission substations
4. Off-street parking
5. Medical Marijuana Cultivation Facility licensed under Chapter 6.6 of Title 6 of County Ordinance Code
6. Public utility service yards with incidental buildings
7. Electric distribution substations
8. Temporary or permanent telephone booths
9. Water pump stations

SECTION 843

"M-1" - LIGHT MANUFACTURING DISTRICT

RECEIVED  
COUNTY OF FRESNO

JUN 15 2016

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

The "M-1" (Light Manufacturing) District is intended to provide for the development of industrial uses which include fabrication, manufacturing, assembly or processing of material that are in already processed form and which do not in their maintenance, assembly, manufacture or plant operation create smoke, gas, odor, dust, sound, vibration, soot or lighting to any degree which might be obnoxious or offensive to persons residing in or conducting business in either this or any other district.

SECTION 843.1 – USES PERMITTED

The following uses shall be permitted in the "M-1" District. All uses shall be subject to the Property Development Standards in Section 843.5.

A. RELATED USES

1. Advertising structures.
- ~~2. Animal hospitals and shelters.~~
3. Automobile repairs (conducted within a completely enclosed building).
4. Automobile re-upholstery.
- ~~5. Automobile service stations.~~
- ~~6. Banks.~~
7. Caretaker's residence, which may include an office for the permitted industrial use.  
(Amended by Ord. 490.152 adopted 7-10-78)
- ~~8. Commercial uses that are incidental to and directly related to and serving the permitted industrial uses.~~
- ~~9. Delicatessens.~~
10. Electrical supply.
11. Equipment rental or sale
12. Farm equipment sales and service.
13. Frozen food lockers.
- ~~14. Grocery stores.~~
15. Boarding and training, breeding and personal kennels.  
(Amended by Ord. 490.36 adopted 7-25-67)
16. Ice and cold storage plants
- ~~17. Mechanical car, truck, motor and equipment wash, including self-service.~~

**EXHIBIT 6**

(Added by Ord. 490.23 adopted 12-28-65)

18. Newspaper publishing

~~19. Offices:~~

- ~~a. Administrative.~~
- ~~b. Business.~~
- ~~c. General.~~
- ~~d. Medical.~~
- ~~e. Professional.~~

~~20. New and used recreational vehicle sales and service.~~  
(Added by Ord. 490.129 adopted 1-11-77)

~~21. Restaurants.~~

22. Signs, subject to the provisions of Section 843.5-K.

~~23. Truck service stations.~~

24. Truck driver's training schools.  
(Amended by Ord. T-070-341 adopted 4-23-02)

~~B. ADULT BUSINESSES that are licensed under Chapter 6.33 of Ordinance Code, including uses such as:~~

- ~~1. Bars.~~
- ~~2. Restaurants.~~
- ~~3. Theaters.~~
- ~~4. Video stores.~~
- ~~5. Book stores.~~
- ~~6. Novelty sales.~~

(Added by Ord. T-074-346 adopted 7-30-02)

C. MANUFACTURING

1. Aircraft, modification, storage, repair and maintenance

2. Automotive:

- a. Painting.
- b. Automotive reconditioning.
- c. Truck repairing and overhauling.
- d. Upholstering.
- e. Battery assembly (including repair and rebuilding) limited to the use of previously manufactured components.

(Added by Ord. 490.33 adopted 1-17-67)

3. Boat building and repairs.

4. Book binding.

5. Bottling plants.
6. Ceramic products using only previously pulverized clay and fired in kilns only using electricity or gas.
7. Commercial grain elevators.
8. Garment manufacturing.
9. Machinery and shop (no punch presses over twenty (20) tons or drop hammers):
  - a. Blacksmith shops.
  - b. Cabinet or carpenter shops.
  - c. Electric motor rebuilding.
  - d. Machine shops.
  - e. Sheet metal shops.
  - f. Welding shops.
  - g. Manufacturing, compounding, assembly or treatment of articles or merchandise from previously prepared metals.
10. Manufacturing, compounding, processing, packing or treatment of such products as:
  - a. Bakery goods.
  - b. Candy.
  - c. Cosmetics.
  - d. Dairy products.
  - e. Drugs.
  - f. Food products (excluding fish and meat products, sauerkraut, wine, vinegar, yeast and the rendering of fats and oils) if connected with an adequate sewer system.
  - g. Fruit and vegetables (packing only).
  - h. Honey extraction plant.
  - i. Perfume.
  - j. Toiletries.
11. Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously prepared materials:
  - a. Canvas.
  - b. Cellophane.
  - c. Cloth.
  - d. Cork.
  - e. Felt.
  - f. Fibre.
  - g. Fur.
  - h. Glass.
  - i. Leather.
  - j. Paper, no milling.
  - k. Precious or semi-precious stones or metals.
  - l. Plaster.
  - m. Plastic.
  - n. Shells.
  - o. Textiles.

- p. Tobacco.
- q. Wood.
- r. Yarns.

12. Manufacturing and maintenance of electric or neon signs

~~13. Novelties.~~

14. Planing mills.

15. Printing shops, lithographing, publishing.

~~16. Retail lumber yard.~~

17. Rubber and metal stamps.

18. Shoes.

19. Stone monument works.

20. Storage yards:

- a. Contractors storage yard.
- b. Draying and freight yard.
- c. Feed and fuel yard.
- d. Machinery rental.
- e. Motion picture studio storage yard.
- f. Transit storage.
- g. Trucking yard terminal, except freight classifications.

21. Textiles.

22. Wholesaling and warehousing.

23. Wholesale meat cutting and packing, provided there shall be no slaughtering, fat rendering or smoke curing.  
(Added by Ord. 490.21 adopted 9-14-65)

D. PROCESSING

- 1. Creameries.
- 2. Laboratories.
- 3. Blueprinting and photocopying.
- 4. Laundries.
- 5. Carpet and rug cleaning plants.
- 6. Cleaning and dyeing plants.
- 7. Tire retreading, recapping, rebuilding.

8. Lumber drying kilns; gas, electric or oil fired only.  
(Added by Ord. 490.77 adopted 8-17-72)
9. Feather cleaning and storage of cleaned feathers within an enclosed structure.  
(Added by Ord. 490.82 adopted 11-21-72)

E. FABRICATION

1. Rubber, fabrication of products made from finished rubber.
2. Assembly of small electric and electronic equipment.
3. Assembly of plastic items made from finished plastic.

F. OTHER USES

1. Agricultural uses.
2. Communication equipment buildings.
3. Electric transmission substations.
4. Off-street parking.
5. Medical Marijuana Cultivation Facility licensed under Chapter 6.6 of Title 6 of County Ordinance Code.  
(Added by Ord. T-086-364 adopted 8-9-11)
6. Public utility service yards with incidental buildings.
7. Electric distribution substations.
8. Temporary or permanent telephone booths.
9. Water pump stations.

SECTION 843.2 - USES PERMITTED SUBJECT TO DIRECTOR REVIEW AND APPROVAL

The following uses shall be permitted subject to review and approval as provided for in Section 872.

- A. Automobile and truck sales with incidental repair and service (any repair and service shall be conducted within a completely enclosed building.)  
(Added by Ord. T-064-336 adopted 3-6-01)
- B. Bars and cocktail lounges.  
(Added by Ord. 490.34 adopted 3-8-67)

## SECTION 817

### "AL" - LIMITED AGRICULTURAL DISTRICT

The "AL" District is a limited agricultural district. It 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 District is also intended to reserve and hold certain lands for future urban use by permitting limited agriculture and by regulating those more intensive agricultural 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.

The "AL" District shall be accompanied by an acreage designation which establishes the minimum size lot that may be created within the District. Acreage designation of 640, 320, 160, 80, 40, and 20 are provided for this purpose. Parcel size regulation is deemed necessary to carry out the intent of this District.

(Section 817 added by Ord. 490.117 adopted 10-5-76; amended by Ord. 490.188 adopted 10-29-79)

#### SECTION 817.1 - USES PERMITTED

The following uses shall be permitted in the "AL" Districts. All uses shall be subject to the Property Development Standards in Section 817.5.

(Amended by Ord. 490.174 re-adopted 5-8-79; Ord. 490.188 adopted 10-29-79)

- A. The maintaining, breeding and raising of bovine and equine animals except dairies, feed lots and uses specified in Sections 817.2 and 817.3.  
(Amended by Ord. 490.174 re-adopted 5-8-79)
- B. The keeping of rabbits and other similar small fur-bearing animals for domestic use.  
(Amended by Ord. T-038-306 adopted 5-22-90)
- C. The maintaining, breeding, and raising of poultry for domestic use not to exceed five hundred (500) birds and the maintaining, breeding, and raising of poultry for FFA, 4-H, and similar organizations.  
(Added by Ord. T-038-306 adopted 5-22-90).
- D. The raising of tree, vine, field, forage, and other plant life of all kinds, except mushroom growing.  
(Added by Ordinance 490.174 re-adopted 5-8-79)
- E. One family dwellings, accessory buildings, and farm buildings of all kinds, when located upon farms and occupied or used by the owner, farm tenant, or other persons employed thereon or the non-paying guests thereof; provided, however, that a residence once constructed and used for one of the foregoing uses, and no longer required for such use shall acquire a nonconforming status and may be rented for residential purposes without restriction.
- F. Home Occupations, Class I, subject to the provisions of Section 855-N.  
(Amended by Ord. T-288 adopted 2-25-86)
- G. The use, storage, repair, and maintenance of tractors, scrapers, and land leveling and development equipment devoted primarily to agricultural uses when operated in conjunction with, or as part of, a bona fide agricultural operation.

## **EXHIBIT 7**

- H. Apiaries and honey extraction plants subject to the provisions of Section 855-N.
- I. Signs, subject to the provisions of Section 817.5-K.
- J. Temporary or permanent telephone booths.
- K. Storage of petroleum products for use by the occupants of the premises but not for resale or distribution.
- L. Mobile home occupancy consisting of one or more mobile homes, subject to the provisions of Section 856 and Section 817.1-D.
- M. Historic and monument sites.
- N. The harvesting curing, processing, packaging, packing, shipping, and selling of agricultural products produced upon the premises, or where such activity is carried on in conjunction with, or as a part of, a bona fide agricultural operation.  
(Added by Ord. T-052-286 adopted 3-8-94)
- O. Agricultural tourism uses and facilities subject to the provisions of Section 855-N.





# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Nick's Trucking
- APPLICATION NOS.: Initial Study Application No. 7091 and Amendment Application No. AA 3816
- DESCRIPTION: Rezone a 30.05-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1(c) (Light Manufacturing, conditional) Zone District to allow a limited number of Light Manufacturing uses as requested by the Applicant.
- LOCATION: The subject parcel is located on the southwest corner of W. Belmont Avenue and N. Marks Avenue, adjacent to the limits of the City of Fresno. (SUP. DIST. 1) (APN 326-060-31)

### I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project 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 located at the intersection of W. Belmont Avenue and N. Marks Avenue, neither of which are designated as Scenic Drives or State Scenic Highways by the Fresno County General Plan. This project relates to the rezoning of this 30.05-acre parcel, and does not have the potential to impact resources within the highway. No scenic vistas or scenic resources were identified on or around the property.

- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is located in an area which has been designated by the Fresno High-Roeding Community Plan for Limited Industrial Uses. North of the subject parcel are three parcels within the City of Fresno and owned by the Fresno Metropolitan Flood Control District (FMFCD). These have been improved with a drainage basin. On other parcels to the north, there are industrial uses and commercial/professional offices. East

of the subject parcel are four 1.89-acre parcels which are currently vacant. Beyond those is another large parcel within the City limits, which has been improved with the West Side Auto Dismantlers, an industrial/commercial use. The parcel is again bounded by the City to the south, abutting a vacant 6-acre parcel. Of the six parcels south of this application, two are developed with industrial uses and four are vacant. To the west, a 26.85-acre parcel has been improved with a station for the Fresno Fire Department, two 1.7-acre parcels have been improved with single-family residences. The operation of a solid waste disposal facility was approved by Unclassified Conditional Use Permit No. 2859 on the subject parcel.

Given that this area is a combination of commercial, industrial, and vacant uses, the proposed rezoning to Light Manufacturing will not adversely impact the visual character of this area.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The allowed uses may result in the creation of new sources of light and glare in the area. The nearest neighboring residential unit is located 500 feet northwest of the subject parcel. Potential light and glare impacts will be mitigated to a less than significant impact by requiring that all outdoor lighting be hooded and directed so as not to shine towards adjacent properties and public streets.

\* **Mitigation Measure**

1. *All outdoor lighting shall be hooded, directed, and permanently maintained as not to shine towards adjacent properties and public roads.*

## II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of state-wide importance to non-agricultural use; or
- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts?

FINDING: NO IMPACT:

The 2014 Fresno County Important Farmlands Map designates the soil of the subject parcel as Vacant or Disturbed land. The northwestern corner of the parcel is designated as urban and built up land. This area is not dedicated for agricultural use and therefore no conversion of prime or unique farmlands will occur as a result of this project. The current zoning on the parcel is Limited Agricultural, which is a designation for land which is ultimately intended for intensive development and is permitted limited agricultural uses on an interim basis. Currently, the parcel is used as a construction/demolition recycling operation under CUP No. 2859, which was approved by the Planning

Commission on November 12, 1998. The parcel was not restricted by a Williamson Act Contract.

- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The subject parcel is not located near land zoned for Timberland Production, therefore the project will not convert forest land to non-forest uses. In some locations, the AL-20 Zone District can be considered a “hold” zone, where the intention is to allow some agricultural uses on a parcel ultimately designated for industrial uses, typically until the parcel is annexed into the City. In this case, the City limits are adjacent to the parcel on the north and south and only 375 feet east of the parcel. The City declined to annex the parcel in a letter dated February 3, 2016, due to the existing unincorporated property east of this parcel. Surrounding development is industrial or commercial in nature and many parcels not engaged in commercial or industrial uses lie undeveloped. It is the intent of the Fresno High-Roeding Community Plan that these parcels will eventually be industrial in nature and conversion of this parcel to that ultimate goal will not result in the conversion of Farmland to non-agricultural uses or convert forestland to non-forest use.

### III. AIR QUALITY

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject application proposes to change the zoning on the subject property from Limited Agricultural uses to Light Manufacturing uses, with some uses omitted. A change in the zoning will change the uses which are allowed by-right on the property; however, such developments will be subject to the Air Pollution Control District’s rules and regulations to reduce air pollution. Any development of this parcel will be subject to Site Plan Review, which will ensure compliance at that time. The impacts to existing or

projected air quality violations and increases to criteria pollutants have been determined to be less than significant with compliance to existing Air District regulations.

- D. Would the project expose sensitive receptors to substantial pollutant concentrations; or
- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT:

The subject parcel is located in an area industrial and commercial uses scattered in amongst vacant lots. There are a few single-family residences, but the nearest of these is more than 500 feet to the northwest. This rezoning application will allow new uses to be allowed without additional discretionary review; however, development on this parcel of by-right uses will be subject to Site Plan Review, which will ensure compliance with existing San Joaquin Valley Air Pollution Control District. There is a limited number of parcels in the area which allow residential uses; only a few parcels remain zoned AL-20 and the rest are various levels of Industrial uses, which only permit a caretaker's residence and no other opportunities to build or occupy a residence.

#### IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The California Natural Diversity Database shows that special status species were once common in this area; however, many such species have been determined to be extirpated. This means that the species had been observed in the past, but has not been seen in many years and is unlikely to be present. The parcel is has been in use as a construction/demolition recycling operation and is located near several high intensity uses, such as the repair shop to the east, which do not provide habitat for special status species.

- B. Would the project 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 (CDFW) or U.S. Fish and Wildlife Service (USFWS); or
- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or
- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: NO IMPACT:

There are no natural wetlands within or adjacent to the subject parcel. Review of the U.S. Fish and Wildlife Service's National Wetlands Inventory identifies two canals, maintained by the Fresno Irrigation District (FID) in near the project site. The Victoria Colony – East Branch No. 43 runs southerly and crosses Belmont Avenue approximately 870 feet west of the subject property. This canal is a riverine system with an unconsolidated bottom which is semi-permanently flooded. FID's Houghton No. 78 runs westerly approximately 150 feet southwest of the subject property at its closest point. This canal is a riverine system with intermittent water flow throughout the year and is considered to be a streambed class. In addition to the two canals identified by the Wetlands Mapper, FID's Cole – South Branch No. 40 runs westerly and crosses Marks Avenue in a southern direction approximately 95 feet south of the subject property. This part of the canal is piped underground. North of the parcel lies the FMFCD Basin UU3.

These canals and the basin do not provide habitat for special status species, nor do they serve as a migratory corridor. The canals provide irrigation water to productive farmlands and the basin is part of FMFCD's Storm Drainage and Flood Control Master Plan. Therefore, the project will have no impacts on riparian habitat, sensitive natural communities, federally protected wetlands, or migratory fish.

- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Would the project 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 subject parcel is not located within an applicable Natural Community Conservation Plan or Habitat Conservation Plan. The rezoning request does not conflict with any local policies or ordinances protecting biological resources. The PG&E San Joaquin Valley Operation and Maintenance Habitat Conservation Plan includes the subject parcel, however; this plan relates to PG&E operations and does not apply to this application.

## V. CULTURAL RESOURCES

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5; or
- B. Would the project cause of substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or

- D. Would the project disturb any human remains, including those interred outside of formal cemeteries; or
- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

FINDING: NO IMPACT:

The project is not located within any area designated to be highly or moderately sensitive for archeological resources. In compliance with the provisions of Assembly Bill (AB) 52, this project was routed to Table Mountain Rancheria **and** Santa Rosa Rancheria Tachi Yokut, ~~and the Dumna Wo Wah Tribal Governments~~. Table Mountain Rancheria declined participation and staff received no response from ~~the other Tribal Governments~~ **Santa Rosa**. Since there was no response within 30 days of sending the letter, staff assumes they declined participation in consultation.

**On August 25, 2017, the Dumna Wo Wah Tribal Government requested consultation on this application. Consultation was concluded on November 20, 2017, with a determination that there were no Tribal Cultural Resources present on the site.**

No impact on historical, archeological, or paleontological resources would result from this proposal.

## VI. GEOLOGY AND SOILS

- A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:
  1. Rupture of a known earthquake?
  2. Strong seismic ground shaking?
  3. Seismic-related ground failure, including liquefaction?
  4. Landslides?

FINDING: LESS THAN SIGNIFICANT:

The subject parcel is not located in the vicinity of an active fault line per the Department of Conservation's Fault Activity Map of California (2010). The Fresno County General Plan Background Report (FCGPBR) Figure 9-5 identifies areas of seismic hazards in Fresno County. Review of that map shows the subject parcel is not at risk of damage due to horizontal ground acceleration. Figure 9-6 identifies areas at risk of subsidence and landslide hazards and review shows that this project is outside those areas.

- B. Would the project result in substantial erosion or loss of topsoil; or

- C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or
- D. Would the project be located on expansive soils, creating substantial risks to life or property?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The U.S. Department of Agriculture, Natural Resources Conservation Service's Web Soil Survey identifies three different soil types present at the subject parcel: approximately 78.3% San Joaquin sandy loam, 11.3% Greenfield sandy loam, and 10.4% pits. San Joaquin sandy loam is a moderately well-drained soil with a very high run-off class and Greenfield sandy loam is a well-drained soil with a very low run-off class. The pits designation does not contain drainage or run-off information. The current use of this parcel involves excavation and fill activities approved under CUP 2859 and Special Use Permit No. 187. The applicant will be required to comply with Fresno County Regulations which require that all run-off is maintained on the subject parcel, reducing the chance for soil to run off the property. In addition, this area is part of the FMFCD's Storm Drainage and Flood Control Master Plan. Development of this parcel will be required to comply with FMFCD regulations. Figure 7-1 (FCGPBR) shows that the subject parcel is not located in an area where soils exhibit a moderate or high expansion potential.

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

FINDING: NO IMPACT:

The project site will connect to the City of Fresno for sewer service.

## VII. GREENHOUSE GAS EMISSIONS

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Approval of this rezoning application would allow new uses on the subject parcel. However, all development will be subject to approval of a Site Plan Review process through the County of Fresno. This review will ensure that the project complies with existing San Joaquin Valley Air Pollution Control District regulations, which are designed to reduce project emissions to a less than significant level.

## VIII. HAZARDS AND HAZARDOUS MATERIALS

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials; or
- B. Would the project create a significant public hazard involving accidental release of hazardous materials into the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The rezone will allow, by right, some uses that may require the routine transport, use, or disposal of hazardous materials; however, such uses will be restricted by the California Health and Safety Code, which will reduce the impact of such use and potential accidental releases to less than significant. If such uses are developed, the applicant will be required to file and comply with a Hazardous Materials Business Plan.

- C. Would the project create hazardous emissions or utilize hazardous materials, substances or waste within one quarter-mile of a school?

FINDING: NO IMPACT:

The nearest school to the project site is Madison Elementary School, which is approximately 1.3 miles southeast of the project site.

- D. Would the project be located on a hazardous materials site?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Review of the Environmental Protection Agency's Superfund Enterprise Management System revealed no Superfund sites along North Marks Avenue or West Belmont Avenue. Review of the County's Certified Unified Protection Agency's (CUPA) list of hazardous materials generators revealed a number of such locations in the vicinity of the subject parcel: Fresno Fire Station #19, which is adjacent to the subject parcel, is reported as being under the reportable threshold for hazardous materials; further west are Bet R Roofs (under reporting quantity) and Agri-Valley Irrigation, Inc., which was determined by site visit in 2008 not to contain hazardous materials; to the east is the Westside Auto Dismantlers, which has a permit to operate under their existing Hazardous Materials Business Plan. These nearby generators are in compliance with CUPA regulations and will not have adverse impacts on employees which may be hired when the subject parcel is developed. There were no records of the subject parcel having been designated as a hazardous materials site.

- E. Would a project located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area; or
- F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?



FINDING: NO IMPACT:

The subject parcel is located within two miles of the Fresno-Chandler Downtown Airport; however, it is not located with the review area. Therefore, there will be no impacts to persons working in the project area.

- G. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan; or
- H. Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

FINDING: NO IMPACT:

The subject parcel is not in an area at risk of wildfire. Approval of this application would allow new uses by-right on the subject parcel. There is no authorization of development associated with this application, and therefore no interference with an Emergency Response Plan or Emergency Evacuation Plan.

#### IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality; or
- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?

FINDING: NO IMPACT:

This parcel will connect to the City of Fresno for sewer and water services and will not impact the local groundwater table. A condition of approval will be placed on the project which will require that all abandoned wells and septic systems are properly destroyed by a licensed contractor, which will further protect groundwater quality and quantity.

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site; or
- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off?

FINDING: LESS THAN SIGNIFICANT IMPACT:

There are no streams or rivers in the vicinity of the project site. FID's canals are not located within the project area and will not be impacted by development of the parcel. The site is located within FMFCD's Drainage Area "UU"; storm runoff produced by land development is controlled through a system of pipelines and storm drainage retention basins. At the time of development, FMFCD will collect the pro-rata share for construction of necessary flood control improvements. Until the public facilities are built, the applicant will be required to comply with Fresno County Regulations which require that stormwater run-off is retained on site.

F. Would the project otherwise substantially degrade water quality?

FINDING: NO IMPACT:

This application does not approve any development. By-right industrial uses on this parcel are further limited by the conditional nature of the zoning requested by the applicant and the required Site Plan Review, which will ensure compliance with all existing regulations. More intensive uses would require the approval of another discretionary application, which would be subject to a separate CEQA review.

G. Would the project place housing within a 100-year floodplain; or

H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows?

FINDING: NO IMPACT:

No housing is proposed as part of this application. A caretaker's residence is one of the uses that is allowed on this parcel; however, according to FEMA FIRM Panel 2105H, the subject parcel is not subject to flooding from the 1% chance storm.

I. Would the project expose persons or structures to levee or dam failure; or

J. Would the project cause inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

The subject parcel is not located in an area at risk of inundation by levee or dam failure, according to Figure 9-8 (FCGPBR). The parcel is not located near a body of water that would be subject to tsunami or seiche and is not located in an area of steep slopes, which could cause mudflow.

X. LAND USE AND PLANNING

A. Will the project physically divide an established community?

FINDING: NO IMPACT:

This application proposes to change the zoning of a 30.05-acre parcel from AL-20 to M-3(c). The limits of this project correspond to the property limits of that parcel and therefore, approval will not divide an established community.

- B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project; or
- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT:

This application proposes to change the zoning of this parcel from AL-20 to M-1(c). The Fresno High-Roeding Community Plan designates this parcel for Limited industrial uses, and the proposed M-1(c) zoning is compatible with this designation. Typically, parcels which are zoned AL-20 and within the Sphere of Influence of a city should be annexed prior to development; however, because doing so would create a County island, the City declined to annex the parcel and pursuant to the Memorandum of Understanding between the City and the County, the County accepted the subject rezone application. Rezoning this parcel to industrial is still consistent with the General Plan despite annexation not occurring because the existing development is already industrial in nature.

The applicant has requested the rezoning of this parcel to accommodate the relocation of the existing Nick's Trucking operation. The current site for that project along Golden State Boulevard has been impacted by the California High Speed Rail (CAHSR) project. This public transportation project has required the acquisition of industrial property within the City of Fresno and many of those business owners, like this applicant, have relocated to the County of Fresno, where space is available.

There are no Habitat Conservation Plans or Natural Community Conservation Plans applicable to this project.

## XI. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource; or
- B. Would the project result in the loss of availability of a locally-important mineral resource recovery site designated on a General Plan?

FINDING: NO IMPACT:

Figure 7-7 (FCGPBR) identifies the location of locally-important mineral resources. The subject parcel is not located on or near one of those locations. The project site is located in an area that has been classified by the Surface Mining and Reclamation Act of 1975 (SMARA) as containing sand and gravel deposits suitable for production as

high-quality Portland cement concrete (PCC) aggregate. This area extends throughout the center of Fresno County and north of the County lines well into Madera County. However, surface mining and reclamation is allowed in all Fresno County Zone Districts subject to discretionary application, and staff believes this proposal will not impact such operations.

## XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or
- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise levels; or
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project could result in an increase in noise level due to future construction activities on the property. Noise impacts associated with construction are expected to be temporary and will be subject to the County Noise Ordinance, which is enforced by the Fresno County Public Health Department.

- E. Would the project expose people to excessive noise levels associated with a location near an airport or a private airstrip; or
- F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

The project site is not located near a private airstrip, and is outside the review area for Chandler Downtown Airport and therefore will not be impacted by airport related noise.

## XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- B. Would the project displace substantial numbers of existing housing; or
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

The project will allow for specific industrial uses on the subject property and will not allow or generate the need for additional housing. There is currently no development on the subject parcel and the General Plan does not designate this area for residential uses.

#### XIV. PUBLIC SERVICES

A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically-altered public facilities in the following areas:

1. Fire protection;
2. Police protection;
3. Schools;
4. Parks; or
5. Other public facilities?

FINDING: NO IMPACT:

The project has been reviewed by the Fresno County Fire Protection District, who expressed no concerns with the proposal. No impacts to police, schools, or parks were identified in the analysis.

#### XV. RECREATION

- A. Would the project increase the use of existing neighborhood and regional parks; or
- B. Would the project require the construction of or expansion of recreational facilities?

FINDING: NO IMPACT:

The proposal is not located on or near a public park and will not require expansion of recreational facilities. As previously indicated by staff, the site is in a predominately industrial area with several properties already in the City limits.

#### XVI. TRANSPORTATION/TRAFFIC

- A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation; or
- B. Would the project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demands measures?

**FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:**

A Traffic Impact Study (TIS) was prepared by Peter's Engineering Group, dated January 18, 2017. An addendum, dated July 19, 2017 is part of the complete study. Data provided in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition, was used to estimate the number of trips anticipated to be generated by uses that would be allowed in the proposed M-1(c) zoning. The study estimated an AM peak of 32 truck trips, a PM peak of 34 truck trips, and 239 truck trips daily, based on development of the entire 30 acres.

Study of the existing conditions show that the Olive and Marks Avenues intersection currently operates below the target Level of Service (LOS) during both the AM and the PM peak hours and that the intersection of Brawley and Belmont Avenues operates below the target LOS during the AM peak hour. All other segments are currently operating at an acceptable LOS.

The existing-plus-Project conditions analyses represent conditions that would occur after construction of the Project in the absence of other pending projects and regional growth. This scenario isolates the specific impacts of the Project. The results of the analyses for the project by itself indicate that the Project is expected to cause a significant impact at the intersection of Olive and Marks Avenues by causing the existing LOS E to drop to LOS F during both the a.m. and p.m. peak hours. The intersection of Brawley and Belmont Avenues will continue to operate at LOS F during the a.m. peak hour, but the Project does not exacerbate the existing delays by a significant amount. The other study intersections and the study road segments are expected to continue to operate at acceptable levels of service.

The near-term with-Project conditions analyses represent conditions that are expected to occur after construction of the Project plus construction of the pending projects. This scenario estimates the near-term cumulative impacts. The results of the analyses indicate that a combination of the pending projects and the Project would result in cumulative significant impacts at the following intersections: Olive and Marks Avenues (AM and PM peak hours); Brawley and Belmont Avenues (AM and PM peak hours); Marks and Belmont Avenues (AM and PM peak hours); and SR 99 Northbound ramps and Belmont Avenue (PM peak hour). The other study intersections and the study road segments are expected to continue to operate at acceptable levels of service.

The year 2037 With-Project conditions analyses were based on the assumption that the Project site is developed with the proposed Project. This scenario estimates the long-term cumulative impacts. The results of the analyses indicate the combination of the Project, the pending projects, and regional growth over the next 20 years (in the absence of planned transportation improvements) is expected to cause a significant impact at all of the study intersections and the following road segments: Belmont Avenue between Brawley and Valentine Avenues (eastbound during the AM and both directions during the PM peak hour); and Belmont Avenue between Valentine and Marks Avenues (eastbound during the AM and both directions during the PM peak hour).

The TIS analyzed the project's pro-rata share towards these developments and estimated the required mitigation for this project to be \$236,983.00. Due to the size of the parcel, it was determined that the applicant could pay this fee on a per-acre basis as the development is undertaken.

In addition to reviewing the potential impacts of the industrial rezoning, the TIS analyzed for direct impacts from the proposed trucking operation, which is a by-right use on this property. Impacts from the trucking operation will significantly impact the intersection of Olive and Marks when the size of the operation reaches ten acres. Therefore, prior to development of the tenth acre, the applicant shall pay the per-acre fee and shall widen and stripe for a northbound right-turn lane at the intersection of Olive and Marks. At that time, or earlier if the developer proposes to take access from Belmont Avenue, the Applicant shall improve that frontage to City Standards.

\* **Mitigation Measures**

1. *Prior to issuance of building permits for development of the 10<sup>th</sup>-acre of the project site, the applicant shall construct a 100-foot long storage length with transitions for Northbound right turn lane at intersection of Olive Avenue and Marks Avenue. Construction shall be to Fresno City standards.*
2. *At such time as encroachment permits are sought for direct access off Belmont Avenue, or at the time of issuance of building permits for development of the 10<sup>th</sup> acre of the project site, the applicant shall construct Belmont Avenue frontage improvements, including curb, gutter, drainage facilities, striping, and paving. Improvements shall be to County of Fresno standards.*
3. *The applicant shall enter into a Traffic Mitigation Agreement with the County of Fresno agreeing to participate in the funding of the following future off-site traffic improvements:*
  - a. *Signalization and lane additions at Olive Avenue and Marks Avenue Intersections: add a left turn lane and additional through lanes for Northbound, Southbound, Eastbound and Westbound. The project's maximum share is 1.18% which is \$13,170.00 for the entire parcel or \$439.00 per acre developed.*
  - b. *Signalization and lane additions at Brawley Avenue and Belmont Avenue Intersections: add a left turn lane and additional through lane for Northbound, Southbound, Eastbound and Westbound. The project's maximum share is 0.81% which is \$11,125.00 for the entire parcel or \$371.00 per acre developed.*
  - c. *Signalization and Lane additions at Valentine Avenue and Belmont Avenue Intersections: add a left turn lane and additional through lane for Northbound, Southbound, Eastbound and Westbound. The project's maximum share is 1.80% which is \$21,658.00 for the entire parcel or \$722.00 per acre developed.*

- d. *Signalization and lane additions at Marks Avenue and Belmont Avenue Intersections: add a left turn lane, a right turn lane, and an additional through lane for Northbound, Southbound, Eastbound and Westbound. The project's maximum share is 6.25% which is \$65,673.00 for the entire parcel or \$2,189.00 per acre developed.*
- e. *Signalization and lane additions at Hughes Avenue and Belmont Avenue Intersections: add a left turn lane for Northbound and Southbound; and add a left turn lane and an additional through lane for Eastbound and Westbound. The project's maximum share is 2.59% which is \$22,976.00 for the entire parcel or \$766.00 per acre developed.*
- f. *Widening Belmont Avenue from two lanes to four lanes from Brawley Avenue to Marks Avenue:*
  - i. *From Brawley Avenue to Valentine Avenue, the project's maximum share is 1.36% which is \$28,508.00 for the entire parcel or \$950.00 per acre developed.*
  - ii. *From Valentine Avenue to Site Access, the project's maximum share is 1.86% which is \$32,072.00 for the entire parcel or \$1,069.00 per acre developed.*
  - iii. *From Site Access to Marks Avenue, the project's maximum share is 9.69% which is \$41,801.00 for the entire parcel or \$1,393.00 per acre developed.*

C. Would the project result in a change in air traffic patterns; or

D. Would the project substantially increase traffic hazards due to design features; or

E. Would the project result in inadequate emergency access?

FINDING: NO IMPACT:

The rezoning of this parcel will not result in a change in air traffic patterns because the parcel is outside the review area for Chandler Downtown Airport and no deviation from building height standards is proposed as part of this application.

F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The TIS determined that approval of this application could reduce the performance of Belmont Avenue at its intersection with Brawley Avenue, Valentine Avenue, Marks



Avenue, and Hughes Avenue. In addition, the intersection of Olive Avenue and Marks Avenue would also be significantly delayed. The Mitigation Measures outlined in Section XVI.B (above) require the project applicant to contribute their share towards road improvements and perform site-specific improvements to mitigate these impacts.

\* **Mitigation Measures**

1. See Section XVI.B.

## XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements; or
- B. Would the project require construction of or the expansion of new water or wastewater treatment facilities?

FINDING: NO IMPACT:

The City of Fresno has sufficient capacity to accept wastewater from this site.

- C. Would the project require or result in the construction or expansion of new storm water drainage facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located in FMFCD's Storm Drainage and Flood Control Master Plan. Development of this site will be subject to a pro-rata share for flood drainage improvements in this area. All properties within this area are required to participate in this program and all development is subject to review for its pro-rata share. Since no development is proposed as part of this application, no new facilities are required to be built at this time; however, future development allowed by this application will be. The mandatory SPR required of all development on this parcel will ensure that plans are submitted to FMFCD and that fees are paid.

- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The applicant will connect to the City of Fresno for water services.

- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand; or
- F. Would the project be served by a landfill with sufficient permitted capacity; or
- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: NO IMPACT:

Approval of the rezoning for this parcel would not result in inadequate wastewater treatment capacity or an inadequate landfill.

#### XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California prehistory or history?

FINDING: NO IMPACT:

The project site is not located in an area of habitat for special-status plants or animals and does not contain any riparian habitat or other natural waters. The parcel is similarly not located in an area which is known to be sensitive to archeological finds and no Tribal Government requested consultation regarding potential resources.

- B. Does the project have impacts that are individually limited, but cumulatively considerable?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Review of this project's contribution to traffic determined that traffic impacts would be individually and cumulatively significant. These impacts have been mitigated to less than significant with adherence to the Mitigation Measures outlined in Section XVI.B.

- C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT:

No environmental impacts which could cause substantial adverse effects on human beings were identified in the course of this analysis.

#### CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Amendment Application No. 3816, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Agricultural and Forestry Resources, Cultural Resources, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, and Recreation.

Potential impacts related to Air Quality, Biological Resources, Geology and Soils, Greenhouse Gases, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Utilities and Service Systems have been determined to be less than significant.

Potential impacts relating to Aesthetics and Transportation/Traffic have determined to be less than significant with compliance with the noted mitigation measures.

A Mitigated Negative Declaration/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 southeast corner of Tulare and "M" Street, Fresno, California.

CMM

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File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below For County Clerk Only.  CLK-2046.00 E04-73 R00-00	
Agency File No: <b>IS 7091</b>	<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>		County Clerk File No: <b>E-</b>
Responsible Agency (Name): The County of Fresno	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Christina Monfette, Planner	Area Code: 559	Telephone Number: 600-4245	Extension: N/A
Applicant (Name): Nick's Trucking, Inc.	Project Title: Amendment Application No. 3816		
Project Description: Rezone a 30.05-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1(c) (Light Manufacturing, conditional) Zone District to allow a limited number of Light Manufacturing uses as requested by the Applicant.			
Justification for Negative Declaration:  Based upon the Initial Study prepared for Amendment Application No. 3816, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Agricultural and Forestry Resources, Cultural Resources, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, and Recreation.  Potential impacts related to Air Quality, Biological Resources, Geology and Soils, Greenhouse Gases, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Utilities and Service Systems have been determined to be less than significant.  Potential impacts relating to Aesthetics and Transportation/Traffic have determined to be less than significant with compliance with the noted mitigation measures.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – August 18, 2017		Review Date Deadline: Planning Commission – December 14, 2017	
Date:	Type or Print Signature: Chris Motta, Principal Planner	Submitted by (Signature): Christina Monfette, Planner	

State 15083, 15085

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

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**