



# County of Fresno

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

## Planning Staff Report Commission Agenda Item No. 2 December 16, 2021

**SUBJECT:** Consider Classified Conditional Use Permit Application No. 3655 and a Proposed Mitigated Negative Declaration based on Initial Study No. 7664.

Allow a Rural Commercial Center consisting of a convenience store/fast-food restaurant and a gasoline fueling facility (fuel island canopy with gasoline pumps) and related improvements on an approximately 1.78-acre portion of a 4.99-acre parcel in the RR (Rural Residential, two-acre minimum parcel size) Zone District.

**LOCATION:** The project site is located on the northwest corner of W. Belmont and N. Cornelia Avenues approximately 2,190 feet south of the nearest city limits of the City of Fresno (5064 W. Belmont Avenue) (APN: 312-390-13) (Sup. Dist. 1).

**OWNER/  
APPLICANT:** Daulat Sandhue

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

David Randall, Senior Planner  
(559) 600-4052

### RECOMMENDATION:

- Deny Classified Conditional Use Permit No. 3655 based on Finding 4 not being able to be made; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plan/Floor Plan/Elevation
6. Applicant's Operational Statement
7. Summary of Initial Study No. 7664
8. Proposed Mitigated Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Rural Residential	No change
Zoning	RR (Rural Residential; two acre minimum parcel size)	No change
Parcel Size	4.99 acres	No change
Project Site	Undeveloped	A Rural Commercial Center consisting of a convenience store/fast-food restaurant and a gasoline fueling facility with fuel dispensing pumps on a 1.78-acre portion of a 4.99-acre parcel
Structural Improvements	None	<ul style="list-style-type: none"><li>• 3,476 square-foot convenience store/fast-food restaurant</li><li>• 1,976 square foot gasoline fueling facility with fuel dispensing pumps</li></ul>
Nearest Residence	34 feet north of the project boundary	No change
Surrounding Development	Single-family residences; orchards	No change
Operational Features	N/A	Per the Applicant Operational Statement (Exhibit 6):

Criteria	Existing	Proposed
		<ul style="list-style-type: none"> <li>• Convenience store with gasoline fueling facility will allow customers to buy fuel, food, and groceries</li> <li>• Fast-food restaurant will allow customers to buy sandwiches and related food items</li> </ul>
Customers/ Visitors	N/A	<ul style="list-style-type: none"> <li>• 200 (Average per day)</li> <li>• 300 (Maximum per day) during busy holidays</li> </ul>
Employees	N/A	Three (3) per shift and a total of six (6) per day
Traffic Trips	N/A	<p>Per the Traffic Impact Study prepared for the project:</p> <p>Pass-by Trips:</p> <ul style="list-style-type: none"> <li>• 32 weekdays A.M. peak-hour trips entering the site and 31 weekdays A.M peak-hour trips exiting the site</li> <li>• 36 weekdays P.M. peak-hour trips entering the site and 36 weekdays P.M peak-hour trips exiting the site</li> </ul> <p>Primary Trips:</p> <ul style="list-style-type: none"> <li>• 62 weekdays A.M. peak-hour trips entering the site and 60 weekdays A.M peak-hour trips exiting the site</li> <li>• 67 weekdays P.M. peak-hour trips entering the site and 67 weekdays P.M peak-hour trips exiting the site</li> </ul>
Lighting	None	Outdoor hooded lighting around the building, underneath fuel canopy, and around parking areas
Hours of Operation	N/A	5:00 a.m. to Midnight; 7 days per week, 2 shifts per day

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

**ENVIRONMENTAL ANALYSIS:**

Initial Study No. 7664 was prepared for the project by County Staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 7.

A Notice of Intent to adopt a Mitigated Negative Declaration was published on November 5, 2021.

**PUBLIC NOTICE:**

On Friday, December 3, 2021 notices were sent to 36 property owners within 1,320 feet of the project site, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

According to Section 820.3 - K of the Zoning Ordinance, Rural Commercial Centers are allowed in an RR (Rural Residential) Zone District subject to approval of a Classified Conditional Use Permit. Section 867 of the Zoning Ordinance contains regulations specifying allowed uses, property development standards, and application requirements for Rural Commercial Centers. Section 873 of the Zoning Ordinance provides that final approval of a Rural Commercial Center is made by the Board of Supervisors following review and recommendation by the Planning Commission.

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

**BACKGROUND INFORMATION:**

According to the county records, prior to June 20, 1961, the subject property was zoned A-2 (General Agricultural District). On March 21, 1977, the property was rezoned from A-2 to the current RR (Rural Residential District) Zone District. Building permit records show that a single-family residence was constructed on the property prior to 1980. However, the house caught fire recently and was removed from the property. Currently there are no improvements on the property.

The subject proposal, a Rural Commercial Center (CUP 3655), would allow a convenience store/fast-food restaurant and a gasoline fueling facility (fuel island canopy with gasoline pumps) on an approximately 1.78-acre portion of a 4.99-acre of a property. The project will allow customers in the area to buy fuel, food, and groceries and/or dine at fast-food restaurant.

The proposal would require construction of offsite improvement such as curb, gutter, sidewalk, and related road improvements along frontage of the property as shown on the Site Plan (Exhibit 5). However, the property owner may request deferment of improvements by filing of a "Deferment of Construction Agreement" until such time improvements are required by the County. The offsite improvements and the deferment requirements are noted in Exhibit 1,

Conditions of Approval, Item 1 and will be addressed through subsequent Site Plan Review prior to the issuance of building permit.

The project is located within the City of Fresno Sphere of Influence and was referred to the City for possible annexation. The City elected to not pursue annexation at this time and allowed the County to process the subject application.

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

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	Front: 35 feet Street Side: 25 feet Side: 20 feet Rear: 20 feet	<ul style="list-style-type: none"> <li>• Front (Belmont Ave; south property line along Belmont Avenue) 50 feet</li> <li>• Street Side (east property line along Cornelia Avenue): 54 feet</li> <li>• Side (west property line): 137 feet</li> <li>• Rear (north property line): 421.5 feet</li> </ul>	Yes.
Parking	One (1) parking space for every two permanent employees, each salesperson, and each company vehicle	16 parking spaces required (32 parking spaces provided)	Yes
Lot Coverage	No requirement	N/A	N/A
Separation Between Buildings	Six-foot (minimum)	60-foot between convenience store/fast-food restaurant and gasoline fueling facility	Yes.
Wall Requirements	<ul style="list-style-type: none"> <li>• Six-foot (maximum) on all rear and side property lines</li> <li>• Three feet (maximum) in any required front yard</li> </ul>	A five-foot to six-foot-tall block masonry wall will be erected on the west property line starting from Belmont Avenue and extending to the edge of the proposed development.	Yes
Septic Replacement Area	100 percent for existing system	An individual sewage disposal system with 100 percent replacement area	Yes

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Water Well Separation	Septic tank: 50 feet Disposal field: 100 feet seepage pit:150 feet	A new water well provided with adequate separation from the proposed septic system	Yes

**Reviewing Agency/Department Comments:**

Zoning Section of the Fresno County Department of Public Works and Planning: The proposed improvements meet the building setback requirements of the RR Zone District. The project shall require completion of a mandatory Site Plan Review. This requirement has been included as a Project Note.

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

**Analysis Finding 1:**

Staff review of the Site Plan demonstrates that a 4.99-acre project site is adequate in size and shape to accommodate the proposed 3,476 square-foot convenience store/fast-food restaurant, 1,976 square-foot gasoline fueling facility, parking and circulation area, onsite water well, individual septic system, and a storm water retention basin.

The proposed improvements meet the minimum setback requirements of the RR Zone District and will set back approximately 50 feet from the south property line (minimum 35 feet required), 54 feet from east property line (minimum 25 feet required), 137 feet from west property lines (minimum 20 feet required), and 412.5 feet from north property line (minimum 20 feet required).

The project site can accommodate the required number of parking for the project. The project requires 16 standard parking spaces including one parking spaces for disabled. The Site Plan for the project (Exhibit 5) depicts 32 parking spaces, including two parking spaces for disabled, which is sufficient to meet the requirement.

**Recommended Conditions of Approval:**

*None.*

**Conclusion Finding 1:**

Based on the above information and with adherence to mandatory Site Plan Review, staff believes the project site is adequate in size and shape to accommodate the proposal.

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

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Public Road Frontage	Yes	Belmont Avenue and Cornelia Avenue; fair condition	No change

		Existing Conditions	Proposed Operation
Direct Access to Public Road	Yes	Belmont Avenue and Cornelia Avenue; fair condition	Access to the project site will be via paved driveways off Belmont and Cornelia Avenues
Road ADT (Average Daily Traffic)		3300 (Belmont Avenue) 3700 (Cornelia Avenue)	No change
Road Classification		Arterial (Belmont Avenue) Collector (Cornelia Avenue)	No change
Road Width		<ul style="list-style-type: none"> <li>30-foot right-of-way north of section line for Belmont Avenue.</li> <li>40-foot right-of-way west of section line for Cornelia Avenue</li> </ul>	<p>Per the Precise Plan Line for Belmont Avenue Serial No. 91, an additional 18-foot right-of-way north of section line is required for Belmont Avenue</p> <p>Per the City of Fresno Public Works Standard, an additional two feet right-of-way west of section line is required for Cornelia Avenue</p>
Road Surface		<ul style="list-style-type: none"> <li>Belmont Avenue (Asphalt concrete paved; pavement width: 32.5 feet)</li> <li>Cornelia Avenue (Asphalt concrete paved; pavement width: 19.6 feet)</li> </ul>	<p>No change</p> <p>No change</p>
Traffic Trips		N/A	<p>Per the Traffic Impact Study (TIS):</p> <p>Pass-by Trips:</p> <ul style="list-style-type: none"> <li>32 weekdays A.M. peak-hour trips entering the site and 31 weekdays A.M peak-hour trips exiting the site</li> <li>36 weekdays P.M. peak-hour trips entering the site and 36 weekdays P.M peak-hour trips exiting the site</li> </ul>

		Existing Conditions	Proposed Operation
			Primary Trips: <ul style="list-style-type: none"> <li>• 62 weekdays A.M. peak-hour trips entering the site and 60 weekdays A.M peak-hour trips exiting the site</li> <li>• 67 weekdays P.M. peak-hour trips entering the site and 67 weekdays P.M peak-hour trips exiting the site</li> </ul>
Traffic Impact Study (TIS) Prepared	Yes	N/A.	Per the TIS prepared for the project, the project will pay its equitable share percentage for traffic signalization at Olive and Cornelia Avenues, Belmont and Hayes Avenues, Belmont and Cornelia Avenues, and Belmont and Blythe Avenues. This requirement has been included as a mitigation measure
Road Improvements Required		<ul style="list-style-type: none"> <li>• Belmont Avenue; fair condition</li> <li>• Cornelia Avenue; fair condition</li> </ul>	No road improvements required

**Reviewing Agency/Department Comments:**

Design Division of the Fresno County Department of Public Works and Planning: The project shall pay its equitable share percentage for traffic signalization at Olive and Cornelia Avenues, Belmont and Hayes Avenues, Belmont and Cornelia Avenues, and Belmont and Blythe Avenues. This requirement has been included as a Mitigation Measure in Exhibit 1 of this report.

City of Fresno Public Works Department, Traffic Operations & Planning Division: The project shall pay Traffic Signal Mitigation Impact (TSMI) Fee per the City’s Master Plan Schedule, Fresno Major Street Impact (FMSI) Fee and Regional Transportation Mitigation Fee (RTMF).

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to Precise Plan Line Serial No. 91, Belmont Avenue (Arterial) has an existing right-of-way of 30 feet north of section line. Belmont Avenue requires an additional 18 feet right-of-way along parcel frontage on Belmont Avenue. Cornelia Avenue (Collector) has an existing right-of-way of 40 feet west of section line.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Belmont Avenue has an existing right-of-way of 60 feet (30 feet each



side of centerline). Belmont Avenue requires ultimate right-of-way of 84 feet. An additional 12 feet of right-of-way is required along parcel frontage on Belmont Avenue.

Cornelia Avenue has a existing right-of-way of 60 feet (30 feet each side of centerline). Cornelia Avenue requires ultimate right-of-way of 84 feet. An additional 12 feet of right-of-way is required along parcel frontage on Cornelia Avenue.

City of Fresno, Traffic and Engineering Services Division: Belmont Avenue and Cornelia Avenues requires ultimate right-of-way of 84 feet per the City of Fresno Public Works Standard.

Based on the above information, Conditions of Approval will require that dedication of additional right-of-way for Belmont and Cornelia Avenues.

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

### **Analysis Finding 2:**

The project site borders with Belmont and Cornelia Avenues. Designated as Arterial and Collector in the County General Plan, both roads are asphalt concrete paved, in fair condition, and maintained by County. The proposed development will gain access from Belmont and Cornelia Avenues via paved access driveways.

As discussed above, additional road right-of-way is required along Belmont and Cornelia Avenue frontage of the property. The project will require to dedicate an additional right-of-way of 18 feet for Belmont Avenue north of section line according to the Precise Plan Line Serial No. 91. The project will also dedicate an additional right-of-way of two feet for Cornelia Avenue west of section line per the City of Fresno Public Works Standards.

As determined by the Traffic Impact study, all four study intersections (included in the City of Fresno TSMI fee program) are expected to operate at LOS (Level of Service) 'F' during the weekday peak hours by the year 2040 (with or without the Project) and will require signalization to operate at acceptable LOS. To mitigate the cumulative significant impact, the intersection of Olive and Cornelia Avenues, Belmont and Hayes Avenues, Belmont and Cornelia Avenues, and Belmont and Blythe Avenues will be signalized, and the project will contribute a fair share percentage of the cost of the proposed signalizations.

The Design Division of the Fresno County Department of Public Works and Planning, City of Fresno, and California Department of Transportation (Caltrans) concurred with TIS regarding the project's cumulative impact in the area and the project to pay for its fair share for signalization at various road intersections as noted in Exhibit 1 of this report.

### **Recommended Conditions of Approval:**

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

### **Conclusion Finding 2:**

Based on the above information, staff believes Belmont and Cornelia Avenues can accommodate the traffic generated by this proposal. Finding 2 can be made.

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

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence:
North	2.37 acres	Single-Family residence	RR	34 feet
South	29.56 acres 3.73 acres	Single-family residence	AE-20	106 feet
East	39 acres	Single-family residence; orchard	RR	200 feet
West	2.74 acres	Single-family residence	RR	72 feet

**Reviewing Agency/Department Comments:**

Fresno County Agricultural Commissioner’s Office: A “Right-to-Farm notice shall be acknowledged regarding the inconveniences and discomfort associated with normal farming activities.

City of Fresno Public Works Department, Traffic Operations and Planning Division: Prior to the issuance of building permits, the project shall pay Traffic Signal Mitigation Impact (TSMI) Fee per the City’s Master Plan Schedule, Fresno Major Street Impact (FMSI) Fee and Regional Transportation Mitigation Fee (RTMF).

State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW): The project shall comply with Senate Bill 1263 (SB 1263) and be permitted as a public water system. Prior to granting of occupancy for the use, a public water system permit shall be secured from SWRCB-DDW to operate a well on the property.

(Note: In compliance with SB 1263, the applicant has provided a technical report to SWRCB-DDW satisfaction making the case that there is no public water system in the area for the project to connect).

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

Fresno County Department of Public Health, Environmental Health Division (Health Department): Sewage feasibility analysis/engineered septic system shall be submitted for Health Department’s approval and be installed under permit and inspection from the Department of Public Works and Planning Building and Safety Section. The location of the onsite sewage disposal area shall be identified and cordoned off to prevent vehicle traffic from driving over, causing damage and possible failure of the septic system. The existing abandoned sewage disposal system on the property shall be destroyed under permit and inspection.

Prior to the operation of gasoline fueling facility, a spill prevention control and countermeasure plan (SPCC) shall be required for aboveground petroleum storage tanks with greater than or equal to 1320-gallons of storage capacity. 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 electronically pursuant to the HSC, Division 20, Chapter 6.95. All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. All Waste Tire Haulers may require to obtain a permit from the California Department of Resources Recycling and Recovery. A license to sell alcohol shall be obtained prior to any sale of alcohol on the property.

Fresno Irrigation District (FID): The FID open canal (Houghton No. 78) runs westerly approximately 2,700 feet east of the project site and crosses the intersection of Belmont and Cornelia Avenues and FID's Tracy No. 44 runs southerly traversing the east side of the subject property and crosses Belmont Avenue approximately 30 feet south of the subject property. Plans for any street and/or utility improvements along or in the vicinity of Blythe Avenue, Cornelia Avenue, Belmont Avenue shall require FID's review and approval. A Grading and Drainage Plan shall be provided to FID for review and approval to ensure that the proposed development will not endanger the structural integrity of the pipeline/canal.

Fresno Metropolitan Flood Control District (FMFCD): The project shall pay drainage fees at such time development occurs on the property based on the fee rates in effect at that time. All improvement plans for the construction of curb and gutter or storm drainage facilities shall be approved by FMFCD for conformance to the District Master Plan within the project area. Site development shall not interfere with the operation and maintenance of the existing canal/pipeline on the property. Temporary onsite storm drainage facility shall be provided until permanent service becomes available. Construction activity shall secure a storm water discharge permit.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: An encroachment permit shall be obtained from Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning for any work in the County road right-of-way and for the construction of the access drives to the site off Belmont and Cornelia Avenues.

Development Engineering Section of the Fresno County Department of Public Works and Planning: An Engineered Grading and Drainage Plan shall be required, and a grading permit shall be obtained. Onsite turn around shall be required for vehicles leaving the site to enter Belmont Avenue (Arterial) in a forward motion. Direct access to Belmont Avenue shall be limited to one common point. Any proposed entrance gate shall be setback a minimum of 20 feet from the road right-of-way line. A 10-foot by 10-foot corner cutoffs shall be improved for sight distance purposes at the proposed driveways onto Belmont and Cornelia. A 30-foot by 30-foot corner cutoffs shall be provided at the intersection of Belmont and Cornelia for sight distance purposes.

North Central Fire Protection District (NCFPD): The project shall comply with California Code of Regulations Title 24 – Fire Code and California Code of Regulations Title 19 and submit construction plan to the County prior to receiving NCFPD conditions of approval for the project.

San Joaquin Valley Air Pollution Control District: If the proposed fast-food restaurant exceeds 2,000 square feet of commercial space, the project proponent shall contact the District to determine if the restaurant is subject to District Rule 9510. If subject to the rule, an Air Impact

Assessment (AIA) application shall be filed with the District prior to the issuance of building permits.

The proposed gasoline fueling facility shall comply with District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and Authority to Construct (ATC) permit. The project shall also comply with the following rules: Regulation VIII Fugitive PM<sub>10</sub> Prohibitions, Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review) Rule 9510 (Indirect Source Review), Rule 4692 (Commercial Charbroiling, Rule 4002 (National emissions Standards for Hazardous Air Pollutants), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

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

Table Mountain Rancheria (TMR) Tribal Government: In the unlikely event that cultural resources are identified on the property, TMR shall be informed. (Note: The Mitigation Measure included in the CULTURAL ANALYSIS section of this report (Exhibit 7) will reduce impact to tribal cultural resources).

City of Fresno, Department of Public Utilities, Planning, and Engineering: The project is in Growth Area 2 of the City of Fresno which require no new development to occur in the Area 2 until year 2035. No water main line exists in the immediate project area that would allow the project to connect with a community water system.

California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, California Department of Transportation; Building and Safety Sections of the Fresno County Department of Public Works and Planning; Native American Heritage Commission: No concerns were expressed with the proposal.

### **Analysis Finding 3:**

The project site is located on the west side of the City of Fresno in a rural residential area. The site is undeveloped. Limited farming exists in the vicinity; otherwise, the area generally is developed with single-family homes.

The proposed improvements include a 3,476 square-foot convenience store/fast-food restaurant, 1,976 square-foot gasoline fueling facility, water well, septic system, storm water retention basin, parking and circulation area, and access drives off Belmont and Cornelia Avenues. Upon construction of the project, the structures visible from the site to the surrounding area include a single story, 33 foot-tall, convenience store/fast-food restaurant building and a 19-foot-tall fuel canopy. The appearance of the building and the fuel canopy as depicted in the elevation drawings (Exhibit 5) will be compatible in height, design, and construction with similar commercial establishments in the County.

An Initial Study prepared for the project has identified potential impacts to aesthetics, cultural resources, energy, and transportation. To mitigate aesthetic impact, all outdoor lighting will be hooded and directed downward to avoid glare on adjoining properties. To mitigate cultural resources impact, all work will be stopped if artifacts are uncovered during the ground disturbances and be reported to a qualified archeologist for evaluation. To mitigate energy impact idling of on-site vehicles and equipment will be avoided to the most extent possible to minimize wasteful or inefficient energy consumption during project construction. To mitigate transportation impact, the project will pay its equitable share percentage for traffic signalization

at Olive and Cornelia Avenues, Belmont and Hayes Avenues, Belmont and Cornelia Avenues, and Belmont and Blythe Avenues. These requirements have been included as Mitigation Measures (Exhibit 1).

Potential impacts related to agricultural and forestry resources, air quality, geology and soils, hazard and hazardous materials, hydrology and water quality, and public services are less than significant. The project will file a “Right-to-Farm” notice regarding inconveniences and discomfort associated with normal farm activities; comply with the San Joaquin Valley Air Pollution Control District rules and regulations; submit sewage feasibility analysis/engineered septic system for the Health Department approval and install the system under permit and inspection by the Department of Public Works and Planning Building and Safety Section; use, store, and handle hazardous materials and wastes per the California Health and Safety Code; obtain a public water system permit from SWRCB-DDW prior to operating new onsite well to provide water to the project; require all proposed landscaping to comply with MWEL (Model Water Efficient Landscape Ordinance) standards to conserve water; require an Engineered Grading and Drainage Plan for additional storm water run-off generated by the proposal; and require North Central Fire Protection District’s approval on the County approved Site Plan.

The project site is not in an area determined to be highly or moderately sensitive to archeological resources. Pursuant to Assembly Bill (AB) 52, project was routed to the Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, Table Mountain Rancheria and Santa Rosa Rancheria Tachi Yokut Tribe offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3 (b) with a 30-day window to formally respond to the County letter. No tribe requested for consultation. However, Table Mountain Rancheria (TMR) requested that in the unlikely event if cultural resources are identified on the property, the TMR shall be informed. This will be accommodated by the Mitigation Measure included in the CULTURAL ANALYSIS section of Exhibit 7 and as stipulated by the second mitigation measure of Exhibit 1.

**Recommended Conditions of Approval:**

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

**Conclusion Finding 3:**

Based on the above information, and with adherence to the Mitigation Measures, Conditions of Approval, and mandatory Project Notes, staff believes that the proposal will have no adverse effect upon surrounding properties. Finding 3 can be made.

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

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>General Plan Policy LU-E.1 (Agriculture and Land Use): County may allow rural commercial centers by discretionary permit subject to meeting the following criteria:</p> <p>Criteria LU-E.1. a.: Commercial uses should be clustered in centers instead of single uses.</p>	<p>General Plan Policy LU-E.1, criteria a. b. e. g. h. is met in that the project is a cluster of uses (convenience store, gasoline fueling facility; fast-food restaurant); will provide fueling and retail services to the surrounding rural residential area; will have a combined frontage of development on Belmont and</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>Criteria LU-E.1. b.: The use shall provide a needed service to the surrounding rural residential community which cannot be provided more efficiently within urban centers.</p> <p>Criteria LU-E.1. c.: To minimize proliferation of commercial centers and overlapping of trade areas, commercial centers should be located a minimum of two (2) miles from any existing or approved commercial use.</p> <p>Criteria LU-E.1. d.: New commercial uses should be located within or adjacent to existing centers.</p> <p>Criteria LU-E.1. e.: Commercial centers should not encompass more than one quarter (1/4) mile of road frontage, or one eighth (1/8) mile if both sides of the road are involved, and should not provide potential for development exceeding ten (10) separate business activities, exclusive of caretakers' residences.</p> <p>Criteria LU-E.1. f.: The center should be a minimum of two (2) miles from any agricultural commercial center, or designated rural settlement area, or the nearest existing or designated commercial area of any city or community, or newly established rural residential commercial centers.</p> <p>Criteria LU-E.1. g.: The center should be located at the corner of an intersection where at least one of the roads is classified as an arterial road on the Transportation and Circulation Element of the General Plan.</p> <p>Criteria LU-E.1. h.: Distance from other existing commercial zoning and uses should be considered when siting commercial centers.</p>	<p>Cornelia Avenues less than 660 feet or 1/8 of a mile; consist of two separate commercial uses (convenience store/fast-food restaurant with fueling facility); is located at the intersection of Belmont and Cornelia Avenues with Belmont Avenue classified as Arterial in the County General Plan</p> <p>General Plan Policy LU-E.1, criteria c. d. and f. is not met in that the project is not within or adjacent to an existing commercial facility and is located one-mile west of another approved commercial establishment (minimarket/convenience store)</p>
<p>Policy LU-G. 14: County shall not approve any discretionary permit for new urban development within a City's Sphere of Influence unless the development proposal has first been referred to the City for consideration of possible annexation pursuant to city/county memorandum of understanding</p>	<p>The project site is within the City of Fresno Sphere of Influence and was referred to the City for the consideration of possible annexation. The City elected not to annex the property at this time and released the project for County to process</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.</p>	<p>The project site is not located in a water-short area of Fresno County. Use of limited groundwater (1,200 gallons per day) will have no major impact on groundwater users in the area. The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning expressed no concerns related to availability or sustainability of water for the project. The project is consistent with this policy.</p>
<p>Policy PF-D.6: The County shall permit individual on-site sewage disposal systems on parcels that have the area, soils and other characteristics that permit installation of such systems without threatening surface or groundwater quality or posing any other health hazards and where community sewer service is not available and cannot be provided.</p>	<p>The City of Fresno nearest sanitary sewer main is a 45-inch sewer trunk located at 2,640 feet west of the project at the intersection of N. Polk and West Belmont Avenues. The City expressed no concerns regarding installation of an onsite septic system to serve the project. The system will be installed under permit and inspection by the Department of Public Works and Planning and Safety Section. The proposal meets this Policy.</p>
<p>General Plan Policy LU-G.1: The County acknowledges that the cities have primary responsibility for planning within their LAFCo-adopted spheres of influence and are responsible for urban development and the provision of urban services within their spheres of influence.</p>	<p>The project site is within the City of Fresno Sphere of Influence in Growth Area 2 of the City General Plan. Due to unavailability of a public water system in the area the project could connect to, the City deferred drilling of a new well on the property up to the County and the Fresno Irrigation District. As such, the project will rely on the use of groundwater and will drill a well.</p> <p>The City's nearest sanitary sewer main to serve the proposed project is 2,640 feet from the project site. The City expressed no concerns with the use of an onsite sewage disposal system. The proposal meets this policy.</p>
<p>General Plan Policy TR-A.7: The County shall assess fees on new development sufficient to cover the fair share portion of the development's impacts on the local and regional transportation system.</p>	<p>Per the Traffic Impact Study approved by the Design Division and Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, the project will pay its equitable share for the installation of traffic signals at various road intersections. The project will also pay the City of Fresno Traffic Signal</p>

Relevant Policies:	Consistency/Considerations:
	Mitigation Impact (TSMI) Fee per the City's Master Plan Schedule, Fresno Major Street Impact (FMSI) Fee and Regional Transportation Mitigation Fee (RTMF). The proposal meets this policy.

**Reviewing Agency Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: The project site is designated Rural Residential in the County General Plan. Policy LU-E.1 allows rural commercial centers by discretionary permit if criteria a-h of the said Policy are met. Policy LU-G. 14 requires new proposals within a City's SOI be referred to that City for possible annexation. Policy PF-C.17 requires water availability and sustainability for the project. Policy PF-D.6 requires installation of an individual on-site sewage disposal systems without having adverse effects on groundwater quality. Policy LU-G.1 requires cities to be sponisible for providing urban services within their spheres of influence. Policy TR-A.7 requires new development to pay a fair-share portion of the development's impacts on the local and regional transportation system.

**Analysis Finding 4:**

The project site is designated Rural Residential in the Fresno County General Plan and is located within City of Fresno Spheres of Influence.

Per the discussion above, the project is inconsistent with Criteria c. d. and f. of the Policy LU-A.3. The project, however, is consistent with Criteria a. b. e. g. h. of the same Policy. Speaking of inconsistency, the project is not within or adjacent to an existing commercial facility and is also located approximately one mile (more than two miles required) west of an existing approved commercial center (minimarket/convenience store) at the southeast corner of Belmont and Brawley Avenues.

Regarding consistency with Policy LU-G. 14, the project was referred to the city for consideration of possible annexation, and the City elected not to annex the property at this time and released the project for the County to process. Regarding consistency with Policy PF-C.17, the project will use limited groundwater (1,200 gallons per day) provided by an onsite well. Regarding consistency with Policy PF-D.6, and Policy LU-G.1, the project will install an individual onsite septic system due to unavailability of a community sewer system and will drill a well due to unavailability of a community water system. Regarding consistency with Policy TR-A.7, the project will pay its share for the installation of traffic signals at four road intersections in the vicinity of the project.

**Recommended Conditions of Approval:**

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

**Conclusion Finding 4:**

Given the above discussion and the project not meeting Criteria c. d. and f of Policy LU-A.3, staff believes the project is inconsistent with County General Plan. Finding 4 cannot be made.



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

**Analysis Finding 5:**

The proposed mitigation measures and conditions of approval were developed based on studies and consultation with specifically qualified staff, consultants, and outside agencies. They were developed to address the specific impacts of the proposed project and were designed to address the public health, safety, and welfare. Additional comments and project notes have been included to assist in identifying existing non-discretionary regulations that also apply to the project. The Applicant has signed an acknowledgement agreeing to the proposed mitigation measures and has not advised staff of any specific objection to the proposed conditions of approval.

**Conclusion Finding 5:**

Based on the above information, staff believes that the public health, safety and general welfare can be protected through the conditions of approval recommended for this project. Finding 5 can be made.

**PUBLIC COMMENT:**

None.

**SUMMARY CONCLUSION:**

Staff believes that the subject proposal to allow a Rural Commercial Center in the RR zone District is consistent with Finding 1, 2, 3 and 5 of the project. However, the project is inconsistent with Finding 4 as the project is with a mile of existing commercial development where a two-mile separation is required by General Plan Policies LU-A.3. c. d. and f.

**SUMMARY RECOMMENDATION:**

Staff recommends denial of the application based on the required Finding No. 4 not being able to be made.

**PLANNING COMMISSION MOTIONS:**

**Alternative Motion** (Denial Action)

- Move to determine that the required Finding 4 cannot be made as the project is in conflict with General Plan Policies LU-A.3. c. d. and f. and move to deny Classified Conditional Use Permit No. 3655; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

**Recommended Motion** (Approval Action)

- Move to adopt the Mitigated Negative Declaration based on Initial Study No. 7664; and
- Move to determine the required Finding can be made based on the analysis in the Staff Report with Finding 4 being made based on (state basis for making finding) and move to

approve Classified Conditional Use Permit No. 3655, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and

- Direct the Secretary to prepare a resolution documenting the Commission's action.

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

See attached Exhibit 1.

EA:jp

G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3600-3699\3655\SR\CUP 3655 SR (Final 12.8.21).docx

EXHIBIT 1  
**Mitigation Monitoring and Reporting Program**  
**Initial Study Application No. 7664**  
**Classified Conditional Use Permit Application No. 3655**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	All outdoor lighting shall be hooded and directed downward as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PWP)	On-going; for duration of the project
*2.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PWP	As noted
*3.	Energy	The idling of on-site vehicles and equipment will be avoided to the most extent possible to avoid wasteful or inefficient energy consumption during project construction.	Applicant	Applicant/PWP	As noted
*4.	Transportation	At the time of application for a Site Plan Review for the proposed use, the applicant shall enter into an agreement with the County of Fresno to participate on a pro-rata basis per acreage developed in the funding of future off-site traffic improvement defined in items a, b, c,	Applicant	Applicant/PWP	As noted

EXHIBIT 1

	<p>d below. The traffic improvement and the project's maximum pro-rata share is as follows:</p> <p>A. Install a traffic signal (one) at Olive and Cornelia Avenues. The project's fair share construction cost is \$7,676.00 (or 1.9%) of a total construction cost estimate of \$404,000.</p> <p>B. Install a traffic signal (one) at Belmont and Hayes Avenues. The project's fair share construction cost is \$14,136.00 (or 3.8%) of a total construction cost of \$372,000.</p> <p>C. Install a traffic signal (one) at Belmont and Cornelia Avenues. The project's fair share construction cost is \$16,968.00 (or 4.2%) for a total construction cost of \$404,000.</p> <p>Install a traffic signal (one) at Belmont and Blythe Avenues. The project's fair share construction cost is \$10,100.00 (or 2.5%) for a total construction cost of \$404,000</p>			
<b>Conditions of Approval</b>				
1.	Development of the property shall be substantially in accordance with the Site Plan, Elevations, and Operational Statement approved by the Planning Commission, including development of street and public improvements along the frontage of the project which may be deferred until requested by the County by entering into and recording a deferral agreement with the County on the property.			
2.	Prior to issuance of building permits, the project shall pay Traffic Signal Mitigation Impact (TSMI) Fee per the City's Master Plan Schedule, Fresno Major Street Impact (FMSI) Fee and Regional Transportation Mitigation Fee (RTMF) to the City of Fresno and provide proof of the payments to the County.			
3.	<p>Belmont Avenue fronting the project site is classified as Arterial in the County General Plan and has an existing right-of-way of 30 feet north of section line. The owner of the property shall record a document irrevocably offer an additional 18-foot right-of-way along Belmont Avenue per the Precise Plan Line Serial No. 91.</p> <p>Note: A Preliminary Title Report or Lot Book Guarantee is required before the irrevocable offer of dedication can be processed. The owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial re-conveyance, or any other document required to clear title to the property, shall be borne by the owner or developer.</p>			
4.	Cornelia Avenue fronting the project site is classified as Collector in the County General Plan and has an existing right-of-way of 40 feet west of section line per County Plat Book and approved Parcel Map No. 3101. The owner of the property shall record a document irrevocably offering an additional two (2) feet of right-of-way along Cornelia Avenue frontage of the property to meet the City of Fresno Public Works Standards.			

	Note: A Preliminary Title Report or Lot Book Guarantee is required before the irrevocable offer of dedication can be processed. The owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial re-conveyance, or any other document required to clear title to the property, shall be borne by the owner or developer.
5.	Prior to the issuance of building permits, the property owner shall record a document on the subject property incorporating the provisions of the County Right-To-Farm Notice (Fresno County Ordinance Code Section 17.04.100).
6.	Prior to the issuance of building permits an Air Impact Application (AIA) shall be filed and applicable off-site mitigation fee shall be paid to the San Joaquin Valley Air Pollution Control District if the District determines that proposed fast food restaurant exceeds 2,000 square feet commercial space and is subject to District Rule 9510.
7.	The project is subject to Senate Bill 1263 (SB 1263) and be permitted as a public water system by State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW). Prior to granting of occupancy to the proposed use, the project proponent shall obtain a public water system permit from SWRCB-DDW to operate a new well on the property.
8.	Compliance with Items 4, 5, 6, 7, 8, 9, and 11 from "Project Notes" shall be verified prior to the issuance of building permits and/or prior to granting occupancy to the use.

\*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.

EXHIBIT 1, Page 3

Notes	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of this approval, or there has been a cessation of the use for a period in excess of two years.
2.	Prior to the issuance of building permits, a Site Plan Review application shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include but not limited to the design of parking and circulation areas, wall/fencing, access, on-site grading and drainage, right-of-way dedications, fire protection, landscaping, signage, and lighting.
3.	The Fresno Irrigation District (FID) open canal (Houghton No. 78) runs westerly approximately 2,700 feet east of the project site and crosses the intersection of Belmont and Cornelia Avenues and FID Tracy No. 44 runs southerly traversing the east side of the subject property and crosses Belmont Avenue approximately 30 feet south of the subject property. Plans for any street and/or utility improvements along or in the vicinity of Blythe Avenue, Cornelia Avenue, Belmont Avenue shall require FID's review and approval. A Grading and Drainage Plan shall be provided to FID review and approval to ensure that the proposed development will not endanger the structural integrity of the pipeline/canal.
4.	The Fresno Metropolitan Flood Control District (FMFCD) requires the following:

Notes	
	<ul style="list-style-type: none"> <li>• The project shall pay drainage fees at such time development occurs on the property based on the fee rates in effect at that time.</li> <li>• All improvement plans for the construction of curb and gutter or storm drainage facilities shall be approved by FMFCD for conformance to the District Master Plan within the project area.</li> <li>• Site development shall not interfere with the operation and maintenance of the existing canal/pipeline on the property.</li> <li>• Temporary onsite storm drainage facility shall be provided until permanent service becomes available.</li> <li>• Construction activity shall secure a storm water discharge permit.</li> </ul>
5.	If the proposed fast-food restaurant exceeds 2,000 square feet of commercial space, the project proponent shall contact the San Joaquin Valley Air Pollution Control District to determine if the restaurant is subject to District Rule 9510. If subject to the rule, an Air Impact Assessment (AIA) application shall be filed with the District prior to the issuance of building permits.
6.	<p>As required by section 855-E.3.a of the Zoning Ordinance, a solid masonry wall not less than five (5) feet nor more than six (6) feet in height shall be constructed along the west property line between the commercial and any residential district. Given only a portion of the site is to be developed, a wall shall extend to the edge of the proposed development as depicted on the Site Plan (Exhibit 5)</p> <p>Note: This requirement shall be addressed through Site Plan Review.</p>
7.	<p>Any proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model water Efficient Landscape Ordinance (MWELO) and require submittal of Landscape and Irrigation Plans per the Governor's Drought Executive Order of 2015. The Landscape and Irrigation Plan shall be submitted to the Department of Public Works and Planning, Site Plan Review Unit for review and approval prior to the issuance of Building permit.</p> <p>Note: This requirement shall be addressed through Site Plan Review.</p>
8.	<p>To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none"> <li>• An Engineered Grading and Drainage Plan to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties and be retained on-site per County standards.</li> <li>• A grading permit prior to any site grading.</li> <li>• Onsite turn around for vehicles leaving the site to enter the arterial road (Belmont Avenue) in a forward motion.</li> <li>• Direct access to Belmont Avenue shall be limited to one common point.</li> <li>• Any proposed entrance gate shall be setback a minimum of 20 feet or from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.</li> </ul>
9.	<p>To address public health impacts resulting from the project, Fresno County Department of Public Health, Environmental Health Division (Health Department) requires the following:</p> <ul style="list-style-type: none"> <li>• A sewage feasibility analysis/engineered septic system shall be provided for the Health Department's review and approval and be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section.</li> </ul>

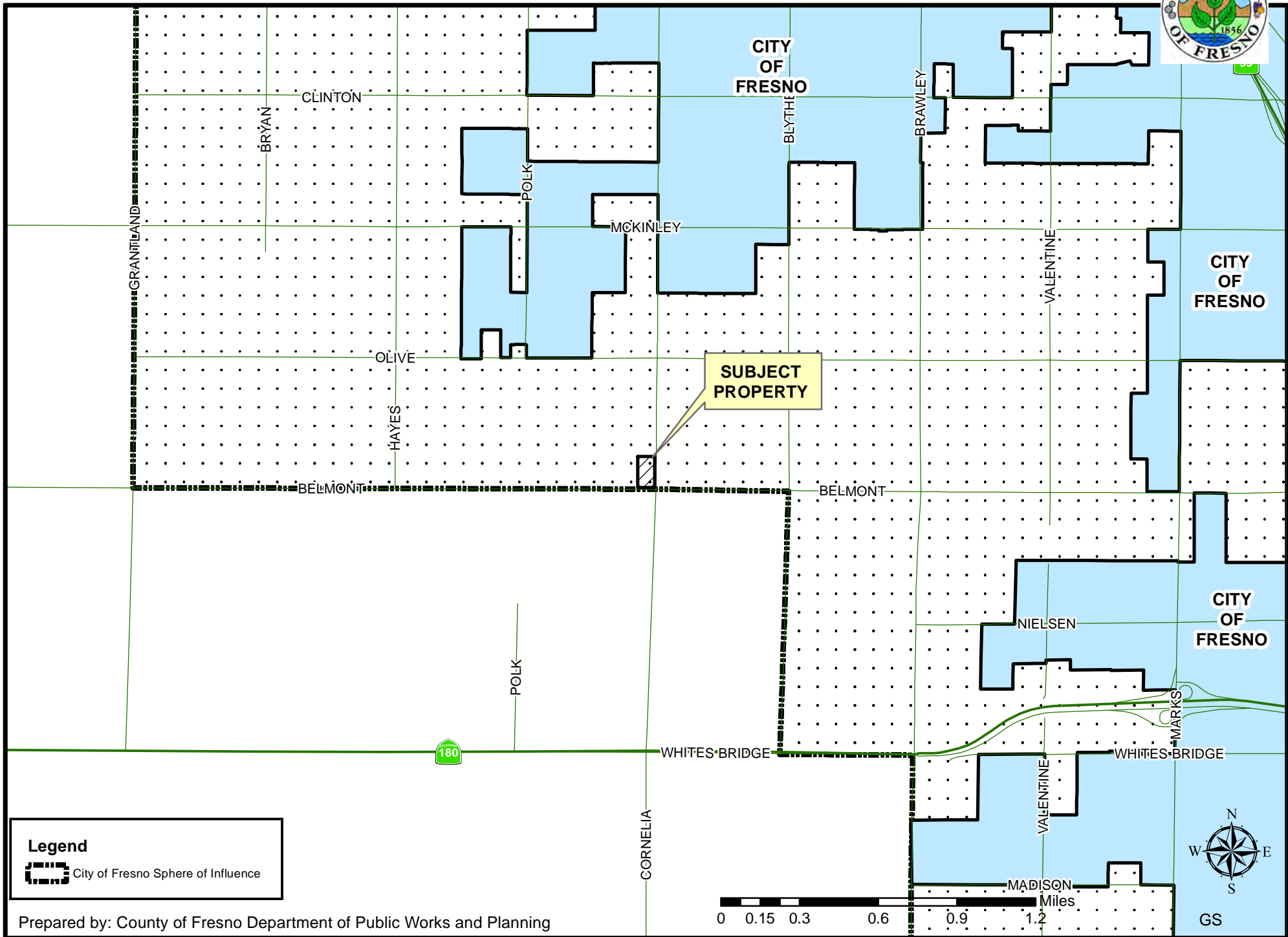
Notes	
	<ul style="list-style-type: none"> <li>• The location of the onsite sewage disposal area shall be identified and cordoned off to prevent vehicle traffic from driving over, causing damage and possible failure of the septic system.</li> <li>• The sewage disposal system serving the abandoned residence shall be properly destroyed under permit and inspection.</li> <li>• Prior to the operation of the fuel facility, a spill prevention control and countermeasure plan (SPCC) shall be required for aboveground petroleum storage tanks with greater than or equal to 1320-gallons of storage capacity.</li> <li>• 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.</li> <li>• Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan electronically pursuant to the HSC, Division 20, Chapter 6.95.</li> <li>• All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.</li> <li>• Waste Tire Haulers may require obtaining a permit from the California Department of Resources Recycling and Recovery.</li> <li>• A license to sell alcohol shall be obtained prior to the sale of alcohol on the property.</li> </ul>
10.	The project shall comply with California Code of Regulations Title 24 - Fire Code and California Code of Regulations Title 19. Prior to receiving North Central Fire Protection District (NCFPD) conditions of approval for the project, construction plans shall be submitted to the NCFPD's review and approval. It is the Applicant's responsibility to deliver a minimum of one set of plans to NCFPD.
11.	<p>To address public health impacts resulting from the project, The San Joaquin Valley Air Pollution Control District (District) requires the following:</p> <ul style="list-style-type: none"> <li>• The District's Small Business Assistance office shall be contacted regarding compliance with the District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review) and Authority to Construct (ATC) permit.</li> <li>• The project shall also comply with Regulation VIII Fugitive PM<sub>10</sub> Prohibitions, Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review) Rule 9510 (Indirect Source Review), Rule 4692 (Commercial Charbroiling, Rule 4002 (National emissions Standards for Hazardous Air Pollutants), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).</li> </ul>
12.	An encroachment permit shall be obtained from Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning for any work in the County road right-of-way and for the construction of the access drives to the site off Belmont and Cornelia Avenues.






EXHIBIT 2  
**LOCATION MAP**

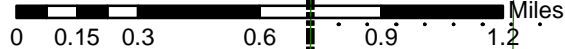
CUP 3655



**Legend**

 City of Fresno Sphere of Influence

Prepared by: County of Fresno Department of Public Works and Planning

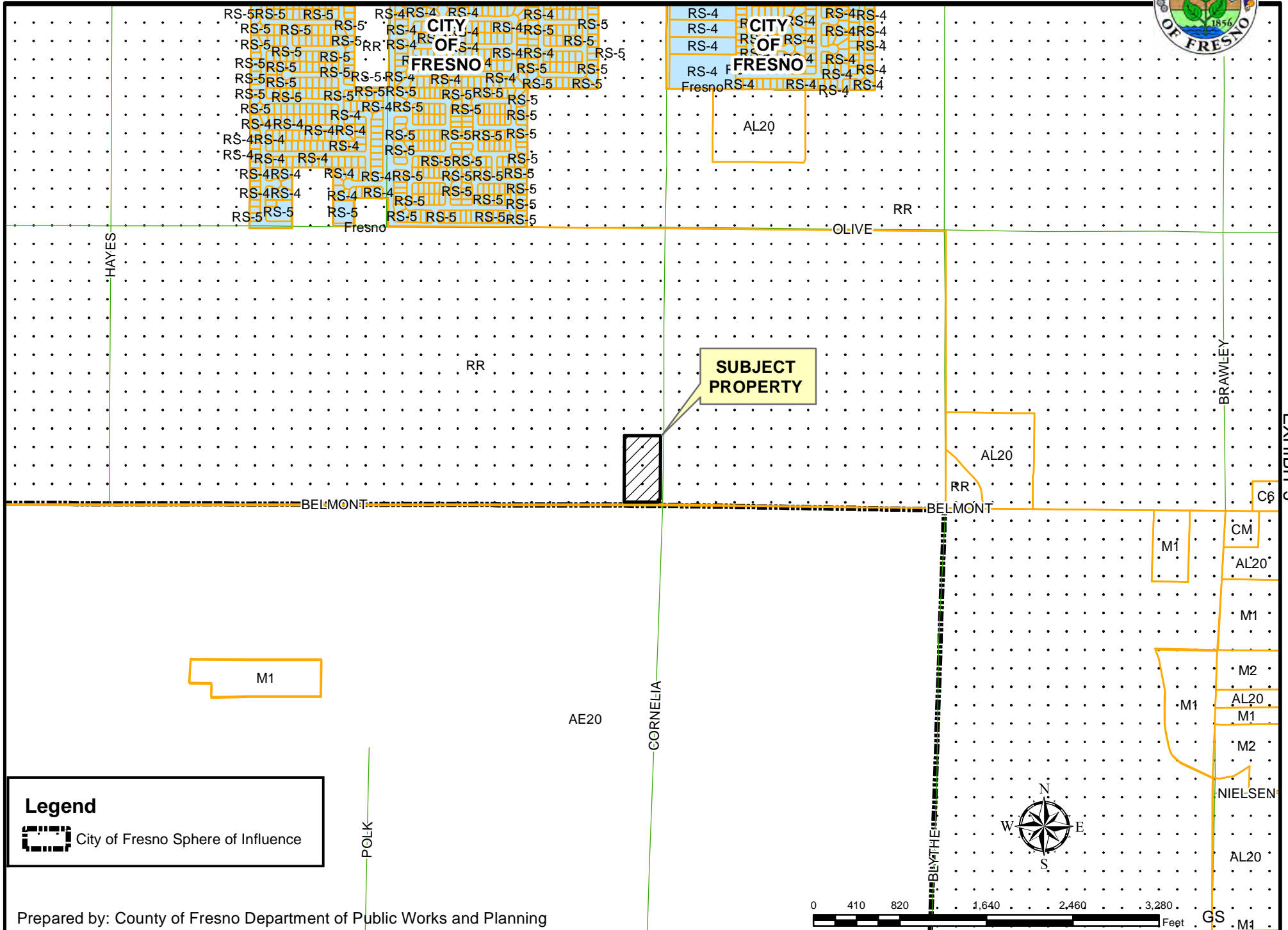


GS

EXHIBIT 2



EXHIBIT 3  
**EXISTING ZONING MAP**




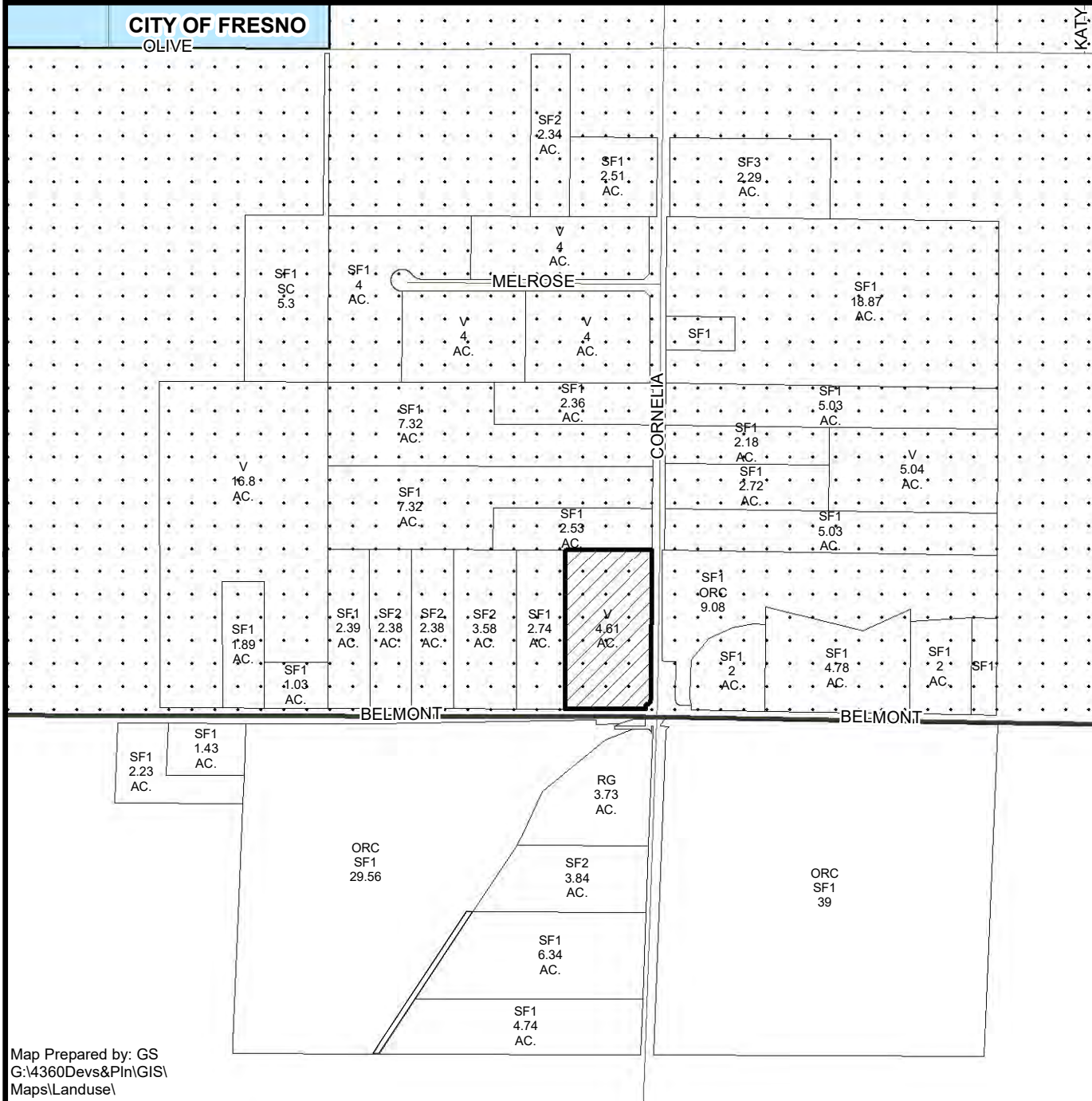
**Legend**  
 City of Fresno Sphere of Influence

EXHIBIT 3



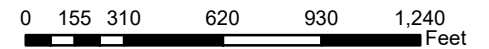
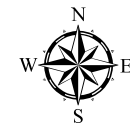
# EXHIBIT 4 EXISTING LAND USE MAP



LEGEND	
ORC	- ORCHARD
RG	- RESIDENTIAL GROUP FACILITY
SC	- SEASONAL CROP
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

LEGEND:

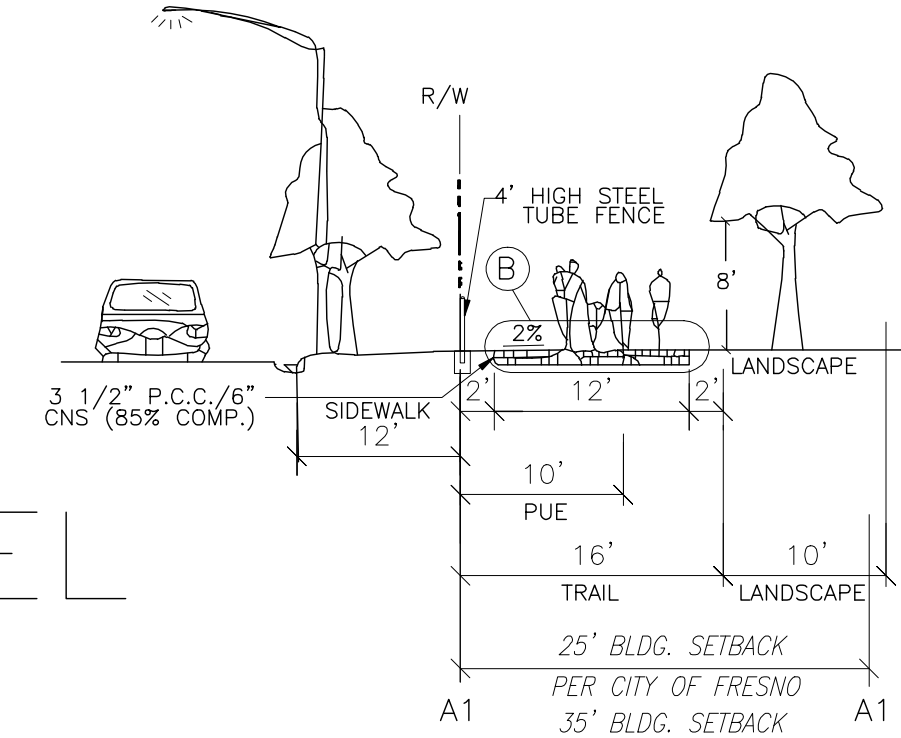
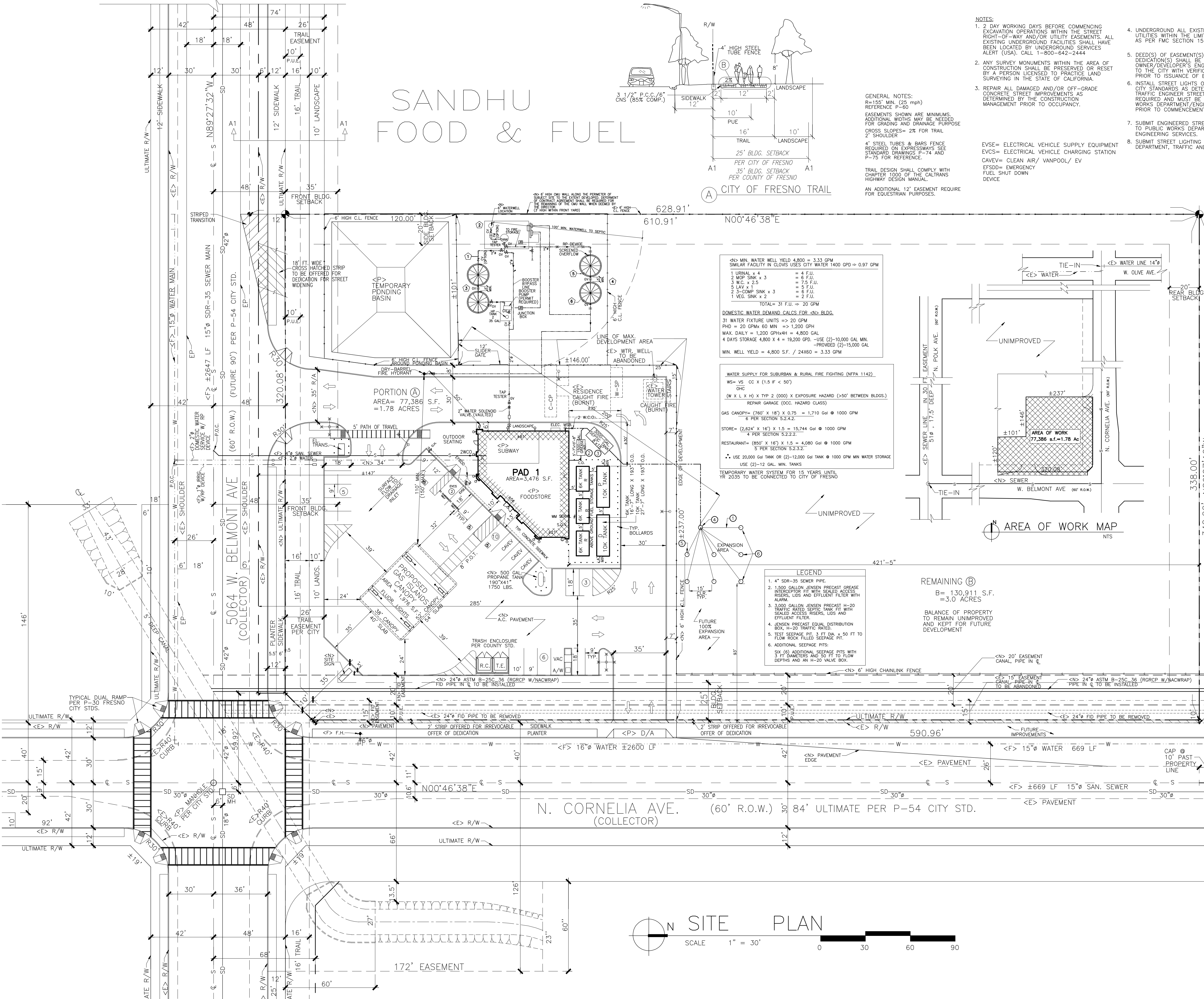
Subject Property



Department of Public Works and Planning  
Development Services Division



# EXHIBIT 5

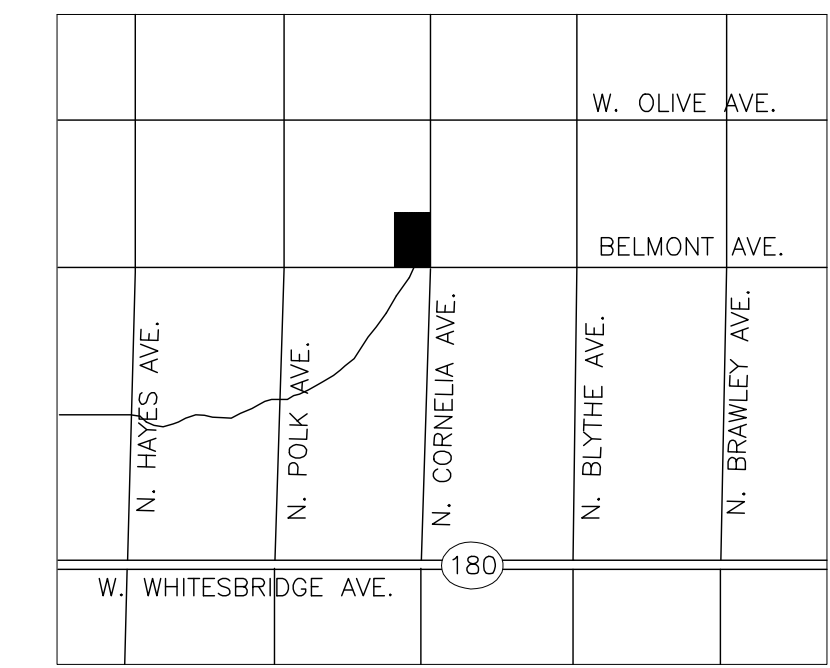


**NOTES:**

- 2 DAY WORKING DAYS BEFORE COMMENCING EXCAVATION OPERATIONS WITHIN THE STREET RIGHT-OF-WAY AND/OR UTILITY EASEMENTS. ALL EXISTING UNDERGROUND FACILITIES SHALL HAVE BEEN LOCATED BY UNDERGROUND SERVICES ALERT (USA). CALL 1-800-642-2444
- ANY SURVEY MONUMENTS WITHIN THE AREA OF CONSTRUCTION SHALL BE PRESERVED OR RESET BY A PERSON LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF CALIFORNIA.
- REPAIR ALL DAMAGED AND/OR OFF-GRADE CONCRETE STREET IMPROVEMENTS AS DETERMINED BY THE CONSTRUCTION MANAGEMENT PRIOR TO OCCUPANCY.

**GENERAL NOTES:**  
 R=150' MIN. (25 MPH)  
 REFERENCE P-50  
 EASEMENTS SHOWN ARE MINIMUMS. ADDITIONAL WIDTHS MAY BE NEEDED FOR GRADING AND DRAINAGE PURPOSES.  
 CROSS SLOPES= 2% FOR TRAIL  
 2' SHOULDER  
 4" STEEL TUBES & BARS FENCE REQUIRED ON EXPRESSWAYS SEE STANDARD DRAWINGS P-74 AND P-75 FOR REFERENCE.  
 TRAIL DESIGN SHALL COMPLY WITH CHAPTER 1000 OF THE CALTRANS HIGHWAY DESIGN MANUAL.  
 AN ADDITIONAL 12' EASEMENT REQUIRED FOR EQUESTRIAN PURPOSES.

**EVSE= ELECTRICAL VEHICLE SUPPLY EQUIPMENT**  
**EVCS= ELECTRICAL VEHICLE CHARGING STATION**  
**CAVEV= CLEAN AIR/ VANPOOL/ EV**  
**EFSSD= EMERGENCY FUEL SHUT DOWN DEVICE**



**VICINITY MAP**  
NOT TO SCALE

**LEGAL DESCRIPTION:**  
 THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA, COUNTY OF FRESNO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL 3 OF PARCEL MAP 3101, IN THE UNINCORPORATED AREA OF THE COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE THEREOF FILED FOR RECORD JUNE 8, 1976 IN BOOK 20 OF PARCEL MAPS, PAGE 75, FRESNO COUNTY RECORDS.

A.P.N. 312-390-13  
**PROJECT DATA**  
 AGENCY OF JURISDICTION: COUNTY OF FRESNO  
 ASSESSOR PARCEL NO.: 312-390-13  
 PROJ. ADDRESS: 5064 W. BELMONT AVE.  
 FRESNO, CA 93723

CURRENT ZONING: RR  
 SITE GROSS AREA: ±213,388 S.F. = 4.90 ACRES  
 AREA TO BE OFFERED AFTER DEDICATION: 5,091 S.F.  
 NET AREA AFTER DEDICATION: ±208,297 S.F. = 4.78 ACRES  
**PROPOSED AREA FOR DEVELOPMENT:**  
 PORTION (A): ±77,386 S.F. = 1.78 ACRES  
 REMAINING (B): ±130,911 S.F. = 3.0 ACRES

**PROPOSED PARKING STALLS:**  
 CAR PKG. (9'x18"-INCLUDING ADA) = 24 P.S.  
 8 UNDER CANOPY = 8 P.S.  
 32 P.S.

**PARKING REQUIRED: REQ'D**  
 1/200 (<1000S.F.) RESTAURANT= 5  
 1/200 FOODS STORE= 13  
 18 P.S., (1) ADA PKG. REQ., PROVIDED (2)

**CLEAN AIR/VANPOOL/EV 26-50 = 3 PKG. REQ. (INCLUDED ABOVE)**  
 EVCS 26-50 = 2

**PROPOSED USE: AUTOMOBILE SERVICE STATION & FOODSTORE**  
 W/ SUBWAY, ABOVE GROUND FUEL TANKS

**BLDG. AREAS:**

<E> RESIDENCE BURNED DOWN:	988 S.F.
FIRST FLR:	756 S.F.
SECOND FLR:	1,744 S.F.
<E> WATER TOWER BURNED DOWN:	160 S.F.
TOTAL TO BE REMOVED:	1,904 S.F.
<N> FOOD STORE:	2,624 S.F.
<N> SUBWAY:	852 S.F.
<N> GAS ISLAND CANOPY:	1,976 S.F.
(52'x38')	5,452 S.F.

OCCUPANCY: M  
 TYPE OF CONSTRUCTION: VB, 2B  
 <N> BUILDING COVERAGE:  
 5,452 S.F./207,070 S.F. = 0.026% x 100 = 2.60%

**REQ'D YARDS**  
 FRONT = 35' (BELMONT)  
 SIDE = 20'  
 REAR BLDG. = 20'  
 STREET SIDE = 25' (CORNELIA)  
 PREAPP# 39570

**OWNER/APPLICANT:**  
 DAULAT SANDHU  
 SANDHU TRANSPORT, INC.  
 P.O. BOX 15010  
 FRESNO CA, 93702  
 PH#: 559-347-4241  
 PRE APP#: 39570  
 EMAIL: d\_sandhu22@yahoo.com

DEC. 8, 2021
OCT. 18, 2021
OCT. 15, 2021
MAY 10, 2021
APRIL 23, 2021
JAN 25, 2021
JULY 16, 2020
REVISIONS

**PROJECT/LOCATION**  
 SANDHU FOOD & FUEL  
 BELMONT & CORNELIA NWC

**DRAWN BY**  
**AESTHETICS**  
 DESIGNS  
 PLANNING CONSULTATIONS/SITE PLANS  
 RESIDENTIAL COMMERCIAL  
 ELIAS SALIBA  
 ARCHITECT  
 A.I.A.C.S.I.L. SCSL, NSF  
 4668 W. PINE AVE., FRESNO, CA 93722  
 (559) 276-0479  
 eliasaliba468@COMCAST.NET

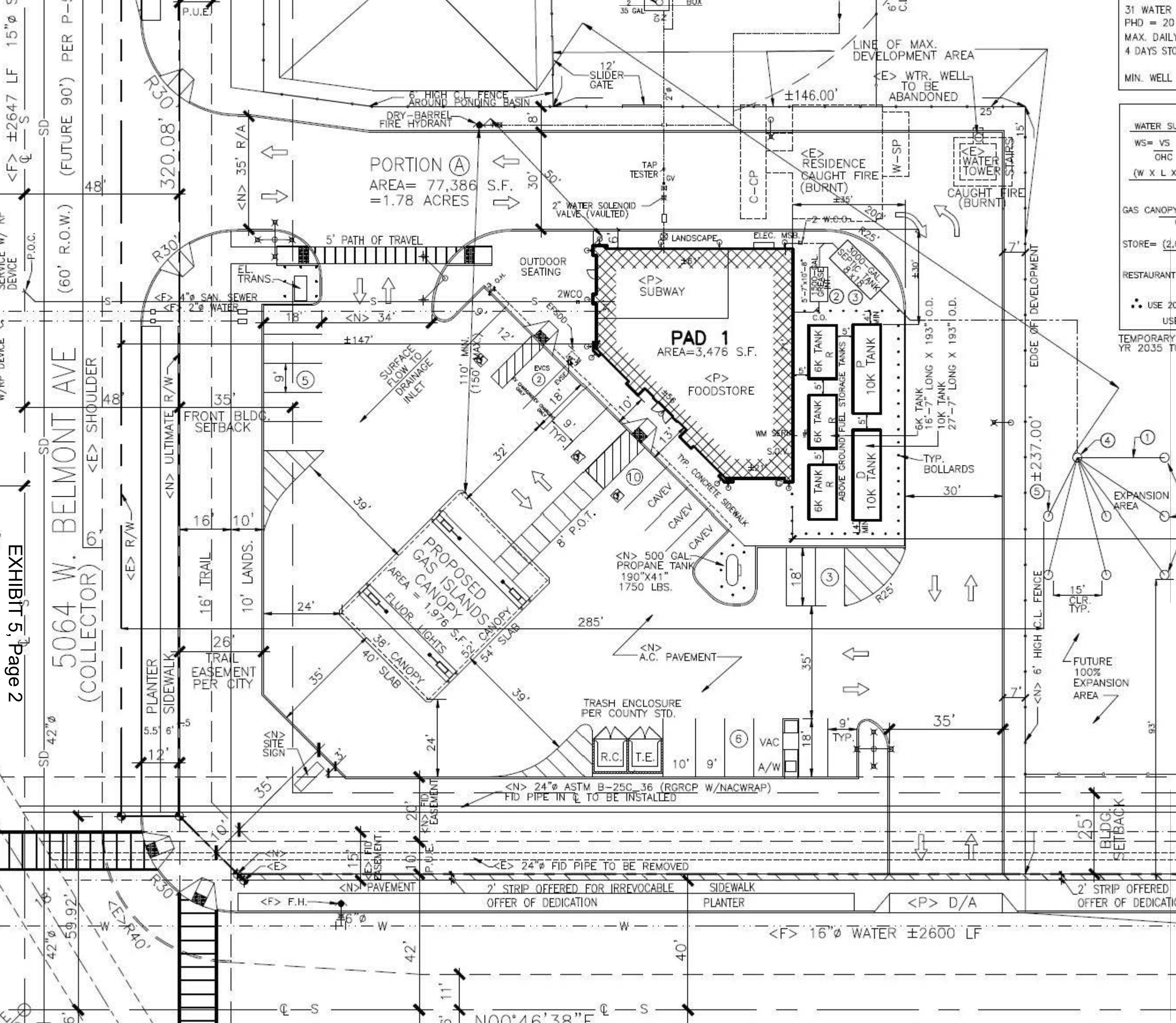
**SHEET CONTENTS**  
 SITE PLAN,

**SHEET NO.**  
 SP

EXHIBIT 5



5064 W. BELMONT AVE (COLLECTOR)



PORTION A  
AREA= 77,386 S.F.  
= 1.78 ACRES

PAD 1  
AREA= 3,476 S.F.

PROPOSED GAS ISLANDS CANOPY  
AREA = 1,976 S.F.  
FLUOR. LIGHTS

TRASH ENCLOSURE  
PER COUNTY STD.

3000-GAL SEPTIC TANK  
1500-GAL GREASE TRAP

6K TANK 5  
6K TANK 5  
6K TANK 5  
10K TANK  
10K TANK

<N> 24" Ø ASTM B-25C\_36 (RGRCP W/NACWRAP)  
FID PIPE IN Q TO BE INSTALLED

<E> 24" Ø FID PIPE TO BE REMOVED

<F> 16" Ø WATER ±2600 LF

31 WATER  
PHD = 20  
MAX. DAILY  
4 DAYS STO  
MIN. WELL

WATER SU  
WS= VS  
OHC  
(W X L X

GAS CANOPY  
STORE= (2,  
RESTAURANT

USE 20  
USE

TEMPORARY  
YR 2035 TO

EXPANSION  
AREA

FUTURE  
100%  
EXPANSION  
AREA







EXHIBIT 6  
**OPERATIONAL STATEMENT  
FOR PROPOSED FOOD & FUELING  
4 MPD'S GAS STATION,FOODSTORE, SUBWAY  
APN: 312-039-13. CORNELIA & BELMONT NWC, FRESNO**

Proposed 1,976 sf gas canopy with 4MPD's (multi pump dispenser), 38 MG Above ground fuel storage tanks (AST) 3,474 sf Food store including subway. Development to occupy 1.78 Ac while remaining portion of the 4.9 Acre property to remain unimproved.

1. Nature of the operation: customers in the area drive to store, buy fuel, pay at the pump or inside store, groceries, soda, milk, cigarettes, lotto, food.
2. Operation Time Limits: open your round, 7 days/week, 2 shifts per day, 5:00am to Midnight. No special activities.
3. Number of Customers: 200 customers /day as average. 300 maximum during busy Holidays, may drop in anytime, mostly early morning and afternoon.
4. Number of Employees: 3 persons per shift, total 6/day...
5. Service & Delivery Vehicles: 8 deliveries /week by vendor trucks.
6. Access to Site: <P> driveway off Cornelia & <P> driveway off Belmont.
7. Parking: <P> paved site 24 Parking stalls plus 8 under gas island canopy (32 total). Type of surfacing proposed Asphaltaceous concrete.
8. Goods Sales: Groceries, gas, beverages, beer, wine, dairy products, hot Mexican meals and Subway sandwiches.
9. Equipments used: WIF/WIC, cash register, soda machine, coffee maker... sandwich shop and serving equipments...
10. Supplies: Canned & frozen food, oil cans, groceries...stored on Gondolas accessible from aisles. Dairy products stored in WIC, frozen food in WIF. Dry storage on racks.
11. Unsightly appearance of use: no noise or odors anticipated. No glare or dust to be produced.
12. Solid Wastes: 150 LB/day of domestic garbage, 140 pounds of paper/card box, will be stored in a container and hauled by solid waste management twice/week.
13. Liquid waste: anticipated 800 gal/day of domestic liquid waste to proposed Public sewer line extension from existing line on Polk Ave.  
Water use: Estimated consumption 1,200 gal/day. Source proposed new water well replacing existing with onsite water storage tanks.
14. Advertising: site sign with fuel prices at street intersection corner. Building sign displaying business name/franchise brands.
15. Existing buildings: Existing 1,744 s.f. single family residence and existing 160 s.f. water tower on the site caught on fire and to be removed.
16. Building operation: Proposed food store for gas sales, Food & groceries. Subway sandwiches.
17. Outdoor lighting: <P> lighting fixtures mounted on building walls, canopy ceiling, and parking light poles, all hooded. No sound amplification systems to be used.
18. Landscaping: Proposed along streets and parking lot.
19. Fences: Proposed 6' high Chain link Fence around ponding basin and line of maximum area of development.





# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Daulat Sandhue
- APPLICATION NOS.: Initial Study No. 7664 and Classified Conditional Use Permit Application No. 3655.
- DESCRIPTION: Allow a Rural Commercial Center consisting of a convenience store/fast-food restaurant and a gasoline fueling facility (fuel island canopy with gasoline pumps) and related improvements on an approximately 1.78-acre portion of a 4.99-acre parcel in the RR (Rural Residential, two-acre minimum parcel size) Zone District.
- LOCATION: The project site is located on the northwest corner of W. Belmont and N. Cornelia Avenues approximately 2,190 feet south of the nearest city limits of the City of Fresno (5064 W. Belmont Avenue) (APN 312-390-13) (Sup. Dist. 1).

### I. AESTHETICS

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

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

FINDING: NO IMPACT:

The project site is developed with a single-family residence and related improvements. The site borders with Belmont and Cornelia Avenues which are not identified as scenic drives in the County General Plan. No scenic vistas or scenic resources including trees, rock outcroppings, or historic buildings were identified on or near the site that could potentially be impacted by the project. No impact on scenic resources would occur.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed improvements include a 3,476 square-foot building to house a convenience store/fast-food restaurant, a 1,976 square foot gasoline fueling facility with fuel dispensing pumps, paved parking and circulation area with ingress/egress from Belmont and Cornelia Avenues, onsite well and septic system, and a ponding basin.

The project site is to the west of and near the City of Fresno urban development. Limited active farming exists in the vicinity of the proposal; otherwise the area is mostly developed with single-family homes and related improvements.

Upon development of the property, the most visible structure from the site to surrounding areas will be the proposed single story 33 foot-tall building accommodating a convenience store /fast-food restaurant and a 19-foot-tall fuel canopy located within approximately 1.78-acre portion of a 4.99-acre project site. The proposed development will be compatible in height, design and construction with the similar commercial development in the area. The project will have a less than significant impact on the visual character of the site or its surroundings.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project will require outdoor lighting around the building, underneath fuel canopy and within parking and circulation areas. To minimize any light and glare impact resulting from this proposal, the project will adhere to the following Mitigation Measure.

\* **Mitigation Measure**

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

II. AGRICULTURAL AND FORESTRY RESOURCES

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

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

FINDING: NO IMPACT:

The project site is not prime farmland and is not enrolled in a Williamson Act Land Conservation Contract. The site is classified as Rural Residential Land on 2016 Fresno County Important Farmland Map. The subject proposal is not in conflict with Rural Residential zoning on the property and is an allowed use with discretionary land use approval and adherence to the applicable General Plan Policies.

- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forestland to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is not farmland or forest land. The project is appropriately allowed for RR zone district with the approval of subject conditional use permit and will not bring any significant physical changes to the area.

Given the active farming south and northeast of the project site, the Fresno County Agricultural Commissioner's Office requires that a "Right-to-Farm notice shall be recorded informing the occupants of the project site to accept the inconveniences and discomfort associated with normal farm activities. This requirement will be included as a Condition of Approval.

### III. AIR QUALITY

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

An Air Quality and Greenhouse Gas Analysis Report, was prepared for the project by Mitchell Air Quality Consulting, dated August 2, 2019 and was provided to the San

Joaquin Valley Air Pollution Control District (District) for comments. No concerns were received from SJVAPCD.

Construction and operation of the project would contribute the following criteria pollutant emissions: reactive organic gases (ROG), carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>).

As discussed in II. B below, emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> associated with the construction and operation of the project would not exceed the District's significance thresholds. Furthermore, as discussed in III. C below, the project would not result in CO hotspot that would violate CO standards. The project is consistent with the current AQP (Air Quality Plan) and the impact would be less than significant.

According to the San Joaquin Valley Air Pollution Control District, the project specific annual emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NO<sub>x</sub>), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SO<sub>x</sub>), 15 tons per year of particulate matter of 10 microns or less in size (PM<sub>10</sub>), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM<sub>2.5</sub>). The project will comply with all applicable rules and regulations (e.g. Regulation VIII Fugitive PM<sub>10</sub> Prohibitions, Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review) Rule 9510 (Indirect Source Review), Rule 4692 (Commercial Charbroiling, Rule 4002 (National emissions Standards for Hazardous Air Pollutants), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

- B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

The primary pollutants of concern during project construction and operation are ROG, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>. The San Joaquin Valley Air Pollution Control District (SJVAPCD) Guidance for Assessing, and Monitoring Air Quality Impacts (GAMAQI) adopted in 2015 contains threshold for CO, NO<sub>x</sub>, ROG, SO<sub>x</sub> PM<sub>10</sub> and PM<sub>2.5</sub>. The SJVAPCD's annual emission significance thresholds used for the project define the substantial contribution for both operational and construction emissions are 10 tons per year ROG, 10 tons per year NO<sub>x</sub> 100 tons per year CO, 27 tons per year SO<sub>x</sub>, 15 tons per year PM<sub>10</sub> and 15 tons per year PM<sub>2.5</sub>. The project does not contain sources that would produce substantial quantities of SO<sub>2</sub> emissions during construction and operation.

Per the Air Quality and Greenhouse Gas Analysis Report, the 2020 construction emissions (ton per year) associated with the project would be 0.03 for ROG, 0.19 for NO<sub>x</sub>, 0.15 for CO, and 0.01 for PM<sub>10</sub> and PM<sub>2.5</sub> which are less than the threshold of significance. Likewise, the operational emission over the life of the project, primarily



from mobile sources, would be 0.35 for ROG, 0.66 for NO<sub>x</sub>, 2.00 for CO, 0.26 for PM<sub>10</sub> and 0.07 for PM<sub>2.5</sub> which are also less than the threshold of significance.

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

C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Sensitive receptors are defined as hospitals, residences, convalescent facilities, and schools. The closest sensitive receptor, a single-family residence, is located approximately 186 feet south of the proposed gasoline fueling facility across Belmont Avenue.

Per the Air Quality and Greenhouse Gas Analysis Report, an analysis of maximum daily emissions during construction and operation of the project was conducted to determine if emissions would exceed 100 pounds per day for any pollutant of concern which include NO<sub>x</sub>, CO, PM<sub>10</sub> or PM<sub>2.5</sub>. The maximum daily construction emissions (pound per day) would be 23.42 for NO<sub>x</sub>, 8.56 for CO, 1.62 for PM<sub>10</sub> and 0.74 for PM<sub>2.5</sub> and would not exceed SJVAPCD screening thresholds for any pollutant.

Operational emissions are generated on-site by area sources such as consumer products, landscape maintenance, energy use, and onsite motor vehicle operation at the project site. Most motor vehicle emissions would occur distant from the site and would not contribute to a violation of ambient air quality standards, making the analysis highly conservative. Maximum daily air pollutant Emissions (pound per day) during operations (2020) would be 3.73 for NO<sub>x</sub>, 12.26 for CO, 1.47 for PM<sub>10</sub> and 0.41 for PM<sub>2.5</sub> and would not exceed SJVAPCD screening thresholds for any pollutant.

Localized high levels of CO are associated with traffic congestion and idling or slow-moving vehicles. Given the average daily project related trips generated, modeling to demonstrate that a CO hotspot is possible was not required for the project.

Project construction would involve the use of diesel-fueled vehicles and equipment that emit DPM (diesel particulate matter), which is considered a Toxic Air Contaminants (TAC). The SJVAPCD's latest threshold of significance for TAC emissions is an increase in cancer risk for the maximally exposed individual of 20 in a million.

The California Air Resources Board (ARB) recommends a 50-foot separation for typical gas dispensing facilities. The proposed fueling station (gas pumps) is located more than 96 feet from the nearest sensitive receptor (a residence). An analysis prepared using the SJVAPCD Health Risk Prioritization Screening Tool to determine if a health risk assessment would be required showed that the project cancer risk score result was 0.11 compared to the screening threshold of 10 and chronic and acute risk scores

were 0.0055 and 0.033 respectively compared to the screening threshold of 1. Health risk would be further minimized by the implementation of SJVAPCD Rule 4622 which limit emissions of gasoline vapors from storage tanks and from the transfer of gasoline into motor vehicle fuel tanks primarily through the installation of vapor recovery systems.

In conclusion, localized impacts from criteria pollutant emissions would not exceed SJVAPCD screening thresholds and that the project does not include substantial amounts of diesel equipment and truck trips that would result in a significant increase in cancer risk, chronic risk, and acute risk due to TAC emissions. The impacts would be less than significant.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Odor impacts on residential areas and other sensitive receptors, such as hospitals, day-care centers, and schools. The project is located near residences in an agricultural/ rural residential area where similar odors are common.

Per the SJVAPCD, gasoline fueling station is not a common land use type that is known to produce odors in the Air Basin. The common odor producing land uses are landfills, transfer stations, sewage treatment plants, wastewater pump stations, composting facilities, feed lots, coffee roasters, asphalt batch plants, and rendering plants. The project would not engage in any of these activities. Therefore, the project would not be considered a generator of objectionable odors during operations.

During construction, the various diesel-powered vehicles and equipment in use on-site would create localized odors. These odors would be temporary and would not likely be noticeable for extended periods of time beyond the project's site boundaries. The potential for diesel odor impacts would therefore be less than significant.

#### IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- C. Has a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

FINDING: NO IMPACT:

The project site is located on the outskirts of the City of Fresno and is surrounded by rural residential development. The site is fallow and disturbed with prior farming operations and improvements related to a single-family residence. The neighboring parcel are also pre-disturbed with residential development and farming, and as such does not provide habitat for state or federally listed species. Further, the site contains no riparian features or wetlands or waters under the jurisdiction of the United States.

The project was routed to the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service for review and comments. Neither agency commented on the project.

- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: NO IMPACT:

No wildlife or fish movement features (e.g., waterways, arroyos, ridgelines) or any wildlife nursery sites are present on the property. No impact to these resources would occur.

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

FINDING: NO IMPACT:

The project will not conflict with any local policies or ordinances protecting biological resources and is not subject to the County tree preservation policy or ordinance.

- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

The project site is within an area covered by the PG&E San Joaquin Valley Operation and Maintenance Habitat Conservation Plan (HCP) which applies only to PG&E's activities and not the subject proposal.

## V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or

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

FINDING: NO IMPACT:

The project site is not in an area determined to be highly or moderately sensitive to archeological resources. The Native Americans Heritage Commission conducted a Sacred Lands Search for the project site and reported negative results in its search for any sacred sites. However, given the discussion in TRIBAL CULTURAL RESOURCES in Section XVIII of this report, in the unlikely event cultural resources are discovered during ground disturbance, the following Mitigation Measure, when implemented, will reduce the impacts on cultural resources to less than significant.

\* **Mitigation Measure**

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

VI. ENERGY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:

The project is unlikely to result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources. To minimize the potential for wasteful or inefficient consumption of energy resources, the project will require adherence to the following Mitigation Measure.

\* **Mitigation Measure**

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

VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
  1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
  2. Strong seismic ground shaking?
  3. Seismic-related ground failure, including liquefaction?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 9-5 of the Fresno County General Plan Background Report, the project site is in an area which has 10 percent probability of seismic hazard in 50 years with peak horizontal ground acceleration of zero to 20 percent. The project development would be subject to building standards, which include specific regulations to protect improvements against damage caused by earthquake and/or ground acceleration.

4. Landslides?

FINDING: NO IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 7-3 of the Fresno County General Plan Background Report, the project site is not in an area of erosion hazards. Grading activities resulting from this proposal may result in loss of some topsoil due to compaction and overcovering of soil to prepare for the foundation for building and parking. However, the impact would be less than significant with Project Notes requiring approval of an Engineered Grading and Drainage Plan and securing a Grading Permit prior to the site grading.

- C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

FINDING: NO IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the City of Fresno, Department of Public Utilities, the nearest sanitary sewer main to serve the proposed project is a 45-inch sewer trunk located approximately 2,640-feet to the west of the site at the intersection of N. Polk and West Belmont Avenues.

The City of Fresno did not express any concerns regarding the use of an individual septic system for the project. The project will utilize onsite sewage disposal system.

Per the comments provided by the Fresno County Department of Public Health, Environmental Health Division (Health Department), the project will be subject to the following requirements included as Project Notes: 1) the applicant shall submit a sewage feasibility analysis/engineered septic system for the Health Department for review and approval and install the system under permit and inspection by the Department of Public Works and Planning Building and Safety Section; 2) the location of the onsite sewage disposal area shall be identified and cordoned off to prevent vehicle traffic from driving over, causing damage and possible failure of the septic system; and 3) the sewage disposal system serving the abandoned residence shall be properly destroyed under permit and inspection.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section V. CULTURAL RESOURCES above.

## VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

An Air Quality and Greenhouse Gas Analysis Report completed by Mitchell Air Quality Consulting, dated August 2, 2019, estimated project GHG emissions for construction and operation using the California Emissions Estimator Model (CalEEMod) version 2016.3.2 [California Air Pollution Control Officers Association (CAPCOA) 2017], which is the most current version of the model approved for use by SJVAPCD.

The total GHG emission generated during all phases of construction for 2020 is 26.24 metric tons of CO<sub>2</sub> per year. However, in order to account for the construction emissions, amortization of the total emission generated during construction based on 30-year life of the development amounts to 0.87 metric tons of CO<sub>2</sub> per year which is less than significant.

The total GHG emission generated during operation of the project would be approximately 373.94 metric tons of CO<sub>2e</sub> under Business As Usual (BAU) and 274.86 metric tons of CO<sub>2</sub> for year 2020. The project would achieve a reduction of 26.5 percent from BAU which is 4.8 percent beyond the 21.7 percent average reduction required by Assembly Bill (AB) 32 targets (AB 32 requires GHGs emitted in California be reduced to 1990 levels by the year 2020). Likewise, the total GHG emission generated during operation of the project would be approximately 373.94 metric tons of CO<sub>2e</sub> under Business As Usual (BAU) and 199.04 metric tons of CO<sub>2</sub> for year 2030. The project would achieve a reduction of 48.6 percent from BAU which is 21.5 percent beyond the 21.7 percent average reduction required by AB 32 targets. The project is consistent with the 2017 Scoping Plan and will contribute a reasonable fair-share contribution (through compliance of Title 24 and CALGreen; regulations on energy production, fuels, and voluntary actions to improve energy efficiency in existing development) to achieving 2030 target.

- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Adopted in 2006, Assembly Bill (AB) 32 focuses on reducing Greenhouse Gases to 1990 levels by the year 2020. Pursuant to the requirements in AB 32, the Air Resources Board (ARB) adopted the Climate Change Scoping Plan in 2008, which outlines actions recommended to obtain that goal. The Scoping Plan calls for reduction in California's GHG emissions, cutting approximately 30 percent (currently 21.7 percent) from BAU emission levels projected for 2020 to achieve AB 32 targets. The Scoping Plan contains a variety of strategies to reduce the State's emissions. The project is consistent with most of the strategies contained in the Scoping Plan while others are not applicable to the project.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or
- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As noted above, the project entails construction of a convenience store/fast-food restaurant and a gasoline fueling facility on an approximately 1.78-acre portion of a 4.99-acre parcel.

The Fresno County Department of Public Health, Environmental Health Division (Health Department) reviewed the proposal and requires the following as Project Notes: 1) Prior to the operation of the fuel facility, a spill prevention control and countermeasure plan (SPCC) shall be required for aboveground petroleum storage tanks with greater than or equal to 1320-gallons of storage capacity; 2) 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; 3) any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan electronically pursuant to the HSC, Division 20, Chapter 6.95; 4) All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5; and 5) Waste Tire Haulers may require to obtain a permit from the California Department of Resources Recycling and Recovery.



Furthermore, demolition of existing residence and/or any other structures on the property shall be subject to the following requirements: 1) should the structure have an active rodent or insect infestation, the infestation shall be abated prior to remodel of the structure in order to prevent the spread of vectors to adjacent properties; 2) if asbestos-containing materials are encountered, the San Joaquin Valley Air Pollution Control District shall be contacted; 3) if a structure was constructed prior to 1979 or if lead-based paint is suspected to have been used in these structures, then prior to remodel work the California Department of Public Health, Childhood Lead Poisoning Prevention Branch, United States Environmental Protection Agency, Region 9, State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) shall be contacted; and 4) any construction materials deemed hazardous as identified in the demolition process must be characterized and disposed of in accordance with current federal, state, and local requirements.

The project is not within one-quarter mile of an existing school. The nearest school, McKinley Elementary School, is approximately 0.9 miles northeast southeast of the project site.

- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

FINDING: NO IMPACT:

According to the search results of the U.S. EPA's NEPAAssist Tool, the project site is not listed as a hazardous materials site. The project will not create hazards to the public or the environment.

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

FINDING: NO IMPACT:

Per the Fresno County *Airport Land Use Compatibility Plan Update* adopted by the Airport Land Use Commission (ALUC) on December 3, 2018, the nearest public airport, Fresno Chandler Executive Airport, is approximately 3.1 miles southeast of the project site. At that distance, the airport will not result in a safety hazard or excessive noise for people visiting the project site.

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

FINDING: NO IMPACT:

The project site is in an area where existing emergency response times for fire protection, emergency medical services, and sheriff protection meet adopted standards. The project does not include any characteristics (e.g., permanent road closures) that

would physically impair or otherwise interfere with emergency response or evacuation in the project vicinity. These conditions preclude the possibility of the proposed project conflicting with an emergency response or evacuation plan. No impacts would occur.

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

FINDING: NO IMPACT:

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

## X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: NO IMPACT:

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

The Regional Water Quality Control Board, Central Valley Region reviewed the proposal and expressed no concerns related to groundwater quality.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW), the project will meet the definition of transient non-community public water system, shall comply with Senate Bill 1263 (SB 1263), and be permitted by SWRCB-DDW as a public water system. As part of SB 1263, the applicant has provided technical report to SWRCB-DDW satisfaction making the case that there is no nearby public water system the project could connect to. The project will require drilling of a new well on the property to provide 1200 gallons of water per day to meet the project demand and will also obtain a public water system permit form SWRCB-DDW to operate it.

According to the City of Fresno, Department of Public Utilities, Planning, and Engineering, the project is in Growth Area 2 of the City of Fresno formally named South East Growth Area (SEGA) service zone. According to the Ground Water Sustainability Act (GWSA) of 2014, SEGA was split in Growth Area 1 and Growth Area 2 to promote

inner city development and to limit the expansion growth in outer city limits thus reducing ground water pumping. The Growth Area 2, within which the project site is located, is not allowed new development until the year 2035. Furthermore, presently there are no water main line in the immediate area the project could connect to.

According to the Water and Natural Resources Division (WNRD) of the Fresno County Department of Public Works and Planning the project will use limited water, is not within an area of the County defined as being a water short area, and expressed no concerns with the availability/sustainability of water for the project. To conserve water, a Condition of Approval will require that all new landscaping for the property shall comply with MWELo (Model Water Efficient Landscape Ordinance) standards to conserve water.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

No natural drainage channels run through the project site. Fresno Irrigation District (FID) open canal (Houghton No. 78) runs westerly approximately 2,700 feet east of the project site and crosses the intersection of Belmont and Cornelia Avenues. Likewise, FID's Tracy No. 44 runs southerly traversing the east side of the subject property and crosses Belmont Avenue approximately 30 feet south of the subject property. A Project Note would require that; 1) any street and/or utility improvement plans along Blythe Avenue, Cornelia Avenue, Belmont Avenue, or in the vicinity of this pipeline/canal, shall require FID's review and approval; and 2) a Grading and Drainage Plan shall be provided to ensure that the proposed development will not endanger the structural integrity of the pipeline/canal.

As noted in Section VII. B. Geology and Soils above, any changes to the existing drainage pattern resulting from this proposal will require review and approval of an Engineered Grading and Drainage Plan by and a Grading Permit from the Development Engineering Section of the Development Services Division. Additionally, any run-off generated by the site development will be required to be retained on site per County Standards.

The project site lies within the Fresno Metropolitan Flood Control District (FMFCD) drainage area "CK" and shall be subject to the following requirements included as Project Notes: 1) the project shall pay drainage fees at the time of development based on the fee rates in effect at that time; 2) storm drainage patterns for the development shall conform to the District Master Plan; 3) all improvement plans for any proposed construction of curb and gutter or storm drainage facilities shall be reviewed and approved by FMFCD for conformance to the District Master Plan within the project area; 3) site development shall not interfere with the operation and maintenance of the existing canal/pipeline on the property; 4) temporary storm drainage facility be provided on the property until permanent service becomes available; and 5) construction activity shall secure a storm water discharge permit.

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

FINDING: NO IMPACT:

According to the Federal Emergency Management Agency (FIRM) Panel 1545H, the project site is not subject to flooding from the 100-year storm.

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

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern with the application to indicate that the project will conflict with or obstruct implementation of a water quality control plan or sustainable management plan.

## XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project will not divide the established communities of Fresno. The project site is outside the City boundaries.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject property is designated Rural Residential in the Fresno County General Plan and is within the City of Fresno Sphere of Influence (SOI). The project was referred to

the City for possible annexation, but the City elected to not pursue annexation at this time. The City of Fresno General Plan designates the site as Medium Density Residential planned land use and is not consistent with the County General Plan.

The Fresno County General Plan allows non-agricultural uses on Rural Residential land provided applicable General Plan policies are met.

General Plan Policy LU-E.1, criteria a. b. e. g. h. is met in that the project is a cluster of uses (convenience store with a and gasoline fueling facility; fast-food restaurant) at one location; will provide fueling and retail services for the surrounding area comprised of rural residential development; will have a combined frontage of the development on Belmont and Cornelia Avenues less than 660 feet (1/8 of a mile) and consist of two separate commercial uses (convenience store with fueling facility and a restaurant); is located at the intersection of one of the two streets (Belmont Avenue) classified as Arterial in the County General Plan. Criteria c. d. and f. of the Policy is not met in that the project is not within or adjacent to an existing commercial facility and is located one-mile (more than two miles required) west of an existing approved commercial center – a minimarket.

Policy LU-G. 14 is met in that the project site is in the City of Fresno Sphere of Influence, was referred to the city for consideration of possible annexation, the City elected to not annex the property and released it to be processed in the County of Fresno.

## XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- B. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: NO IMPACT:

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

## XIII. NOISE

Would the project result in:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project has the potential to expose nearby residents to elevated noise levels during construction. A Project Note would require that all construction related noise shall adhere to the Fresno County Noise Ordinance.

- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

See discussion in Section IX, E. above.

XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure); or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

The project will not induce population growth in the area. No housing is proposed by this application.

XV. PUBLIC SERVICES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the North Central Fire Protection District (NCFPD), the project shall comply with California Code of Regulations Title 24 – Fire Code and California Code of Regulations Title 19 and construction plans shall be submitted to the County prior to

receiving NCFPD conditions of approval for the project. This requirement will be included as a Project Note.

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

FINDING: NO IMPACT:

The project will not impact the existing public services or result in the need for additional public services related to police protection, schools, or parks.

#### XVI. RECREATION

Would the project:

- A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: NO IMPACT:

The proposed project will not induce population growth which may require construction of new or expanded recreational facilities in the area.

#### XVII. TRANSPORTATION

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:

The project will not conflict with any policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. The project area is rural in nature and is not planned for any transit, bikeways, or pedestrian facilities per the Transportation and Circulation Element of the Fresno County General Plan.

The Design Division of the Fresno County Department of Public Works and Planning reviewed the project and required that a Traffic Impact Study (TIS) shall be prepared to assess the project's potential impacts to County and State roadways.

Peters Engineering Group prepared a Traffic Impact Study (TIS), dated March 23, 2021 which determined the following:

The proposed project is a local-serving use and will not be a regional retail destination drawing trips from distant areas. The study intersections are currently operating at acceptable LOS (Level of Service) during the weekday peak hours with acceptable calculated 95th -percentile queues. With construction of the project and other pending projects, the study intersections are expected to continue to operate at acceptable LOS during the weekday peak hours with acceptable calculated 95th -percentile queues. Therefore, the project will not cause or contribute to the need for construction of improvements.

Furthermore, all four of the study intersections (included in the City of Fresno TSMI fee program) are expected to operate at LOS F during the weekday peak hours by the year 2040 (with or without the Project) and will require signalization to operate at acceptable LOS. The project may be required to contribute to the City of Fresno TSMI fee program or otherwise contribute a fair share of the cost of the future construction to account for its share of the cumulative traffic issue. A left-turn lane at the site access driveway on Cornelia Avenue is not warranted based on the year 2040 volumes; however, a left-turn lane at the site access driveway on Belmont Avenue is warranted based on the year 2040 volumes. Considering the Arterial designation of Belmont Avenue and the proximity of the driveway to Cornelia Avenue, it is likely that future construction of a median would not accommodate a left-turn lane from Belmont Avenue.

The Design Division and the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning and the California Department of Transportation (Caltrans) reviewed and identified no concerns with TIS. The project will pay its fair share as identified in the TIS for offsite improvements and has been included as Mitigation Measures below:

\* **Mitigation Measures:**

1. *At the time of application for a Site Plan Review for the proposed use, the applicant shall enter into an agreement with the County of Fresno to participate on a pro-rata basis per acreage developed in the funding of future off-site traffic improvement defined in items a, b, c, d below. The traffic improvement and the project's maximum pro-rata share is as follows:*

a. *Install a traffic signal (one) at Olive and Cornelia Avenues. The project's fair share construction cost is \$7,676.00 (or 1.9%) of a total construction cost estimate of \$404,000.*



- b. *Install a traffic signal (one) at Belmont and Hayes Avenues. The project's fair share construction cost is \$14,136.00 (or 3.8%) of a total construction cost of \$372,000.*
- c. *Install a traffic signal (one) at Belmont and Cornelia Avenues. The project's fair share construction cost is \$16,968.00 (or 4.2%) for a total construction cost of \$404,000.*
- d. *Install a traffic signal (one) at Belmont and Blythe Avenues. The project's fair share construction cost is \$10,100.00 (or 2.5%) for a total construction cost of \$404,000.*

*The County shall update cost estimates for the above specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall annually adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering News Record (ENR) 20 Cities Construction Cost Index.*

The subject proposal is within City of Fresno Sphere of Influence. The City of Fresno Public Works Department, Traffic Operations & Planning Division, also commented on the TIS with regards to traffic impact on City roadways/intersections and requires the following as a Conditions of Approval: 1) the project shall pay Traffic Signal Mitigation Impact (TSMI) Fee per the City's Master Plan Schedule, Fresno Major Street Impact (FMSI) Fee and Regional Transportation Mitigation Fee (RTMF) prior to issuance of building permits

Per the Development Engineering comments on the project, Belmont Avenue is classified as Arterial and Cornelia Avenue is classified as Collector in the County's General Plan and requires additional road right-of-way according to Precise Plan Line Serial No. 91. Currently, Belmont Avenue has an existing right-of-way of 30 feet north of section line and Cornelia Avenues has an existing right-of-way of 40 feet west of section line. A Condition of Approval would require that additional right-of-way shall be provided along parcel frontage to meet the ultimate right-of-way for these streets.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The State of California Governor's Office of Planning and Research document entitled *Technical Advisory on Evaluating Transportation Impacts* in CEQA dated December 2018 (OPR Technical Advisory) indicates that projects that generate or attract fewer than 110 trips per day generally may be presumed to cause a less-than-significant transportation impact. The OPR Technical Advisory states: "By adding retail

opportunities into the urban fabric and thereby improving retail destination proximity, local-serving retail development tends to shorten trips and reduce VMT.

The California Department of Transportation (Caltrans) stated that the project is a locally serving retail business. Such business typically reduces vehicle travel by providing a more proximate retail destination and is presumed to have a less than significant impact on vehicle miles traveled. As such, the project would create a less than-significant transportation impact.

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

FINDING: NO IMPACT:

The project site borders with Cornelia and Belmont Avenues. The design of the proposed facility includes no sharpe curves. The site sits at the corner of Belmont and Cornelia Avenues will gain access off these streets without creating any traffic hazards. As noted above, the project will be subject to providing additional right-of-way for Brawley Avenue.

- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

The project design provides for adequate number of access for general and emergency use. The proposed facility will sue access drives off Cornelia Avenue and off Belmont Avenue for ingress and egress.

The Fresno County Fire Protection District (District) expressed no concerns related to the site emergency access. The District will conduct additional review prior to the issuance of building permits.

## XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is not in an area determined to be highly or moderately sensitive to archeological resources. Pursuant to Assembly Bill (AB) 52, project information was routed to the Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, Table Mountain Rancheria and Santa Rosa Rancheria Tachi Yokut Tribe offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No tribe requested for consultation, resulting in no further action on the part of the County. However, Table Mountain Rancheria (TMR) requested that in the unlikely event that cultural resources are identified on the property, the Tribe should be informed. As such, the Mitigation Measure included in the CULTURAL ANALYSIS section of this report will reduce impact to tribal cultural resources to less than significant.

#### XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VII. E. GEOLOGY AND SOILS above. The project will not result in the relocation or construction of new electric power, natural gas, or telecommunications facilities.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals:  
or
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project development will not generate solid waste more than the capacity of local landfill sites.

All solid wastes produced by the proposed facility will be collected for the local landfill through regular trash collection service and will adhere to local and state standards for disposal of solid wastes.

## XX. WILDFIRE

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

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

FINDING: NO IMPACT:

The project site is not in or near state responsibility area or land classified as very high fire hazard severity zones. The North Central Fire Protection District expressed no concerns related to fire hazard.

## XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will have no impact on biological resources. Impacts on cultural resources have been reduced to a less than significant level with the incorporation of a Mitigation Measure discussed in Section V. CULTURAL RESOURCES above.

- B. Have impacts that are individually limited, but cumulatively considerable (“cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Air Pollution Control District, and California Code of Regulations Fire Code at the time development occurs on the property. No cumulatively considerable impacts relating to Agricultural and Forestry Resources, Air quality, Greenhouse Gas Emission or Transportation were identified in the project analysis. Impacts identified for Aesthetics, Cultural Resources, Energy and Transportation will be mitigated by compliance with the Mitigation Measures listed in Sections I., Section V, Section VI and Section XVII of this report.

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

FINDING: NO IMPACT:

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

## CONCLUSION/SUMMARY

Based upon Initial Study No. 7664 prepared for Classified Conditional Use Permit Application No. 3655, 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 biological resources, mineral resources, population and housing, recreation, or wildfire.

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

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

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

EA:

G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3600-3699\3655\IS-CEQA\CUP 3655 IS wu.docx

**EXHIBIT 8**

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: IS 7664	<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>	County Clerk File No: <b>E-</b>	
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Ejaz Ahmad, Planner	Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): <b>Daulat Sandhue</b>	Project Title: Classified Conditional Use Permit Application No. 3655		
Project Description: Allow a Rural Commercial Center consisting of a convenience store/fast-food restaurant and a gasoline fueling facility (fuel island canopy with gasoline pumps) and related improvements on an approximately 1.78-acre portion of a 4.99-acre parcel in the RR (Rural Residential, two-acre minimum parcel size) Zone District. The project site is located on the northwest corner of W. Belmont and N. Cornelia Avenues approximately 2,190 feet south of the nearest city limits of the City of Fresno (5064 W. Belmont Avenue, Fresno) (APN 312-390-13) (SUP. DIST. 1).			
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 7664) prepared for Classified Conditional Use Permit Application No. 3655, staff has concluded that the project will not have a significant effect on the environment.  No impacts were identified related to biological resources, mineral resources, population and housing, recreation, or wildfire.  Potential impacts related to agriculture and forestry resources, air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, tribal cultural resources and utilities and service systems have been determined to be less than significant.  Potential impacts related to aesthetics, cultural resources, energy, and transportation have been determined to be less than significant with the included Mitigation Measure.  The Initial Study and Mitigated Negative Declaration (MND) is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – November 5, 2021		Review Date Deadline: Planning Commission – December 6, 2021	
Date: October 29, 2021	Type or Print Name: David Randall, Senior Planner	Submitted by (Signature):	

State 15083, 15085

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

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**