



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 4 January 13, 2021

SUBJECT: Classified Conditional Use Permit Application No. 3717 and Initial Study 8111 to allow an Amendment to CUP No. 2402 to add micro-brewery and tasting room as a new use to the uses currently allowed in an existing Agriculture Commercial Center on a 1.87-acre parcel in the AE-20 (Exclusive Agriculture; 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the east side of N. Academy Avenue, approximately 217 feet north of the intersection of Academy and Shaw Avenues, and 3.9 miles east of the City of Clovis (APN: 308-400-19) (5054 N. Academy Avenue) (Sup. Dist. 5).

OWNER/APPLICANT: Ken and Susan Blair

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

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Recommend the Board of Supervisors adopt the Negative Declaration based on Initial Study No. 8111; and
- Recommend the Board of Supervisors determine the required Findings can be made as stated in the Staff Report; and
- Recommend the Board of Supervisors approve Classified Conditional Use Permit No. 3717 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

EXHIBITS:

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plan/Floor Plan
6. Applicant's Operational Statement
7. Summary of Initial Study Application No. 8111
8. Conditions of Approval for CUP No. 2402.
9. Proposed Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agriculture; 20-acre minimum parcel size)	No change
Parcel Size	1.87 acres	No change
Project Site	Agriculture Commercial Center Consisting of a 8,000 square-foot shopping center/mall, parking, and related improvements	Amend CUP No. 2402 to add micro-brewery with tasting room as a new use to the uses allowed for an existing Agriculture Commercial Center on a 1.87-acre parcel
Related Structural Improvements	A shopping center/mall	No change
Nearest Residence	405 feet southwest of the project boundary	No change
Surrounding Development	<ul style="list-style-type: none">• 2,400 square feet convenience store with canopied gasoline-pump islands• 4,800 square-foot feed and supply store• Parking, and related improvements.	No change

Criteria	Existing	Proposed
Operational Features	<p>Agricultural Commercial Center authorized by CUP No. 2402 consisting of a:</p> <ul style="list-style-type: none"> • 4,800 square-foot feed and supply store • 2,400 square feet convenience store, with canopied gasoline-pump island • 8, 000 square feet shopping center/mall • On-site parking, and related improvements 	<p>Per the applicant's Operational Statement, the proposed microbrewery with tasting room will:</p> <ul style="list-style-type: none"> • Operate from Suite A and Suite B of a shopping center/mall • Receive grain, hops, and yeast twice a month for making of brewery • Sell approximately 300 barrels of beer a year and two deliveries of beer to wholesale customers per week • Consume 250 gallons of water per day for all production components • Dispose of brewing waste (100 gallons per month) in special waste containers. No waste will go into mall's sewer system
Employees	N/A	<ul style="list-style-type: none"> • Two (2) employees for brewing area working from 6 am to 1 pm • Two (2) bartenders working from 4 pm to 10 pm
Customers	None	<ul style="list-style-type: none"> • 102 customers from 11 am to 10 pm Wednesday through Friday • 128 customers on Saturday and Sunday
Traffic Trips	N/A	<p>No TIS required. The Design and Road Maintenance & Operations Divisions of the Fresno County Department of Public Works and Planning reviewed traffic information provided in the Traffic ITE Estimate and the Operational Statement and determined that net increase in total trips generated by microbrewery is insignificant and the cumulative</p>

Criteria	Existing	Proposed
		contribution to background traffic on Academy and Shaw Avenues is similarly insignificant.
Lighting	N/A	The project will not add new outdoor lighting. During nightly operation, the existing hooded lighting will illuminate the site.
Hours of Operation	N/A	<ul style="list-style-type: none"> • 11 am to 10 pm, Wednesday through Sunday, Closed Monday and Tuesday • Special private meeting 6 to 8 times in a year on Monday and Tuesday

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

ENVIRONMENTAL ANALYSIS:

Initial Study No. 8111 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 Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 7.

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

PUBLIC NOTICE:

Notices were sent to 31 property owners within 1320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

According to Section 816.3 - cc of the Zoning Ordinance, Agricultural Commercial Centers are allowed in an AE Zone District subject to approval of a Classified Conditional Use Permit which establishes the Master Plan for the Center. Section 867 of the Zoning Ordinance contains regulations specifying allowed uses, property development standards, and application requirements for Agricultural Commercial Centers. Section 873 of the Zoning Ordinance provides that final approval of an Agricultural Commercial Center is made by the Board of Supervisors following review and recommendation by the Planning Commission. Should the Planning Commission deny a proposed Agricultural Commercial Center, the denial is final unless appealed to the Board of Supervisors.

The subject Conditional Use Permit Application (CUP 3717) may be approved only if five Findings specified in Section 873-F can be made. If the five Findings are made by the Planning Commission, a recommendation of approval may be made to the Board of Supervisors. Should

the project be approved, by the Board the applicant shall complete a mandatory Site Plan Review as required by Section 874 of Fresno County Ordinance.

BACKGROUND INFORMATION:

Per County records, Unclassified Conditional Use Permit No. 2402 was approved on November 15, 1990 to allow a private club/commercial stable and an agricultural commercial center on a 17.98-acre parcel (Gross: 18.81-acres). The 10.81-acre easterly portion of the subject parcel was approved for a horse-related recreational facility and included a covered arena, outdoor arena, equipment and hay storage facility, horse stalls, and a manure storage area. However, none of the proposed recreational facility improvements were built on the 10.81-acre parcel. On September 19, 2016, Parcel Map No. 8141 was approved, and 10.81 acres was subdivided into a 2.39-acre, 2.38-acre, 2.36-acre, and a 3.68-acre parcel. The parcels are currently undeveloped.

The 7.17-acre westerly portion of the subject parcel was approved for an agriculture commercial center and has been developed with an 8,000 square-foot shopping center/mall, 2,400 square-foot convenience store with canopied gasoline-pump islands, 4,800 square-foot feed and supply store, parking, and related improvements. On August 24, 1993, Parcel Map No. 7532 was approved, and 7.17-acres were subdivided into a 2.37-acre, 1.87-acre and a 2.93-acre parcels.

The subject proposal (CUP 3717) involves a 1.87-acre parcel developed with an 8,000 square-foot shopping center/mall consisting of five tenant spaces (Suites A, B, C, D & E), onsite parking and related improvements. When initially filed, the proposal was to allow operation of a microbrewery with tasting room in Suite A and a grocery store with meat, beer, and wine sale in Suite B. However, this proposal has been amended by the applicant. The current proposal is to allow operation of a microbrewery with tasting room in Suite A and Suite B combined. The Suite C, D and E are not part of the proposal and are occupied by other retail uses.

The subject proposal requires no additional on-site parking or any changes or expansion to the existing improvements on the property. CUP No. 2402 was approved to allow for a maximum 15 retail uses for the Agriculture Commercial Center: drug store, feed and farm supply, service station, grocery store, hardware store, auto parts sale, wholesale meat sales, animal hospital, antique sales, veterinarian offices, barber shop, bar, beauty shop, flea market, and restaurants. The proposed micro-brewery with tasting room will add to the existing uses allowed for the Agriculture Commercial Center.

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

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	No change. No new building proposed.	N/A
Parking	One parking space for every two employees and one ADA-compliant parking space for every	No additional parking required (57 parking spaces currently provided)	Yes

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
	25 parking stalls (minimum 23 parking spaces required)		
Lot Coverage	No Requirement	No new building or changes to the existing improvements	N/A
Separation Between Buildings	Minimum of six (6) feet	No change	N/A
Wall Requirements	No requirement	No change	N/A
Septic Replacement Area	100 percent	N/A	Yes
Water Well Separation	Septic tank: 50 feet Disposal field: 100 feet Seepage pit: 150 feet	Individual septic system	N/A

Reviewing Agency/Department Comments:

Zoning Section of the Fresno County Department of Public Works and Planning: No comments relative to adequacy of site to accommodate the project.

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

Analysis Finding 1:

The project involves no new development on a 1.87-acre parcel. The proposed microbrewery and tasting room will operate in Suite A and B (tenant spaces) within an existing 8,000 square feet shopping center/mall on the property. The building meets the setback standard for AE-20 zone district.

The subject parcel is adequate in size to accommodate the required number of parking for the project. The project requires 37 standard parking spaces including two parking spaces for the disabled. The Site Plan for the project (Exhibit 5) depicts 57 parking spaces including three parking spaces for the disabled, which exceeds the requirement.

Recommended Conditions of Approval:

None.

Conclusion Finding 1:

Based on the above information, staff believes the site is adequate 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.

		Existing Conditions	Proposed Operation
Public Road Frontage	Yes	Academy Avenue: excellent condition	No change
Direct Access to Public Road	Yes	Academy Avenue: excellent condition	No change
Road ADT (Average Daily Traffic)		1700	No change
Road Classification		Arterial	No change
Road Width		Academy Avenue (106 feet total right-of-way along parcel frontage)	No change
Road Surface		Academy Avenue: asphalt concrete paved; pavement width: 30 feet each northbound and southbound lane.	No change
Traffic Trips		N/A	<ul style="list-style-type: none"> • 25.56 PM peak trips for tasting room • 3.3 PM peak trips for brewing area
Traffic Impact Study (TIS) Prepared	Yes	N/A	No TIS required. The Design and Road Maintenance & Operations Divisions of the Fresno County Department of Public Works and Planning reviewed traffic information provided in the Traffic ITE Estimate and the Operational Statement and determined that net increase in total trips generated by microbrewery is insignificant and the cumulative contribution to background traffic on Academy and Shaw Avenues is similarly insignificant.
Road Improvements Required		Academy Avenue: fair condition	No improvements required

Reviewing Agency/Department Comments:

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal and no TIS required.

Academy Avenue is a County maintained road classified as Arterial with an existing 106 feet of road right-of-way along the parcel frontage. Pavement width for the northbound and southbound lanes is 30 feet each with paved shoulders.

Design Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal and no TIS required.

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

Analysis Finding 2:

The 1.87-acre project site which gains access from Academy Avenue, designated as Arterial in the Circulation Element of the Fresno County General Plan, has an existing 106 feet of road right-of-way along the parcel frontage and meets the ultimate right-of-way for Academy Avenue. Pavement width for the northbound and southbound lanes is 30 feet each with paved shoulders.

The traffic analysis contained in the applicant-provided Operational Statement indicates that net increase in total trips generated by the proposed use (microbrewery and tasting room) is insignificant and the cumulative contribution to background traffic on Academy and Shaw Avenues is similarly insignificant and practically imperceptible. Therefore, the project requires no further traffic analysis.

The proposed use, like other uses on the property authorized by CUP No. 2402, will reduce vehicle travel by providing a more proximate retail destination and is presumed to have a less than significant impact on VMT (vehicles mile travelled).

The Design and Road Maintenance & Operations Divisions determined that a Traffic Impact Study is not required for the project, as the project would create a less than-significant transportation impact.

Recommended Conditions of Approval:

None

Conclusion Finding 2:

Based on the above information, Staff believes Academy Avenue will remain adequate in width and pavement to accommodate the traffic generated by this proposal.

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

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	2.37 acres	Feed and supply store	AE-20	None
South	2.93 acres	Convenience store and fuel	AE-20	None

Surrounding Parcels				
		island		
East	3.68 acres	Undeveloped parcel	RR	None
West	17.85 acres	Undeveloped parcel	AL-20	None

Reviewing Agency/Department Comments:

Central Valley State Water Resources Control Board: Processed wastewater from the brewery shall not be discharged into the existing onsite septic system which shall meet the County's LAMP (Local Area Management Plan) requirements. This requirement has been included as a Condition of Approval.

Fresno County Department of Public Health, Environmental Health Division: Prior to the issuance of building permits, the applicant shall submit complete facility plans and specifications to the Health Department for review and approval. The 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. A Hazardous Materials Business Plan shall be submitted pursuant to the HSC, Division 20, Chapter 6.95. The existing septic tanks should be pumped, and the tank and leach lines should be evaluated by a licensed contractor if it has not been serviced and/or maintained within the last five years for repair or installation of a new system. All water wells and/or septic systems that exist or have been abandoned within the project area shall be properly destroyed by a licensed contractor. For any underground storage tank(s) found during construction, an Underground Storage Tank Removal Permit shall be obtained from the Health Department.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA FIRM Panel 1620H, the southerly portion of the area of the subject property is within the Flood Zone A subject to flooding from the 100-year storm. Any development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas. Any work done within the County road right-of-way to construct a new driveway or improve an existing driveway shall require an Encroachment Permit from the Road Maintenance and Operations Division. Any additional storm water runoff generated by the proposal cannot be drained across property lines, or into the road rights-of-way, and must be retained on-site, per County Standards. A Letter of Retention and Letter of Certification may be required specifying the reasons why an engineered grading and drainage plan is not required for the project. A grading permit/voucher may be required for any grading proposed for the project.

San Joaquin Valley Air Pollution Control District: The project may be subject to the District Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations) and District Rule 4002 (National Emission Standards for Hazardous Air Pollutants), in the event an existing building will be renovated, partially demolished, or removed.

Fresno Irrigation District (FID): The FID's active Enterprise No. 109 runs westerly, crossing intersection of Gettysburg and Academy avenues approximately 2,800 feet south of the subject property and crosses Shaw Avenue approximately 3,000 feet west of the subject

Property. All plans for any street and/or utility improvements along Gettysburg Avenue, Academy Avenue, Shaw Avenue, or in the vicinity of this facility, shall require FID review and approval.

Fresno County Fire Protection District: 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 District’s conditions of approval for the project. The project may also require annexation into the Community Facilities District No. 2010-01.

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

State Water Resources Control Board, Division of Drinking Water: The project site is currently regulated as public water system. Water to the existing shopping center/mall (the proposed use will be located into) is provided by Johnny Quick Water System located on the adjacent southerly parcel. No concerns related to water quality were expressed.

Fresno County Fire Protection District; U.S. Fish and Wildlife Service; California Department of Fish and Wildlife; Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: Expressed no concerns with the proposal.

Analysis Finding 3:

The 1.87-acre project site is developed with a shopping center/mall, parking, and related improvements.

The project involves no new construction or major improvements on the property. The proposed microbrewery with tasting room will operate in a 2,412 square-foot Suite A, and a 1,275 square-foot Suite B located in an 8,000 square-foot shopping center/mall. The project will bring no significant changes to the current aesthetics of the surrounding area.

The project will adhere to San Joaquin Valley Air Pollution Control District rules; require the existing septic tanks pumped and tank and leach lines be evaluated by a licensed contractor for repair or a new system; adhere to state and local regulations for the handling and storage of hazardous materials; avoid discharge of processing wastewater into the onsite septic system, and require destruction of all existing but abandoned wells and/or septic systems within the project area; and comply with the California Code of Regulations Title 24 – Fire Code. These requirements have been included as a Condition of Approval and Project Notes.

Staff has recommended that a condition be added to prohibit the use of outdoor sound amplification system.

Recommended Conditions of Approval:

See Conditions of Approval, Nos. 3 and 4 attached as Exhibit 1.

Conclusion Finding 3:

Based on the above information, and with adherence to the Conditions of Approval, staff believes that the proposal will have no adverse effect upon surrounding properties.

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

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.3 (Agriculture and Land Use) when approving a discretionary permit for an existing agricultural commercial use, the criteria listed below shall apply:</p> <p>a. Criteria LU-A.3. a. states that the use shall provide a needed service to the surrounding area which cannot be provided more effectively within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics.</p> <p>c. Criteria LU-A.3. c. states that the use shall not have a detrimental impact on water resources.</p> <p>d. Criteria LU-A.3. d. states that a probable workforce should be located nearby or readily available.</p> <p>e. Commercial uses should be clustered in centers instead of single uses.</p> <p>f. New commercial uses should be located within or adjacent to existing centers.</p>	<p>Regarding Criteria a, the proposed facility will operate from tenant spaces (Suite A & B totaling 3,687 square feet) in an existing shopping center/mall and resemble more of a restaurant than a large scale, standalone brewery operation with tasting facility. The proposed facility will operate on a small scale to serve local population, and appropriately fits into an existing shopping center/mall in a non-urban area. The facility will reduce vehicle miles traveled (VMT) by local population to drive up to City of Clovis to enjoy microbrewery specialize beer and related food.</p> <p>Regarding Criteria c. the project will use limited water no more than consumed by previous retail uses in Suite A and Suite B of the shopping center/mall.</p> <p>Regarding Criteria d, the project can be provided with adequate work force from the nearby City of Fresno and City of Sanger</p> <p>Regarding Criteria e. and f., the proposed use (microbrewery with tasting room) will be located within an existing 8,000 square foot shopping center/mall.</p> <p>The project meets this policy as discussed above.</p>
<p>General Plan Policy LU-A.13: The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.</p>	<p>The project will not conflict with agricultural operations in the area. The proposed microbrewery with tasting room will be confined within Suite A and Suite B of an existing shopping center/mall. Given no new development proposed or changes to the existing improvements, on the property, the proposal meets this policy.</p>
<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>Not located in a low water area of Fresno County, the project will utilize 250 gallons of water per day. Per the Water and Natural Resources Division, there will be no significant increase in water usage by the proposed microbrewery with tasting room compared to the uses previously established</p>

Relevant Policies:	Consistency/Considerations:
	in Suite A and Suite B of a shopping center/mall. The project meets this policy.

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The property is designated Agriculture in the County General Plan. Policy LU-A.3 allows agriculturally related uses by discretionary permit if they meet certain criteria. Policy LU-A.13 requires buffers between proposed non-agricultural uses and adjacent agricultural operations. Policy PF-C.17 requires evaluation of adequacy and sustainability of the water supply for the project.

Analysis Finding 4:

The project meets General Plan Policies LU-A.3, Policy LU-A.13 and PF-C.17 as discussed above in General Plan Consistency/Consideration.

Regarding consistency with LU-A.3, The CUP No. 2402 approved in 1990 allowed an Agriculture Commercial Center on the property consisting of a Shopping Center/mall and related improvements. Operation of a small-scale microbrewery with tasting room in Suites A and B (tenant spaces) within an existing shopping center/mall would not be contrary to General Plan policies.

Regarding consistency with Policy LU-A.13, the proposed use will be confined within Suite A and Suite B of an existing shopping center/mall. Given no new developments are proposed or no changes to the existing improvements on the property, no separation between Agriculture Commercial Center and the surrounding farmland is required.

Concerning consistency with Policy PF-C.17, the project site is in a low water area of Fresno County. The project will utilize 250 gallons of water per day which is not expected to be higher than water consumed by previous uses established in Suite A and Suite B of a shopping center/mall.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion Finding 4:

Based on the above information, staff believes that this is consistent with the General Plan policies.

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

Reviewing Agency/Department Comments:

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

Analysis Finding 5:

The proposed 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 not advised staff of any specific objection to the proposed conditions of approval.

Recommended Conditions of Approval:

None.

Conclusion Finding 5:

Based on the above information, staff believes that the public health, safety, and general welfare can be protected. Finding 5 can be made.

PUBLIC COMMENT:

None.

SUMMARY CONCLUSION:

Staff believes that the proposal to allow the proposed use within an existing shopping center/mall in the AE-20 Zone District is consistent with the Fresno County General Plan and will have less than significant impact on the surrounding properties.

SUMMARY RECOMMENDATION:

Based on the factors cited in the analysis, all the required Findings for granting the Classified Conditional Use Permit can be made. Staff therefore recommends adoption of the proposed Negative Declaration prepared for the project based on Initial Study No. 8111, and approval of Classified Conditional Use Permit No. 3717, subject to the recommended Conditions of Approval.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to recommend the Board of Supervisors adopt the Negative Declaration prepared based on Initial Study No. 8111; and
- Move to recommend the Board of Supervisors to determine the required Findings can be made as stated in the Staff Report; and
- Move to recommend the Board of Supervisors approve Classified Conditional Use Permit No. 3717, subject to the Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Classified Conditional Use Permit No. 3717; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.
- **Mitigation Measures, Recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

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EXHIBIT 1
Initial Study Application No. 8111
Classified Conditional Use Permit Application No. 3717

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan, Floor Plan and Operational Statement approved by the Planning Commission.
2.	The project shall adhere to all Conditions of Approval from previously approved for CUP No. 2402.
3.	Discharge of processing wastewater from the brewery shall not be allowed to the onsite septic system and the system shall meet the County's LAMP (Local Area Management Plan) requirements.
4.	The use of outdoor amplification system shall be prohibited on the property.
5.	Items 4, 5 and 6 from "Project Note" shall be completed prior to the issuance of building permit or granting of occupancy for the use.

*MITIGATION MEASURE – Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	This 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.	Construction plans, building permits and inspections are required for all proposed improvements, including interior remodel of Suite A and B to accommodate the proposed use inside the existing shopping center/mall on the property. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for plans, permits and inspections.
4.	Any proposed sign(s) shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.

EXHIBIT 1

Notes

5.	<p>To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none"> • According to FEMA FIRM Panel 1620H, the southerly portion of the area of the subject property is within the Flood Zone A subject to flooding from the 100-year storm. Any development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas. • A grading permit may be required for any grading proposed with this application. • A Letter of Retention and Letter of Certification may be required specifying the reasons why an engineered grading and drainage plan is not required for the project. • Any work done within the County road right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division. • Any additional storm water runoff generated by the project cannot be drained across property lines or into the road rights-of-way, and must be retained on-site, per County Standards.
6.	<p>To address public health impacts resulting from the project, Fresno County Department of Public Health, Environmental Health Division (Health Department) requires the following:</p> <ul style="list-style-type: none"> • Prior to issuance of building permits, the applicant shall submit complete facility plans and specifications to the Health Department for review and approval. • Prior to operation, permits to operate a food facility shall be obtained from the Health Department. A Hazardous Materials Business Plan shall be submitted pursuant to the HSC, Division 20, and Chapter 6.95. • The existing septic tanks should be pumped and the tank and leach lines should be evaluated by a licensed contractor if it has not been serviced and/or maintained within the last five years, make necessary repairs, additions shall be made, or the proper destruction of the system and a new system shall be installed. • To protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area shall be properly destroyed by a licensed contractor. • For any underground storage tank(s) found during construction, an Underground Storage Tank Removal Permit shall be obtained from the Health Department.
7.	<p>The project shall comply with California Code of Regulations Title 24 - Fire Code and California Code of Regulations Title 19. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for the project, construction plans shall be submitted to the Fresno County Department of Public Works and Planning for review. It is the Applicant's responsibility to deliver a minimum of two sets of plans to NCFPD.</p>
8.	<p>Fresno Irrigation District (FID) active Enterprise No. 109 run westerly, crossing the intersection of Gettysburg and Academy Avenues approximately 2,800 feet south of the subject property and crosses Shaw Avenue approximately 3,000 west of the subject property. Any street and/utility improvements along Gettysburg Avenue, Academy Avenue, Shaw Avenue or in the vicinity of the project shall require FID review and approve of all plans.</p>
9.	<p>The project may need to adhere the following San Joaquin Valley Air Pollution Control District: District Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified</p>

Notes

Asphalt, Paving and Maintenance Operations) and District Rule 4002 (National Emission Standards for Hazardous Air Pollutants), in the event an existing building will be renovated, partially demolished, or removed.

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EXHIBIT 2 LOCATION MAP

CUP 3717

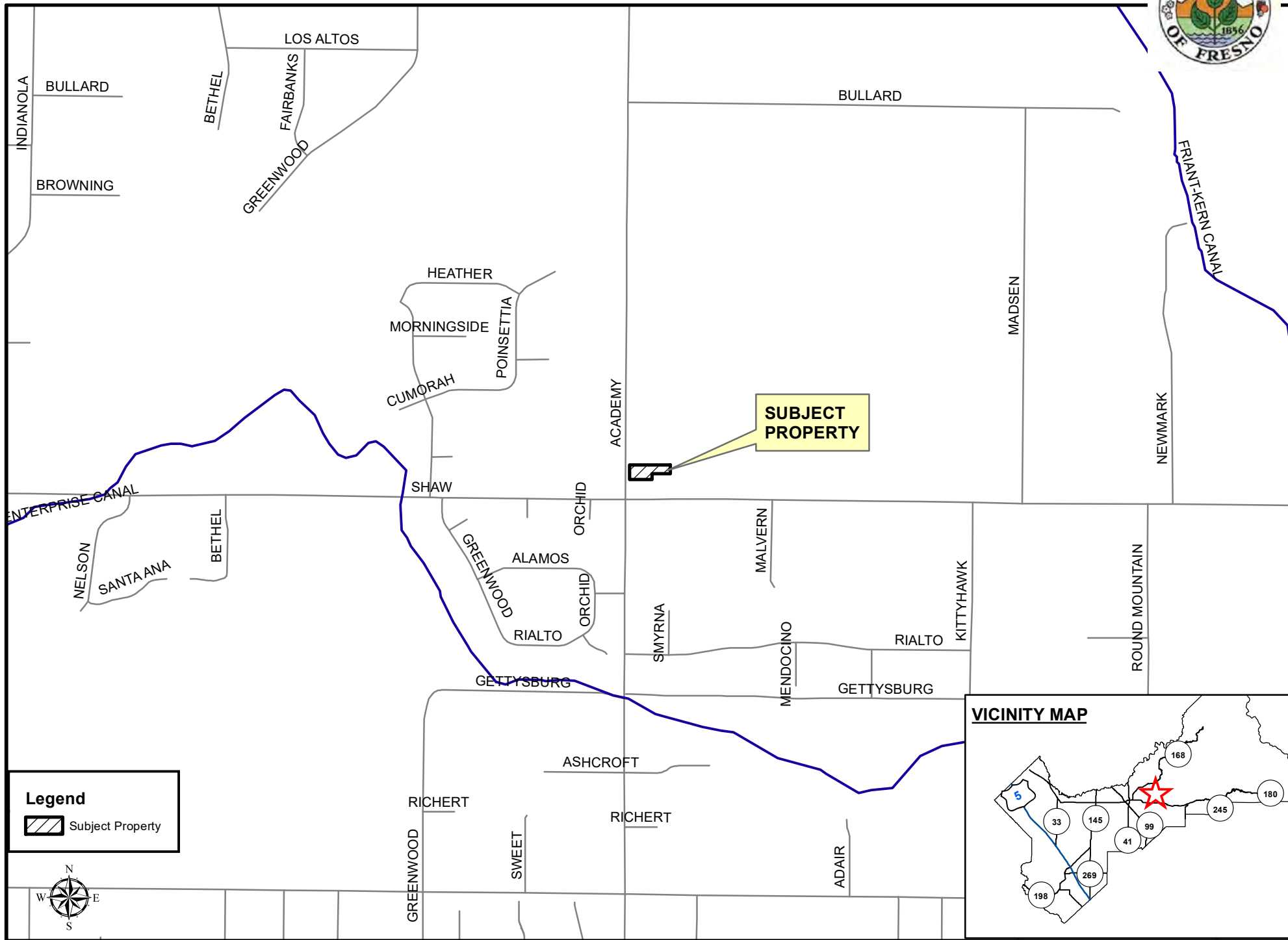


EXHIBIT 2

Legend

 Subject Property

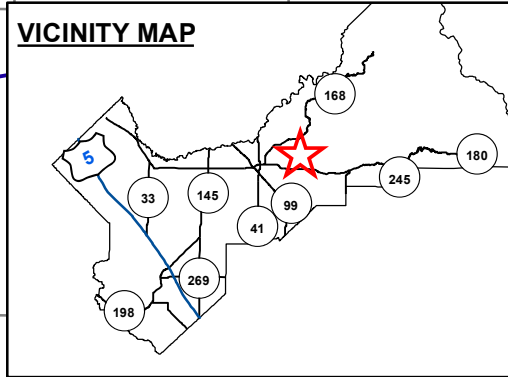









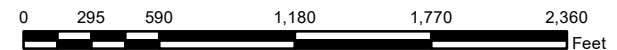
EXHIBIT 3
EXISTING ZONING MAP



EXHIBIT 3

Legend

-  Subject Property
-  AE20
-  AL20
-  O
-  RCC
-  RR
-  RR5



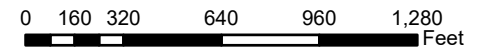
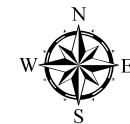
EXISTING LAND USE MAP

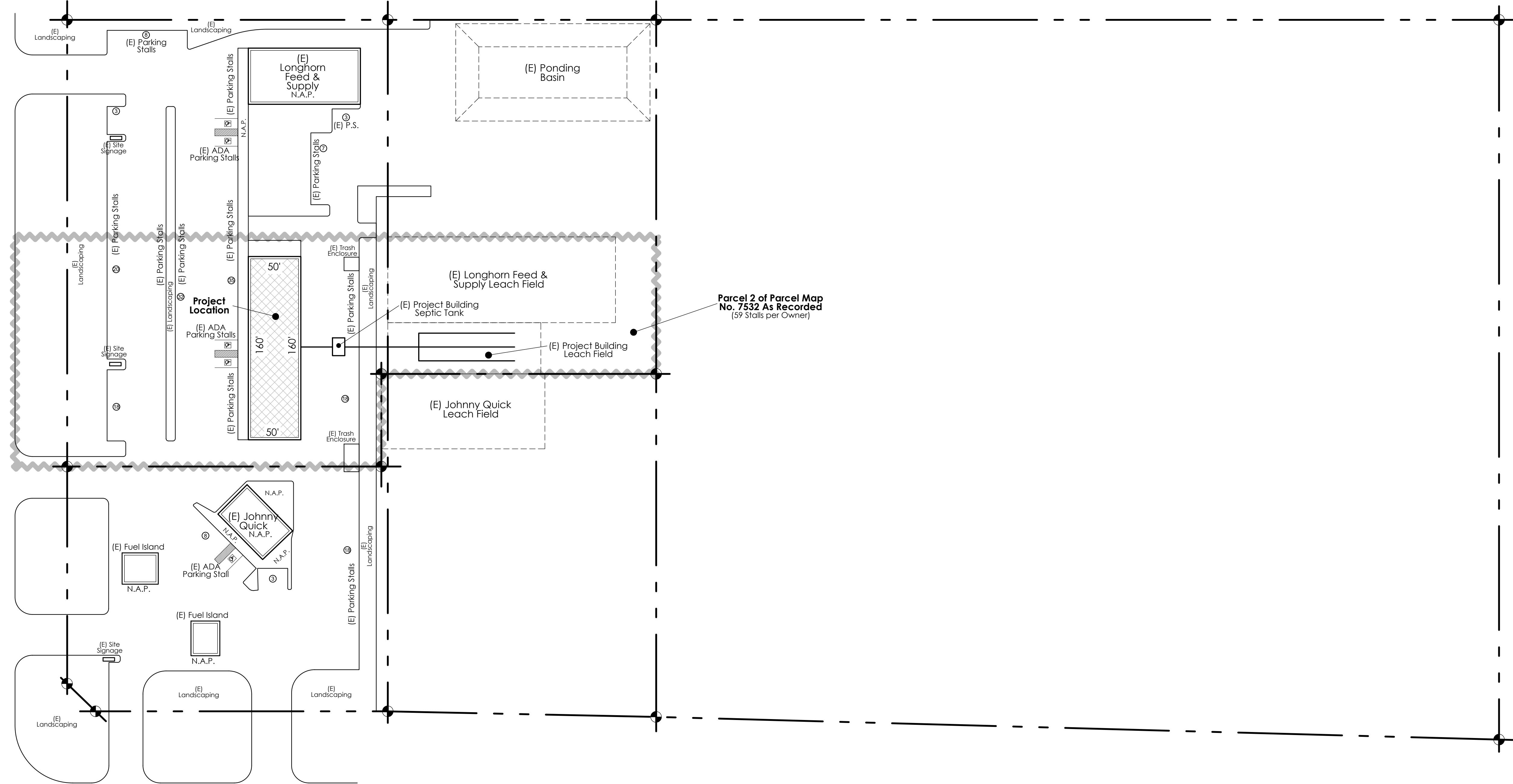


LEGEND	
C	- COMMERCIAL
C#	- COMMERCIAL
DAIRY	
FC	- FIELD CROP
GRZ	- GRAZING
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

LEGEND:

 Subject Property

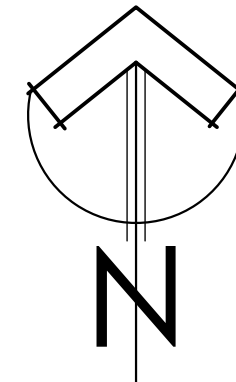




Parcel 2 of Parcel Map No. 7532 As Recorded (59 Stalls per Owner)

SITE PLAN

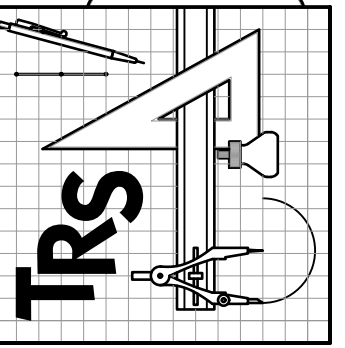
Scale: 1" = 50'-0"



Site Plan Legend

APN:	308-400-19
Address:	5054 N. Academy Ave. Clovis, CA 93619
Site Area:	1.87 +/- acres
Existing Use:	Neighborhood commercial center
General Plan Designation:	Agriculture
Zoning:	AE-20 Exclusive Agricultural
Source of Water:	Community system
Source of Sewer:	Community system
Source of Gas:	Propane
Solid Waste:	Granite solid waste
Storm Drainage:	Existing on site
Site Owner:	Ken and Suzan Blair
Applicant:	Same as owner
Applicant Representative:	Dirk Poeschel Land Development Services, Inc. 923 Van Ness Avenue, Suite 200 Fresno, CA 93721 (559) 445-0374

Revisions:	
No.	Date

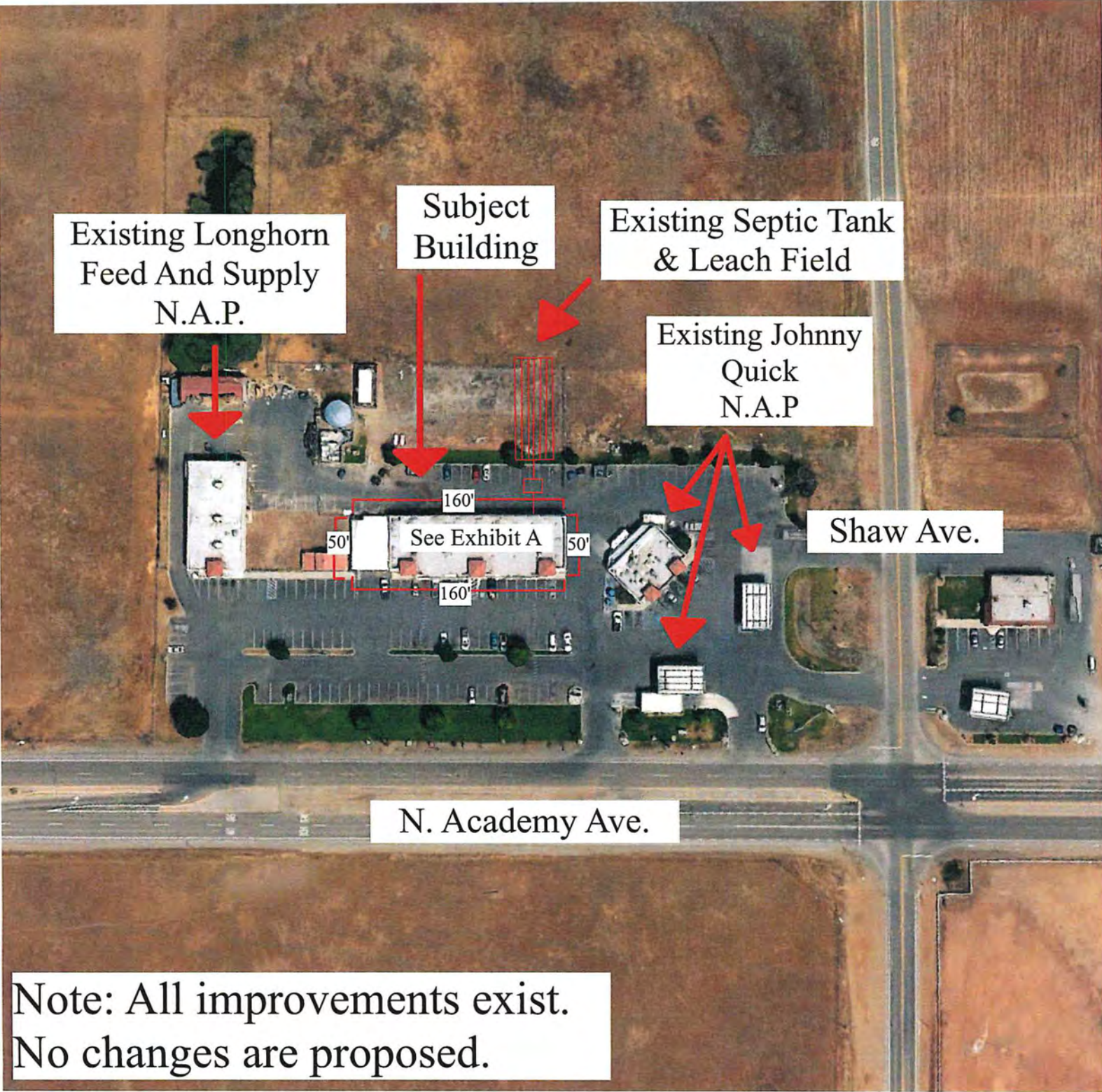


Terry R. Shrum
Building Designer
 Drafting Services Provider
 Space Planning, Interior Design, Small Commercial, Residential
 630 Dual Lane -- Roseburg, OR 97471-9248
 Email: trshrum@trshrum.com -- 541-555-5341

Land Development Services, Inc.
 923 Van Ness Ave., Suite 200
 Fresno, CA 93721 -- 559-445-0374
 Dirk Poeschel, AICP
 CalBRE No. 01882606

Project Title: Conditional Use Permit
Conditional Use Permit Application No. 3717
Ken & Suzan Blair
 50454 N. Academy Ave. -- Clovis, CA. 93619
 Sheet Title: **Site Plan**

Drawn by: **TR Shrum**
 Checked by:
TR Shrum
 Date: **10-04-2021**
 Project No.: **0721**
 Sheet No.: **1**



Existing Longhorn
Feed And Supply
N.A.P.

Subject
Building

Existing Septic Tank
& Leach Field

Existing Johnny
Quick
N.A.P.

Shaw Ave.

N. Academy Ave.



Note: All improvements exist.
No changes are proposed.

EXHIBIT 5 Page 2

RECEIVED
COUNTY OF FRESNO

CUP3717

JUL 16 2021

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

BLAIR EXISTING SHOPPING CENTER SUITES

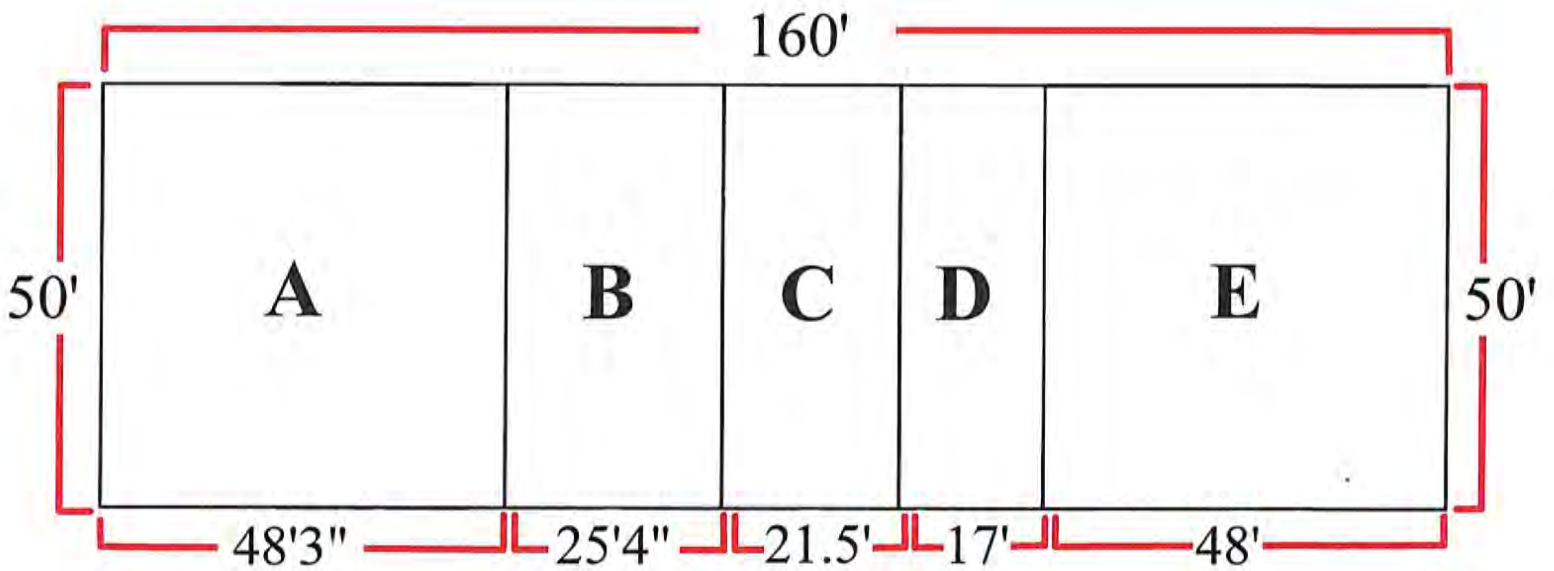
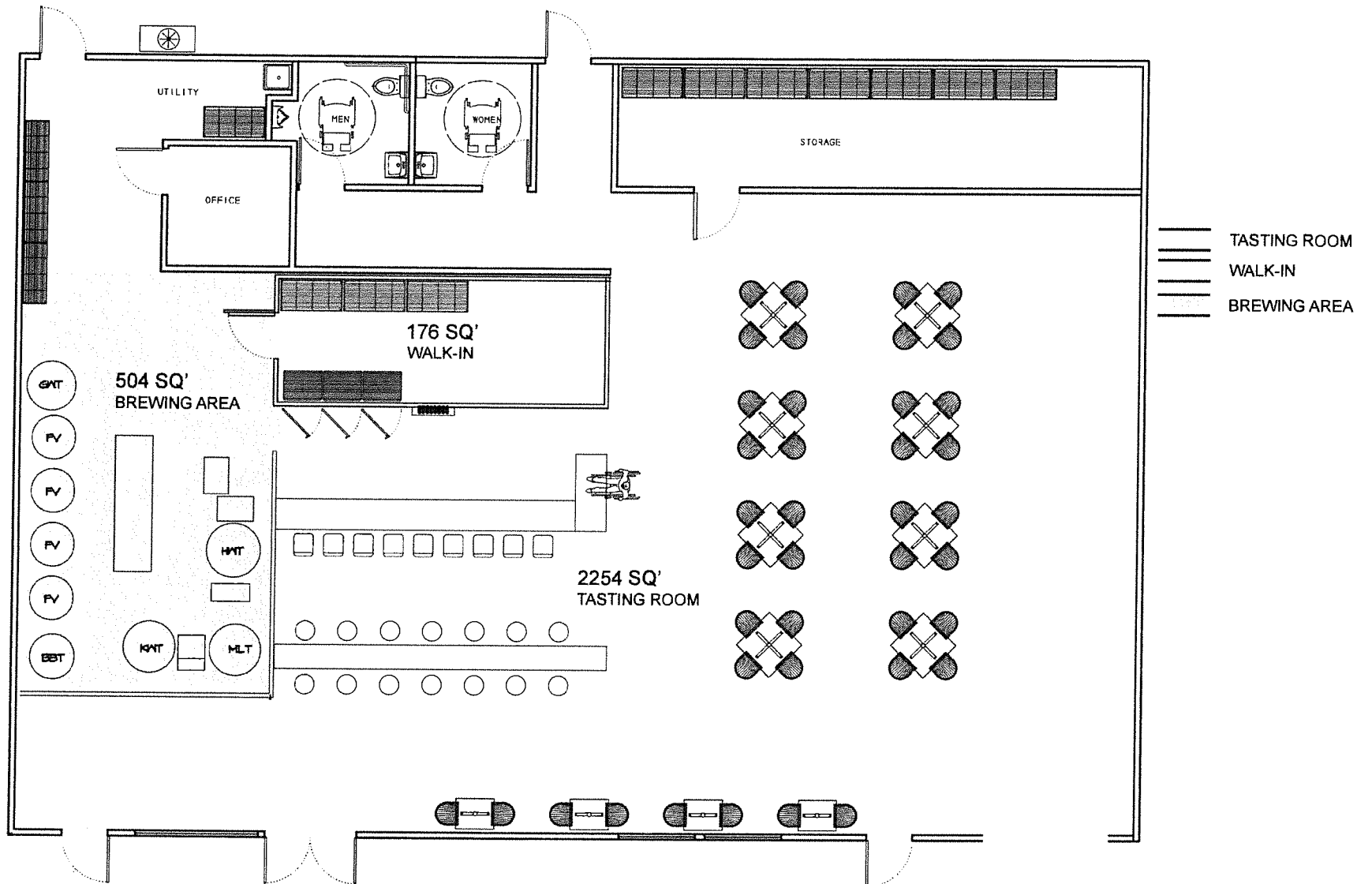


EXHIBIT A



SUITE A & B (FLOOR PLAN)

EXHIBIT 6

**Conditional Use Permit Project Operational Statement
Academy Ave. Shopping Center
Ken and Suzan Blair**

Revised December 28, 2021

Applicant:

Ken and Suzan Blair
3396 Trenton Ave.
Clovis, CA 93619

Record Owners:

Same as above

APN: 308-400-19

Area: 1.87 +/- acres

Location: NEC of N. Academy & Shaw Avenues
5054 N. Academy Ave.
Clovis, CA 93619

Request: Amend CUP No. 2402 to allow a microbrewery tasting room in the AE-20 zone district.

Background

The existing 8,000 square foot mall is located on approximately 1.87 acres and was purchased by the applicants in 2009. The mall consists of five suites and was vacant when purchased by the applicant.

This center operates under a CUP which was approved in December 1990. A corresponding Site Plan Review was approved regarding septic system design and location, flood control, parking, right-of-way dedication, traffic study, off-site road improvements and building design.

A flood study as part of the Site Plan Review was submitted and approved. The on-site sewage disposal system and community non-transient water system is operated and maintained per state guidelines.

1. Nature of the Operation

Existing

Suite “A” consists of 2,412.5 sq. ft. It has been occupied since late 2009 by Two Sisters Vintage Home and Garden. Apotheca Brewing requests to open a microbrewery in Suite “A”.

Suite “B” is 1,275 sq. ft. and is currently vacant but had previously been used by a propane sales company. Apotheca Brewing requests to use this suite as well for the operation of the proposed microbrewery.

Suite “C” is 1,050 sq. ft. and is leased to Farrier Supply. They have been tenants for three years. They sell horseshoes and related supplies. It is a family run business with a part-time employee.

Suite “D” is 850 sq. ft. and is occupied by Box Car Pizza.

Suite “E” is 2,412 sq. ft. and is occupied by The Red Caboose Café for over 11 years.

Proposed Uses

Apotheca Brewing (Mr. Marc Dyson) requests to operate a microbrewery in Suites “A” and “B”.

2. Operational Time Limits

The mall is open from 8am to 10pm. No change in time is proposed. Apotheca Brewing hours are 11am to 10pm Wednesday thru Sunday. Closed Monday and Tuesday. Some special private seatings may occur from 6-8 times a year on Monday or Tuesday evenings.

3. Visitors - Traffic

As originally proposed, Suite “B” was planned for a different use. When the lease of Suite “B” became available, the applicant saw an opportunity to gain additional storage space that was to be off-site and gain an existing restroom in Suite “B” which would mean considerable cost savings. Therefore, the proposed microbrewery will have a tasting room of 2,254 sq. ft. and a brewing/storage area of 504 sq. ft.

The applicant estimates that the maximum combined lease of suites “A” and “B” will increase the number weekday customers by 25%+/- generating 102 total customers from 11AM to 10:00 PM Wednesday through Friday and to 128 customers on Saturday and Sunday. The proposed microbrewery will operate Wednesday through Sunday and will be closed Monday and Tuesday operating *one less day than the previously contemplated meat market.*

Recall the previous combined estimated number of customers for the microbrewery and meat market combination totaled 170 (85 for suite “A” + 85 for suite “B” = 170 estimated total

customers). The combination of both suites by the microbrewery will generate 68 less customers.

As for PM Peak trips, the previous combined microbrewery and meat market estimated to generate 170 total daily trips. Peak trips are assumed to be 10% of the total trips. Therefore, 17.0 PM Peak trips would have been generated by the combined microbrewery and meat market. The proposed microbrewery will generate 128 total daily trips or 12.8 PM Peak trips. As detailed below it was estimated the suites generated 13.7 PM Peak trips. Therefore, the proposed microbrewery will generate slightly fewer PM trips than the suites historical uses or the previously contemplated microbrewery and meat market.

The ITE Trip Generation, 10th Edition, manual does not contain a category for microbrewery use instead uses Land Use Code 925–*Drinking Place*. The brewing area have a maximum of 2 employees from 6AM to 1PM and from 4PM to 10PM there will be two bartenders. The brewing area of the microbrewery was compared to Land Use Code 110– Light Industrial. This study protocol was used in other communities where microbreweries have been proposed.

Previous Traffic Profile

The previous uses within suite “A” and “B” are best described in ITE, Land Use Code 820 for a *Shopping Center*, which estimates 3.81PM Peak trips will be generated for rural shopping centers for each 1,000 sq. ft. of floor area. Suite “A” and “B” floor area totals 3,688 sq. ft. **The total previous PM Peak trips generated for both suites are estimated to be 13.72 PM Peak trips (3.6 X 3.81 PM Peak trips = 13.72 PM Peak trips).**

ITE Estimated Traffic

Using the Institute of Transportation Engineering as another method of trip calculation, the proposed microbrewery is best described by the ITE, Land Use Code 925 as a *Drinking Place*, which estimates 11.36PM Peak trips will be generated for a drinking place for each 1,000 sq. ft. of floor area. Therefore 25.56PM Peak trips (2.25 X 11.36PM Peak trips = 25.56PM Peak trips) will be generated by the proposed tasting room of the microbrewery. **No AM peak trips will be generated by the tasting room.**

The brewing area for the proposed microbrewery is best described by the ITE, Land Use Code 110 for *Light Industrial* estimates 4.96PM Peak trips will be generated for the brewing area for each 1,000 sq. ft. of floor area. **Therefore 3.3PM Peak trips (.680 X 4.96 PM Peak trips = 3.3PM Peak trips) will be generated by the brewing area of the proposed microbrewery.**

In summary, a total of 28.8 PM Peak trips will be generated by the proposed microbrewery use (25.56 Drinking Place + 3.3 Light Industrial = 28.8 PM Peak trips). However, 13.72 PM Peak trips have historically been generated by suite “A” and “B”. **Therefore, 15.0 net new PM Peak trips are estimated to be generated by the proposed use (25.56 Drinking Place PM Peak trips**

+ 3.3 Light Industrial PM Peak trips – 13.7 PM Peak current trips for both suite “A” and “B” = 15.0 net new trips).

Recall the proposed use will only operate for three (3) days of PM trip sensitivity. When averaged, the 15.0 new trips for the proposed microbrewery would generate 5.0 average daily PM Peak trips for the days in operation.

In “worst case” scenario where the entire 3,687 sq. ft. of suite “A” and “B” is calculated as microbrewery, 41.88PM PEAK trips would occur on those days during operation. Averaged for the 3 weekdays of operation, or 8.37PM PEAK daily trips per day. As stated before, the rural and isolated nature of the proposed microbrewery likely means the estimated trips are overstated and insignificant.



Trip Distribution

Assuming 15 total new PM Peak trips are generated by the proposed use it is logical to assume an equal split for north and south bound N. Academy Ave. and westerly Shaw Ave. Therefore, approximately 5 new PM Peak trips are associated with the proposed project over each roadway segment. Using the Fresno Council of Governments, *County Regional Traffic Modeling Report*, Shaw Ave. traffic at N. Academy Ave. has the most conservative example where 2011 traffic counts totaled 1,290 trips, the estimated 5 new PM Peak project trips represent 0.003 percent of all *existing + project traffic*.

The proposed use will not generate any AM Peak traffic which is atypical of microbreweries. The net increase in total trips is insignificant and the cumulative contribution to background traffic on N. Academy and Shaw Avenues is similarly insignificant and practically imperceptible. Therefore, no further, traffic analysis is necessary.

4. Employees

Apotheca Brewing will have two brewing employees from 6am to 1pm. From 4pm to 10pm there will be two bartenders.

5. Service/Delivery Vehicles

No tenants have service vehicles.

Apotheca Brewing may have two deliveries of beer to wholesale customers per week. Grain, hops, and yeast will be delivered twice a month to the brewery.

6. Site Access

The site is directly accessible from N. Academy Ave. No changes to access paths, driveways or parking areas, parking stalls are necessary or proposed.

7. Number of Parking Spaces

The 8,000 sq. ft. mall has 53 parking spaces in front of the building with an additional 3 handicap parking spaces. There are an additional 13 parking spaces behind the building for employees, etc. The rear parking area is wide enough to allow for loading at each suite's rear door.

8. Goods Sold on Site

Apotheca Brewing will sell approximately 300 barrels of beer a year. Some incidental goods such as corkage, party napkins, wine enthusiasts books etc. will be sold. Small kegs and crower cans will be sold for off sale consumption. Food will be prepared and provided by The Red Caboose Café.

9. Equipment Used

Apotheca Brewing uses their own equipment and will have a still, refrigerator and bottling machine.

10. Supplies/Materials

Apotheca stores its own materials and supplies within the leased suites.

11. Does the Use Cause an Unsightly Appearance, Noise, Glare, Dust, Odor

Appearance

Except for tenant signage, the site exterior will not change.

Noise

Apotheca Brewing will have tasteful background music. All such music will occur indoors.

Odors and Air Quality

Odors

This project will not produce odors. Apotheca Brewing will vent its brewing as per applicable regulations. The very small volume of beer production of 300 barrels will not cause odors.

Air Quality

Apotheca microbrewery uses a distillation system that is heated by an electric steam generator. The system gently heats the hot liquor tank, boil kettle and mash by transferring heat from the generator to jackets built around the tanks. The only byproduct of the system is steam. The thermal efficiency of the generator is 98%. Typically, distillation occurs twice a week. All other microbrewery equipment will be powered by electricity.

By letter dated September 1, 2021, to Fresno County Planner Ejaz Ahmad from Mr. Brian Clements, Director of Permit Services, *“annual emissions from construction and operation emissions of criteria are no expected to exceed any of significance thresholds. Due to various circumstances, “the project does not meet the definition of a Development Project as defined and related fees do not apply.”*

As for the CEQA air quality checklist,

- a. Due to the project's extremely small size and electrical based power equipment, it will not conflict or obstruct implementation of applicable Air Quality Plans.
- b. Due to the project's extremely small size, the project will not result in cumulatively considerable *net* increases of any criteria pollutant.
- c. No excessive pollutant concentrations will be generated by the proposed use due to their size, type of equipment used and the nature of the use. As noted, the byproduct of the distillation process is simply an odorless steam so no sensitive receptors will be exposed to excessive pollutants concentrations.
- d. The project will not result in other emissions adversely affecting a substantial number of people given that the proposed use replaces previous tenants that had a similar use profile that have occurred at this site for decades.
- e. Due to the project's very small size, the project will not generate greenhouse gas emissions either directly or indirectly that may have a significant impact on the environment. Again, the proposed use will replace similar uses that have occurred on this site for decades.
- f. The project does not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing emissions of greenhouse gases. As mentioned above, all equipment will utilize electric power. Indirect sources of greenhouse gases have existed at essentially an identical level as the two tenant spaces have been occupied for decades.

12. Solid/Liquid Waste Produced

Typical residential solid waste will be placed in the existing mall trash bins. Said waste is disposed of in county mandated trash receptacles for removal by a private hauler.

Apotheca Brewing will dispose of its brewing waste in special waste containers. It is estimated that waste will be about 100 gallons per month and not placed in the mall's sewer system.

It is estimated a total of 65 gallons of water daily to 102 gallons/day will be used per day. The project will utilize a CIP (Clean-In-Place) machine that recovers tank cleaning detergent and post-cleaning rinse water in two separate tanks. It is estimated the CIP device will reduce water use by 5% and detergent use by 50% so the reuse of detergent can be used all week not just once.

All high BOD and TSS loads, (spent grain, hops, trub, spent yeast and waste beer) will be trucked off site for disposal.

13. Estimated Volume of Water Used

Water is supplied by an on-site well and storage tank. It is a Transient Noncommunity Water System, System No. 1000453 as assigned by the California Water Board. Annual fees are paid to the California Water Board with required testing and treatment performed by a local water testing lab.

Apotheca Brewing will consume about 250 gallons of water per day for all production components.

14. Proposed Advertising

Apotheca will have its own sign. All signage will meet Fresno County standards.

15. Existing or New Buildings Constructed

No exterior modifications are proposed.

16. Building/Proportion of Buildings Used in the Operation

The applicant intends to utilize the existing suite configuration of the mall. No exterior changes to the mall are proposed or required.

17. Outdoor Lighting or Sound Amplification

During night operation, existing hooded outdoor lighting will illuminate the site. The project will also utilize security cameras covering the facility 24/7. There is no sound amplification system.

18. Landscaping/Fencing

The site is landscaped. No new landscaping is proposed.

19. Other Information Providing Clear Understanding of the Project Operations

All site improvements will be in accordance with Fresno County standards.

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County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Ken and Suzan Blair
- APPLICATION NOS.: Initial Study No. 8111 and Classified Conditional Use Permit Application No. 3717
- DESCRIPTION: Amend CUP No. 2402 to add micro-brewery and tasting room as a new use to the uses currently allowed for an existing Agriculture Commercial Center on a 1.87-acre parcel in the AE-20 (Exclusive Agriculture; 20-acre minimum parcel size) Zone District.
- LOCATION: The project site is located on the east side of N. Academy Avenue, approximately 217 feet north of the intersection of Academy and Shaw Avenues, and 3.9 miles east of the nearest city limits of the City of Clovis (APN: 308-400-19) (5054 N. Academy Avenue) (Sup. Dist. 5)

I. AESTHETICS

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

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

FINDING: NO IMPACT:

The westerly half of the 1.87-acre project site is developed with a shopping center/mall, parking, and related improvements whereas the easterly half of the site is undeveloped. Land in the vicinity is either fallow or developed with single-family homes. The project site fronts on Academy Avenue which is not identified as a scenic drive in the County General Plan. No scenic vistas or scenic resources including trees, rock outcroppings, or historic buildings exist on or near the site. The project will have no impact on scenic resources.

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

area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: NO IMPACT:

The project site is in a non-urbanized area of Fresno County. The adjacent parcels to the north and south of the site are developed with a 2,400 square foot convenience store, canopied gasoline-pump islands, 4,800 square-foot feed and supply store, parking, and related improvements. Land in the immediate vicinity is either fallow or developed with single-family homes. The nearest single-family residence is located approximately 405 feet southwest and a mini market (commercial development) is located approximately 277 feet south of the project site.

The project involves no new construction or improvements on the property. The project will add micro-brewery and tasting room as an additional use to the uses authorized by CUP No. 2404. The proposed use will occupy two of the five vacant tenant spaces (Suite A =2,412 sq. ft. and Suite B =1,275 sq. ft.) inside an existing 8,000 square-foot shopping center/mall. Due to no development proposed, the project will have no change in the current visuals of the surrounding area. No impacts would occur.

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

FINDING: NO IMPACT:

The project will not add new outdoor lighting. During nightly operation, the existing hooded lighting will illuminate the site.

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

FINDING: NO IMPACT:

The project site is classified as Urban and Built-Up Land on the 2016 Fresno County Important Farmland Map and is developed with a shopping center/mall authorized by CUP No. 2402. The project will result in no loss of Prime Farmland, either individual or cumulative.

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

FINDING: NO IMPACT:

The project is an allowed use on the property zoned for agriculture with a discretionary land use approval. The project site is not enrolled in Williamson Act Program.

- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production?
- 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: NO IMPACT:

The project site is not forest land or timberland. Zoned as an agricultural land, the site is developed with improvements related to an Agriculture Commercial Center which was authorized by CUP No. 2402. The project will not bring any changes to the fallow and/or active farmlands in the area.

The Fresno County Agricultural Commissioners' Office provided no comments on the project.

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?
- 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?
- C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: NO IMPACT:

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the San Joaquin Valley Air Pollution Control District (District), the project involves no new construction or a structure for the purpose of increasing capacity or activity. For that reason, the project does not meet the definition of a "Development Project", as defined in District Rule 9510 section 3.13 and is not subject to the District Rule 9510 requirements and related fees.

The District further stated that the project specific annual emissions from construction and operation emissions of criteria pollutants are not expected to exceed any of the District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). As such, the project will not be in conflict with the applicable Air Quality Plan, result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard or expose sensitive receptors to substantial pollutant concentrations.

The project, however, may be subject to the District Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations) and District Rule 4002 (National Emission Standards for Hazardous Air Pollutants), in the event an existing building will be renovated, partially demolished, or removed. The project applicant has been advised of the District rule which will be included as Project Notes.

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

FINDING: NO IMPACT:

The project will not generate any objectionable odors. The San Joaquin Valley Air Pollution Control District expressed no concerns related to odor.

IV. BIOLOGICAL RESOURCES

Would the project:

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

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

FINDING: NO IMPACT:

As noted above, the project site is developed with a shopping center/mall and paved parking and circulation areas. The site contains no riparian features, or wetlands, or waters under the jurisdiction of the United States.

The surrounding farmlands are fallow, disturbed with prior farming operations, and provides no habitat for state or federally listed species.

The project was referred to the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service 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:

The project site is not located within any designated wildlife movement corridor and contains no wildlife nursery sites, or fisheries resources.

- 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.

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

FINDING: NO IMPACT:

The project will not conflict with the provision of any Habitat Conservation Plan or Natural Community Conservation Plan for the area.

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 of moderate sensitivity to archaeological finds. The project requires no ground disturbance. No impact to archeological resources would occur.

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?

FINDING: NO IMPACT:

The project involves no new construction or site development which could be subject to inefficient, wasteful, or unnecessary energy use.

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

FINDING: NO IMPACT:

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

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: NO 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 0 to 20 percent.

4. Landslides?

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

Per Figure 7-3 of the Fresno County General Plan Background Report, the project site is not in an area of erosion hazards. The project will not increase the net impervious surface or change the existing drainage patterns.

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

FINDING: NO IMPACT:

As noted above, the project site is flat with no topographical variations. The site bears no potential for on or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse due to the project-related improvements.

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: NO IMPACT:

Per Figure 7-1 of the 2000 Fresno County General Plan Background Report, the project site is not in an area of moderately to highly 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:

The existing improvement on the property are not connected to a community sewer system and the project will not trigger expansion of or construction of a new onsite

sewage disposal system. When established onsite, the proposed uses will utilize the existing sewage disposal system.

Per the Fresno County Department of Public Health, Environmental Health Division (Health Department), a Project Note would require that the applicant consider having the existing septic tanks pumped and having the tank and leach lines evaluated by a licensed contractor if it has not been serviced and/or maintained within the last five years; make necessary repairs, additions, or require the proper destruction of the system; and install a new system.

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

FINDING: NO 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?
- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District have not adopted threshold of significance for construction related GHG emissions. As the project involves no new construction on the property, no construction related GHG emissions would result.

Regarding operation related GHG emissions, the project would generate limited traffic trips as discussed in Section XVII below. However, it is expected that any long-term greenhouse gas emissions impact resulting from the proposed uses would be less than significant.

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:

The Fresno County Department of Public Health, Environmental Health Division (Health Department) reviewed the project and requires the following as Project Notes. The 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. The project shall submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95.

The project is not located within one-quarter mile of a school. The nearest school, Brighton Academy Preschool School, is approximately 6.7 miles west 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:

Per the U.S. EPA's NEPAassist, the project site is not listed as a hazardous materials site.

- 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-Yosemite International Airport, is approximately 8.6 miles southwest of the project site. The airport will not create safety hazard or be a source of excessive noise for the project.

- 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.

- 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.

X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: LESS THAN SIGNIFICATION IMPACT:

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

Per the Fresno County Department of Public Health, Environmental Health Division (Health Department), to protect groundwater quality, the project shall adhere to the following requirements included as Project Notes: 1) all water wells and/or septic systems that exist or have been abandoned within the project area shall be properly destroyed by a licensed contractor; and 2) for any underground storage tank(s) found during construction, an Underground Storage Tank Removal Permit shall be obtained from the Health Department.

Per the State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW), the project site is currently regulated as public water system. Water to the existing shopping center/mall, which will house the proposed use, is provided by Johnny Quick Water System located on the adjacent southerly parcel. The agency expressed no concerns regarding impact on groundwater quality resulting from the project.

- 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:

The project site is not in a low water area of Fresno County. The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning stated that the proposed uses will not result in an increased water usage compared to the water usage by the previous retail businesses located inside the existing shopping center/mall. Impact would be less than significant.

C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

1. Result in substantial erosion or siltation on or off site?
2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?
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:

The United States Geological Survey Quad Maps shows no natural drainage channel crossing the project site.

With no new improvements proposed on the property, the project will result in no changes in the current absorption rates, drainage patterns, or the rate and amount of surface runoff on the property. However, should there be any grading proposed with this application, a grading permit/voucher may be required from the Development Engineering Section of the Fresno County Department of Public Works and Planning.

The Central Valley Water Board reviewed the project and requires that no discharge of processing wastewater from the brewery shall be allowed to the onsite septic system. Also, the system shall meet the County's LAMP (Local Area Management Plan) requirements. These requirements will be included as Conditions of Approval.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to FEMA FIRM Panel 1620H, the southerly portion of the area of the subject property is within the Flood Zone A subject to flooding from the 100-year storm. Any development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas.

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 an established community. The project site is outside of the nearest boundary of the City of Fresno.

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

FINDING LESS THAN SIGNIFICANT IMPACT:

The project site is designated as Agriculture in the Fresno County General Plan and is outside of the Sphere of Influence (SOI) of a city. The project will not conflict with any land use plan, policy, or regulation of a city.

The project would allow micro-brewery and tasting room as a new use added to the existing uses allowed by CUP No. 2402 (Agriculture Commercial Center) on a 1.87-acre parcel. The project complies with the following General Plan policies:

Regarding compliance with General Plan Policy LU-A.3, criteria a., c., d., e., 1. & 2, the project involves no new construction. The project will: 1) add micro-brewery and tasting room as a new use to the uses previously allowed by CUP No. 2402 and will be located inside an existing shopping center/mall; 2) serve public of which many will be from the farming communities; 3) not use additional water more than the water used by previous retail uses to impact properties in the area; 4) be provided with adequate work force from the nearby City of Fresno and City of Sanger; and 5) cluster with other existing retail uses inside the existing shopping center/mall.

Regarding compliance with General Plan Policy LU-A.13, the proposed use will occupy two vacant retail spaces (Suite A & Suite B) inside a shopping center/mall. Due to no new development proposed or any changes to the existing improvements on the property, the separation between the Agriculture Commercial Center and the surrounding in-active farmland will remain as is.

Regarding compliance with General Plan Policy PF-C.17., the project site is not in a low water area of Fresno County. The project water consumption is not expected to be higher than water consumption by previous uses.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Any noise exposure resulting from the proposed use inside a commercial building to the nearest residential dwelling, located approximately 684 feet southwest from the commercial building, would be less than significant.

XIV. POPULATION AND HOUSING

Would the project:

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

FINDING: NO IMPACT:

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

XV. PUBLIC SERVICES

Would the project:

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

1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Fresno County Fire Protection District (District), 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 District's conditions of approval for the project. Additionally, the project may require annexation into the Community Facilities District No. 2010-01. These requirements will be included as Project Notes.

2. 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 project does not involve residential development which may increase demand for neighborhood and regional parks, or other 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; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site borders with Academy Avenue which is designated as Expressway in the County General Plan. The project area is rural in nature and per the Transportation and Circulation Element of the County General Plan it is planned for rural bikeways.

The applicant-provided Traffic ITE Estimate for the project indicates that net increase in total trips generated by the proposed use (micro-brewery and tasting room) is insignificant and the cumulative contribution to background traffic on Academy and Shaw Avenues is similarly insignificant and practically imperceptible. Therefore, the project requires no further traffic analysis.

The Design and Road Maintenance & Operations Divisions of the Fresno County Department of Public Works and Planning concurred with the findings of the Traffic ITE Estimate and the Operational Statement and determined that a Traffic Impact Study is not required for the project.

- 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 Vehicle Miles Traveled (VMT).

The project involves tenants leasing of two vacant spaces by the proposed micro-brewery and tasting room inside an existing shopping center/mall. The proposed use

along with other established uses inside the building would reduce vehicle travel by providing a more proximate retail destination and is presumed to have a less than significant impact on VMT. 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)?
- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

The existing ingress and egress to the project site off Academy and Shaw Avenues will not be impacted by the project. They will remain operational during regular business hours and during any emergencies.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

The subject parcel is in an area of moderate sensitivity to archaeological finds. Pursuant to AB (Assembly Bill) 52, the subject proposal was routed to the Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, and Table Mountain Rancheria offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No tribe requested consultation resulting in no further action by the County.

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 need for the expansion of electric power and/or natural gas to the project site.

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

FINDING: NO IMPACT:

See discussion in Section X. B. HYDROLOGY AND WATER QUALITY 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 solid waste generated by the project include 100 gallons per month brewing waste and regular solid waste. All solid wastes will be sent to local land-fill site through regular trash collection service. The impact would be less than significant.

XX. WILDFIRE

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

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

FINDING: NO IMPACT:

The project site is not located within or near a State Responsibility Area for wildfire.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

FINDING: NO IMPACT:

The project will have no impact on biological or cultural resources. It would not degrade the quality of the environment; 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; or reduce the number or restrict the range of an endangered, rare, or threatened species.

- 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 be subject 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. The project does not involve new development. As such, no cumulatively considerable impacts relating to Agricultural and Forestry Resources, or Air quality were identified in the project analysis.

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

FINDING: NO IMPACT:

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

CONCLUSION/SUMMARY

Based upon Initial Study No. 8111 prepared for Classified Conditional Use Permit Application No. 3717, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to agriculture and forestry resources, air quality, biological resources, energy, greenhouse gas emissions, mineral resources, population and housing, recreation, tribal cultural resources, or wildlife.

Potential impacts related to geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, transportation, utilities and service systems have been determined to be less than significant.

A 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:jp

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EXHIBIT 8

CONDITIONS OF APPROVAL CUP No. 2402 (Agricultural Commercial Center)

1. Development and operation of the agricultural commercial center shall be in conformance with the operational statement, site plans, and elevations, submitted with the application, except as modified by the following conditions.
2. Operation of a bar shall be prohibited.
3. Hours of operation shall be from 8:00 a.m. to 9:00 p.m. except for a convenience store which may operate 24 hours a day.
4. A Site Plan Review shall be submitted and to be approved by the Director of the Public Works & Development Services Department in accordance with the provisions of Section 874 of the Fresno County Zoning Ordinance. Requirements to be addressed under the Site Plan Review shall include, but not be limited to, septic system location and design, well abandonment, flood control, parking, right-of-way dedication, traffic study and off-site road improvements, building design.
- *5. There shall be a minimum 250-foot setback between all wells and leach fields or areas of animal confinement.
6. All on-site water wells that are abandoned or are within 250 feet of any designated sewer area shall be destroyed. Well abandonment shall require an engineering report prior to issuance of a permit from the Health Department.
- *7. The applicant shall conduct a Flood Study as part of the Site Plan Review (prior to issuance of any grading or building permit). Any changes required by Development Engineering staff including requests which may change or limit the proposed development shall be made by the applicant, mitigating any potential flood and/or drainage-related impacts. If the flood study causes a substantial redesign of the project, a new Conditional Use Permit may be required.
- *8. The applicant shall provide an on-site sewage disposal system designed by a registered geologist and in conformance with the criteria established in the sewer disposal feasibility study.
- *9. The applicant shall provide a traffic study and off-site improvements required to mitigate traffic impact as part of the Site Plan Review process.
- *10. The three proposed buildings shall be of the same design, material, and colors.
- *11. A non-community water system permit shall be conditioned to no less than quarterly monitoring of all wells by the applicant.
- *12. No water intensive uses shall be permitted until further geological studies and additional septic system designs are submitted to and approved by the Health Department. Allowed low water uses shall be limited to one convenience store and other commercial uses which has water service primarily for the use of the employees. Such other uses may include drug store, feed and farm store, service station (without R.V. dump station),

hardware store, auto parts sales; antique sales, and flea market. The following uses may be allowed pursuant to further geological studies and additional septic system designs: grocery store; wholesale meat sales, animal hospital, veterinarian office, barber shop, beauty shop, and restaurant.

EXHIBIT 9

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below for County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 8111	LOCAL AGENCY PROPOSED NEGATIVE DECLARATION	County Clerk File No: E-	
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Ejaz Ahmad, Planner	Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): Ken and Susan Blair	Project Title: Classified Conditional Use Permit Application No. 3717		
Project Description: Amend CUP No. 2402 to add micro-brewery and tasting room as a new use to the uses currently allowed for an existing Agriculture Commercial Center on a 1.87-acre parcel in the AE-20 (Exclusive Agriculture; 20-acre minimum parcel size) Zone District. The project site is located on the east side of N. Academy Avenue, approximately 217 feet north of the intersection of Academy and Shaw Avenues, and 3.9 miles east of the nearest city limits of the City of Clovis (5054 N. Academy Avenue) (APN: 308-400-19) (Sup. Dist. 5).			
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 8111) prepared for Classified Conditional Use Permit Application No. 3717, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to agriculture and forestry resources, air quality, biological resources, energy, greenhouse gas emissions, mineral resources, population and housing, recreation, tribal cultural resources, or wildlife. Potential impacts related to geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, transportation, utilities and service systems, have been determined to be less than significant. The Initial Study and Negative Declaration (ND) 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 – December 8, 2021		Review Date Deadline: Planning Commission – January 13, 2022	
Date: December 1, 2021	Type or Print Name: David Randall, Senior Planner	Submitted by (Signature):	

State 15083, 15085

County Clerk File No. _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**