



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 February 10, 2022

SUBJECT: Conditional Use Permit No. 3636 and Initial Study No.7578 to allow the addition of a gas station to an existing minimarket (Rural Commercial Center) on a 38,520 square-foot (0.8-acre) parcel in the RCC (Rural Commercial Center) Zone District.

LOCATION: The project is on the southeast corner of W. Olive and N. Valentine Avenues, 1,756 feet west of the City limits of the City of Fresno (APN: 449-090-26) (3375 W. Olive Ave.) (Sup. Dist. 1).

OWNER/APPLICANT: Mehtab Turna

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

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

Recommend the Board of Supervisors adopt the Mitigated Negative Declaration prepared based on Initial Study No. 7578; 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. 3636 with recommended Findings and Conditions of Approval; and

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

EXHIBITS:

1. Mitigation Monitoring & Reporting Program (MMRP), Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map

4. Existing Land Use Map
5. Site Plan/Floor Plan/Elevations
6. Applicant's Operational Statement
7. Summary of Initial Study (IS) No. 7578
8. Draft Mitigated Negative Declaration
9. Public Comment

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Rural Density Residential in Fresno-High Roeding Plan	No change
Zoning	RCC (Rural Commercial Center; two-acre minimum parcel size)	No change
Parcel Size	38,520 sq. ft. or 0.8-acre	No change
Project Site	<ul style="list-style-type: none"> • 4,800 square-foot minimarket • Water well • Septic system • Parking 	A gas station (fuel dispensing facility) on a 38,520 square-foot site developed with a minimarket (Rural Commercial Center)
Related Structural Improvements	4,800 square-foot minimarket	1,824 square-foot fuel island with four gasoline dispensing pumps (eight fueling positions)
Nearest Residence	Seven feet south of the project boundary.	No change
Surrounding Development	Orchard, vineyards, single-family residences	No change
Operational Features	<ul style="list-style-type: none"> • The minimarket sells dried food, canned food, and meat to local community • The minimarket employs three people and operates seven days a week 	The gas station (fuel dispensing facility) will serve surrounding area
Employees	Three (Full-time)	No change

Traffic Trips	Per the TIS prepared for the project, traffic trips for the existing use are: <ul style="list-style-type: none"> • 38 total trips (AM Peak hours) • 72 total trips (PM Peak hours) 	Per the TIS prepared for the project, net increase in traffic trips due to the project are: <ul style="list-style-type: none"> • 129 total trips (AM Peak hours) • 113 total trips (PM Peak hours)
Lighting	Around minimarket and within the parking area	Canopy covered lighting
Hours of Operation	7:00 a.m. to 10:00 p.m. (Monday thru Sunday)	No change

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

Violation Case No. 16-109977 regarding the operation of a recycling center without appropriate approvals was opened against the property in November 2016. The case was closed on January of 2021 after the property owner abandoned the recycling operation and removed all improvements from the site related to the use.

ENVIRONMENTAL ANALYSIS:

Initial Study No. 7578 was prepared for the project by County Staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 7.

A Notice of Intent of Mitigated Negative Declaration was published on November 9, 2020.

PUBLIC NOTICE:

Notices were sent to 42 property owners within 600 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

According to Section 840.3-A. of the Zoning Ordinance, a Classified Conditional Use Permit is required to allow gas stations in the Rural Commercial Center (RCC) Zone District subject to the provisions of Section 820.3 (820.3.k.) and Section 867 (867-A.2. b.).

The subject Conditional Use Permit Application (CUP 3636) may be approved only if five findings specified in Zoning Ordinance 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. Should the Commission deny the proposal, that action must be appealed to the Board by the applicant.

BACKGROUND INFORMATION:

Per County records, prior to 1961, the subject property was zoned R-A (Single-family Residential, Agricultural District). The property was rezoned from R-A to C-1-P (Precise Planned Neighborhood Commercial) on September 5, 1961 (Reclassification No. 715; Resolution No. 2007) and from C-1-P to RCC (Rural Commercial Center) on April 7, 1980 (Amendment No. 3138; Ordinance No. 490A-1811). The parcel is currently zoned RCC. The existing improvements on the property consist of a minimarket, paved parking and ingress and egress off Olive and Valentine Avenues. Building permits for the minimarket were issued on June 22, 1965.

The subject proposal (CUP No. 3636) if approved, would allow a gas station (fuel dispensing facility) on the property. This includes a fuel island with four gasoline dispensing pumps (eight fueling positions) under the canopy, two underground fuel storage tanks, and paved parking and circulation areas. The proposal will sell gasoline to motorists driving through the area and is intended to improve profitability of the existing use (minimarket).

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

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet Side: 20 feet Street Side: 35 feet Rear: 20 feet	Fuel island (canopy) setbacks: <ul style="list-style-type: none"> • Front (North property line along Olive Avenue): 37 feet • Side (East property line): 80 feet • Street Side (West property line along Valentine Avenue): 57 feet • Rear (South Property line): 136 feet 	Yes
Parking	Two (2) square-foot of offsite parking area for each square foot of commercial floor area	22 parking spaces for the minimarket and gas station combined	Yes
Lot Coverage	30 percent of total lot area	17.19 percent of total lot area	Yes
Separation Between Buildings	No requirement	27 feet between fuel island (canopy) and minimarket	N/A
Wall Requirements	Per Section 855-H.2 of the County Ordinance Code	No change	N/A

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Septic Replacement Area	100 percent	100 percent	Yes
Water Well Separation	Septic tank: 50 feet Disposal field: 100 feet Seepage pit: 150 feet	No change in location of the existing water well or septic tank on the property	N/A

Reviewing Agency/Department Comments:

Zoning Section of the Fresno County Department of Public Works and Planning: The proposed fuel island (canopy) meets the setback for RCC Zone District and also the ultimate right-of-way for Olive and Academy Avenues.

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

Analysis Finding 1:

Staff review of the Site Plan demonstrates that the proposed fuel island (canopy) meets the minimum setback requirements of the Rural Commercial Center (RCC) Zone District and ultimate road right-of-way for Olive and Valentine Avenues. The canopy will be set back 35 feet from the north property line (35 feet required) excluding 42 feet ultimate right-of-way south of Olive Avenue centerline; 80 feet from the east property line (20 feet required), 35 feet from the west property line (35 feet required) excluding 42 feet ultimate right-of-way east of Valentine Avenue centerline, and 136 feet from the south property line (20 feet required).

The project requires no change to the current number of employees at the existing minimarket. Between the proposed gas station and the existing minimarket, a total of 22 parking spaces are required. The Site Plan (Exhibit 5) depicts 23 parking spaces including eight (8) spaces under canopy and one parking space for the disabled, which meets the requirement.

Recommended Conditions of Approval:

None.

Conclusion Finding 1:

Based on the above information, staff believes the project site is adequate in size and shape to accommodate the proposed fuel island and the parking for both the existing and proposed use.

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	Olive Avenue: poor condition Valentine Avenue: good condition	No change. No change
Direct Access to Public Road	Yes	Olive Avenue: poor condition Valentine Avenue: good condition	No change No change
Road ADT (Average Daily Traffic)		5,500 (Olive Avenue) 1,200 (Valentine Avenue)	No change No change
Road Classification		Collector roads (Olive and Valentine Avenues)	No change
Road Width		70 feet for Olive Avenue (30 feet north of centerline and 40 feet south of centerline) 40 feet for Valentine Avenue (20 feet east of centerline and 20 feet west of centerline)	An additional two (2) feet right-of-way is needed along parcel frontage south of Olive Avenue centerline An additional 22 feet right-of-way is needed along parcel frontage east of Valentine Avenue centerline
Road Surface		Olive Avenue (asphalt concrete paved; pavement width: 38.9 feet) Valentine Avenue (asphalt concrete paved; pavement width: 28.5 feet)	No change No change
Traffic Trips		Per the TIS prepared for the project, traffic trips for the existing use: <ul style="list-style-type: none"> • 38 total trips (AM Peak hours) • 72 total trips (PM Peak hours) 	Per the TIS prepared for the project, net increase in traffic trips due to the project: <ul style="list-style-type: none"> • 129 total trips (AM Peak hours) • 113 total trips (PM Peak hours)
Traffic Impact Study (TIS) Prepared	No	No TIS was prepared for minimarket when established in 1965.	Per the TIS prepared for the project and approved by Design and Road Maintenance and

		Existing Conditions	Proposed Operation
			Operations Divisions of the Fresno County Department of Public Works and Planning, the project will pay its percentage fair share cost for future installation of traffic signals and right-of-way acquisition at three intersections at Olive Avenue. The project will also pay Traffic Signal Mitigation Impact Fee and Fresno Major Street Impact Fee to the City of Fresno, including Regional Transportation Mitigation Fee to Fresno County Office of Government (COG)
Road Improvements Required		Olive Avenue: poor condition Valentine Avenue: good condition	No improvements required

Reviewing Agency/Department Comments:

Design Division of the Fresno County Department of Public Works and Planning: The project shall pay its percentage fair share for signalization and right-of-way acquisition at the intersection of Olive Avenue with Brawley, Marks, and Hughes Avenues. This requirement has been included as Mitigation Measure in Exhibit 1.

Fresno County Road Maintenance and Operations Division: Additional right-of-way shall be acquired for Olive and Valentine Avenues with corner cut-off at the intersection of Olive and Valentine Avenues.

City of Fresno Traffic Operations and Planning Division: The project is within City of Fresno Sphere of Influence. To mitigate traffic impact on City’s roadway/intersection, the project shall pay Traffic Signal Mitigation Impact (TSMI) Fee and Fresno Major Street Impact (FMSI) Fee to the City of Fresno and Regional Transportation Mitigation Fee (RTMF) to the Fresno County Office of Government (COG).

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

The California Department of Transportation: No concerns with the proposal.

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

Analysis Finding 2:

The project site borders with Olive and Valentine Avenues. Both are designated as Collector roads in the County General Plan and are maintained by County.

The project site gains access from Olive and Valentine Avenues via two paved access drives. Per the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, additional right-of-way shall be provided to meet the ultimate right-of-way width for Olive and Valentine Avenues as per the County General Plan. This requirement, included as a Condition of Approval, will be addressed through mandatory Site Plan Review. Additionally, a Project Note would require that encroachment permit(s) shall be obtained prior to any work conducted within the road rights-of-ways.

Per the Traffic Impact Study (TIS) approved for the project by County Design and Road Maintenance and Operations Division, the Project creates a less-than-significant transportation impact and is not required to construct the traffic signals except for paying for fair share cost of signalization and right-of-way acquisition at Olive Avenue intersecting with Brawley, Marks, and Hughes Avenues.

Recommended Conditions of Approval:

See Mitigation Measures and Conditions of approval attached as Exhibit 1.

Conclusion Finding 2:

Based on the above information, staff believes Olive and Valentine Avenues will remain adequate in width and pavement to accommodate the traffic generated by this proposal. The required offer of dedication will ensure the use will not constrain future development of the Collectors to their full capacity.

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	12,928 sq. ft. 0.61 acre	Single-family residence	RR	102 feet from north property line
South	0.4 acre	Single-family residence	RR	Seven feet from south property line
East	0.9 acre	Single-family residence	RR	30 feet from east property line
West	2.57 acres	Single-family residence	RR	150 feet from west property line

Reviewing Agency/Department Comments:

Fresno County Department of Public Health, Environmental Health Division (Health Department): 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. Handling of a hazardous material or hazardous waste may require submittal of a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations, Title 22, Division 4.5. All abandoned water wells on the parcel shall be properly destroyed by a licensed contractor. Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil. Should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction; and the "oily water" removed from the well must be handled in accordance with federal, state, and local government requirements.

North Central Fire Protection District (NCFPD): The project shall comply with the California Code of Regulations Title 24 – Fire Code and California Code of Regulations Title 19. Upon County approval of the project and prior to the issuance of the building permits, the applicant shall submit approved plans for NCFPD approval.

Development Engineering Section of the Fresno County Department of Public Works and Planning: An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. A grading permit or voucher shall be required for any grading proposed with this application. An encroachment permit shall be obtained from Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning for any work done within the Olive and Valentine Avenues right-of-way to construct a new driveway or improve an existing driveway. If not already present, a 10-foot by 10-foot corner cut-off shall be improved for sight distance purposes at the existing driveways onto Olive and Valentine Avenues.

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

City of Fresno Department of Public Utilities: The city sanitary sewer facilities are available to serve the project. The nearest City sanitary sewer main is approximately 2,425 feet (0.4 mile) east of the project site at the intersection of Marks and Olive Avenues. The project is located within city's Growth Area 2. No city water service is available to serve properties in the area until 2035.

Santa Rosa Rancheria Tachi-Yokut Tribe; Native American Heritage Commission; North Kings Groundwater Sustainability Agency (GSA); San Joaquin Valley Air Pollution Control 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: No concerns with the proposal.

Analysis Finding 3:

The project site is developed with a 4,800 square-foot minimarket, onsite sewage disposal system, water well and paved parking and circulation area. The immediate surrounding area is devoid of farming operations and is mostly developed with single-family homes on one half-acre to 10 acres parcels.

An Initial Study prepared for this project has identified potential impacts to aesthetics, energy, and transportation. To mitigate aesthetics impact, all outdoor lighting will be hooded and directed downward to avoid glare on adjoining properties. To mitigate energy impact, idling of vehicles and equipment during project construction will be minimized to avoid wasteful or inefficient energy consumption. To mitigate Transportation impact, the project will pay its percentage fair share for future signalization and right-of-way acquisitions at county roadways. These requirements have been included as Mitigation Measures (Exhibit 1).

Potential impacts related to hazards and hazardous materials, hydrology and water quality, and public services has been identified to be less than significant. The project will handle hazardous materials according to local and state laws; destroy abandoned wells to protect groundwater; and meet the California Code of Regulations (Title 19 & 24) for fire protection. These requirements have been included as Conditions of Approval and Project Notes.

Pursuant to Assembly Bill (AB) 52, the project was routed to 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 for the project. The Santa Rosa Rancheria Tachi-Yokut deferred its comments on the project to Table Mountain Rancheria who requested for no consultation.

Recommended Conditions of Approval:

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

Conclusion Finding 3:

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

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

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-E.1 (Agriculture and Land Use): County may allow rural commercial centers by discretionary permit subject to meeting the following criteria:</p> <p>Criteria LU-E.1. a.: Commercial uses should be clustered in centers instead of single uses.</p> <p>Criteria LU-E.1. b.: The use shall provide a needed service to the surrounding rural residential community which cannot be provided more efficiently within urban centers.</p> <p>Criteria LU-E.1. c.: To minimize proliferation</p>	<p>The subject proposal entails establishment of a gas station (fuel dispensing facility) on a 38,520 square-foot site zoned Rural Commercial Center (RRC) on April 7, 1980. The project would be considered as an expansion of an existing Rural Commercial Center and be established within the current site boundaries. The project is not subject to strict application of Criteria a. b. c. d. f. g. h. Of Policy LU-E.1.</p> <p>The proposed facility: 1) will cluster with an existing use (minimarket) on the property; 2) will be within 2 miles of a commercial</p>

Relevant Policies:	Consistency/Considerations:
<p>of commercial centers and overlapping of trade areas, commercial centers should be located a minimum of two (2) miles from any existing or approved commercial use.</p> <p>Criteria LU-E.1. d.: New commercial uses should be located within or adjacent to existing centers.</p> <p>Criteria LU-E.1. e.: Commercial centers should not encompass more than one quarter (1/4) mile of road frontage, or one eighth (1/8) mile if both sides of the road are involved and should not provide potential for development exceeding ten (10) separate business activities, exclusive of caretakers' residences.</p> <p>Criteria LU-E.1. f.: The center should be a minimum of two (2) miles from any agricultural commercial center, or designated rural settlement area, or the nearest existing or designated commercial area of any city or community, or newly established rural residential commercial centers.</p> <p>Criteria LU-E.1. g.: The center should be located at the corner of an intersection where at least one of the roads is classified as an arterial road on the Transportation and Circulation Element of the General Plan.</p> <p>Criteria LU-E.1. h.: Distance from other existing commercial zoning and uses should be considered when siting commercial centers.</p>	<p>establishment (convenience store) without a gas station (fuel dispensing facility); 3) will sell gasoline to motorist from within and outside of the area; and 4) will be located on the site of an established Rural Commercial Center fronting on Olive Avenue and Valentine Avenue, not classified as Arterial but Collector roads, in the County General Plan.</p>
<p>General Plan Policy LU-E.2: The County shall permit the Rural Commercial (RCC) Zone District to remain in areas designated Rural Residential if the land was so zoned prior to September 20, 1990. However, expansion of such centers shall require a discretionary permit subject to the criteria in Policy LU-E.1.</p>	<p>The project is consistent with this policy in that the property was zoned Rural Commercial Center on April 7, 1980 and will adhere to the provisions of Policy LU-E.1 as discussed above.</p>
<p>General Plan Policy LU-G. 14: County shall not approve any discretionary permit for new urban development within a City's Sphere of Influence unless the development proposal has first been referred to the City for</p>	<p>The subject property is within the City of Fresno Sphere of Influence (SOI). The City elected not to annex the property located within the City's Growth Area 2 and Disadvantaged Unincorporated community.</p>

Relevant Policies:	Consistency/Considerations:
consideration of possible annexation pursuant to city/county memorandum of understanding.	The project is consistent with this policy.
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.	The subject property is not in a water-short area of Fresno County. The project requires no use of water. The existing onsite well will continue providing water to the existing minimarket. The project is consistent with this policy.

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: Policy LU-E.1 allows rural commercial centers by discretionary permit if they meet criteria a-h of the said Policy. Policy LU-E.2 requires expansion of the existing Rural Commercial Center meet the Policy LU.E.1. Policy LU-G. 14 requires project within a City’s SOI to be referred to City for possible annexation. Policy PF-C.17 requires water availability and sustainability for the project.

Analysis Finding 4:

The Fresno High-Roeding Community Plan is consistent with the County General Plan. As such, the project is also consistent with all the applicable General Plan policies as discussed above. Regarding consistency with Policy LU-E.1, Criteria a-h, the project is not a new RRC but expansion of an existing Rural Commercial Center to be established within the boundaries of the project site. Regarding consistency with Policy LU-E.2, the existing Rural Commercial Center (RCC) was zoned prior to September 20, 1990 and meets Policy LU.E.1 as discussed above. Regarding consistency with Policy LU-G. 14, the City of Fresno elected not to annex the property located within the City’s Growth Area 2. Regarding consistency with Policy PF-C.17, the project requires no use of water.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion Finding 4:

Based on the above information, staff believes that the proposal is consistent with the General Plan and county-adopted Fresno-High Roeding Plan.

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

Analysis Finding 5:

The proposed mitigation measures and conditions of approval were developed based on studies and consultation with specifically qualified staff, consultants, and outside agencies. They were developed to address the specific impacts of the proposed project and were designed to address the public health, safety, and welfare. Additional comments and project notes have been included to assist in identifying existing non-discretionary regulations that also apply to the project. The Applicant has signed an acknowledgement agreeing to the proposed mitigation

measures and has not advised staff of any specific objection to the proposed conditions of approval.

Conclusion Finding 5:

Finding 5 can be made, based on staff’s analysis that the conditions stated in the resolution are deemed necessary to protect the public health, safety, and general welfare.

PUBLIC COMMENT:

A letter of concern was submitted by a property owner citing hazardous situation with the traffic at the intersection of Olive and Valentine Avenues due to the intersection not having a four (4) way stop sign.

SUMMARY CONCLUSION:

Staff believes that the proposal to allow a gas station (fuel dispensing facility) on the site of an existing minimarket is consistent with the Fresno County General Plan and county-adopted Fresno-High Roeding Plan and will have less than significant impacts 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 Mitigated Negative Declaration prepared based on Initial Study Application No. 7578, and approval of Classified Conditional Use Permit No. 3636, subject to the recommended mitigation measures and Conditions of Approval.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to recommend the Board of Supervisors adopt the Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program prepared based on Initial Study No. 7578; and
- Move to recommend the Board of Supervisors 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. 3636, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a resolution documenting the Commission’s action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Classified Conditional Use Permit No. 3636; and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

Mitigation Measures, Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

EA:jp

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EXHIBIT 1

**Mitigation Monitoring and Reporting Program
Initial Study Application No. 7578; Classified Conditional Use Permit Application No. 3636
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PWP)	On-going; for duration of the project
2.	Energy	The idling of on-site vehicles and equipment will be avoided to the most extent possible to avoid wasteful or inefficient energy consumption during project construction.	Applicant	Applicant/San Joaquin Valley Air Pollution Control District	On-going; for duration of the project
3.	Transportation	<p>Prior to the issuance of building permits for the proposed use, the applicant shall enter into an agreement with the County of Fresno agreeing to participate on a pro-rata basis per acreage developed in the funding of future off-site traffic improvements defined in items a, b, c, d, e, and f below. The traffic improvements and the project's maximum pro-rata share costs are as follows:</p> <p>a. The project's percent fair share for Olive Avenue signalization at Brawley Avenue for 2040 scenario is 1.27% construction cost, or \$14,308.00; 15% preliminary engineering, or \$ 2,146.00; and 15% construction engineering, or \$2,146.00 totaling \$18,601.00.</p> <p>b. The project's percent fair share for right-of-way acquisition for Olive Avenue at Brawley Avenue is 1.27 % construction cost, or \$1,041.00.</p> <p>c. The project's percent fair share for Olive Avenue signalization at Marks Avenue for 2040 scenario is 1.43% construction cost, or \$15,997.00; 15% preliminary engineering, or \$ 2,400.00; and 15% construction engineering, or \$2,400.00 totaling \$20,796.00.</p>	Applicant	Applicant/PWP	During project construction

EXHIBIT 1

		<p>d. The project's percent fair share for right-of-way acquisition for Olive Avenue at Marks Avenue is 1.43% construction cost, or \$644.00.</p> <p>e. The project's percent fair share for Olive Avenue signalization at Hughes Avenue for 2040 scenario is 1.26% construction cost, or \$13,150.00; 15% preliminary engineering, or \$1,972.00; and 15% construction engineering, or \$1,972.00 totaling \$17,095.00.</p> <p>f. The project's percent fair share for right-of-way acquisition for Olive Avenue at Hughes Avenue is 1.26% construction cost, or \$567.00.</p> <p>The County shall update cost estimates for the above specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.</p>			
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Elevations, and Operational Statement approved by the Planning Commission.				
2.	<p>Olive Avenue is classified as a Collector Road requiring an ultimate road right of way of 42 feet south of the section line. The owner of the subject property shall record a document irrevocably offering the northerly two (2) feet of the subject property to the County of Fresno as future right-of-way for Olive Avenue, including a 30 feet by 30 feet corner cut-off at the intersection of Valentine and Olive Avenues.</p> <p>Note: A preliminary title report or lot book guarantee is required before the irrevocable offer of dedication can be processed. The owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial re-conveyance, or any other document required to clear title to the property, shall be borne by the owner or developer.</p>				
3.	Valentine Avenue is classified as a Collector Road requiring an ultimate road right of way of 42 feet east of the centerline. The owner of the subject property shall record a document irrevocably offering the westerly 22 feet of the subject property to the County of Fresno as future right-of-way for Valentine Avenue, including a 30 feet by 30 feet corner cut-off at the intersection of Valentine and Olive Avenues.				

	Note: A preliminary title report or lot book guarantee is required before the irrevocable offer of dedication can be processed. The owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial re-conveyance, or any other document required to clear title to the property, shall be borne by the owner or developer.
4.	Prior to the issuance of building permits, the project proponent shall pay Traffic Signal Mitigation Impact (TSMI) Fee to the City of Fresno per the City's Master Plan schedule.
5.	Prior to the issuance of Building permits, the project proponent shall pay Fresno Major Street Impact (FMSI) Fee to the City of Fresno.
6.	Prior to the issuance of Building permits, the project proponent shall pay Regional Transportation Mitigation Fee (RTMF) to the Joint Powers Agency.
7.	Prior to the issuance of building permits, the seepage pits serving the existing Onsite Wastewater Treatment (Septic) System shall be evaluated by a professional engineer to verify that seepage pits were installed and designed to resist imposed vehicle loads for a fuel transport or fire protection vehicles.
8.	The applicant shall provide an onsite stormwater retention basin, or provide confirmation from Fresno Metropolitan Flood Control District (FMFCD) that drainage can be towards street within FMFCD facilities.

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

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	This 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 occupancy, a Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include design of parking and circulation areas, access, on-site grading and drainage, dedication of right-of-way, fire protection, landscaping, signage and lighting.
3.	Construction plans, building permits and inspections are required for the proposed improvements 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.	The site development shall require an area for one hundred percent (100%) septic leaching area expansion.
5.	To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:

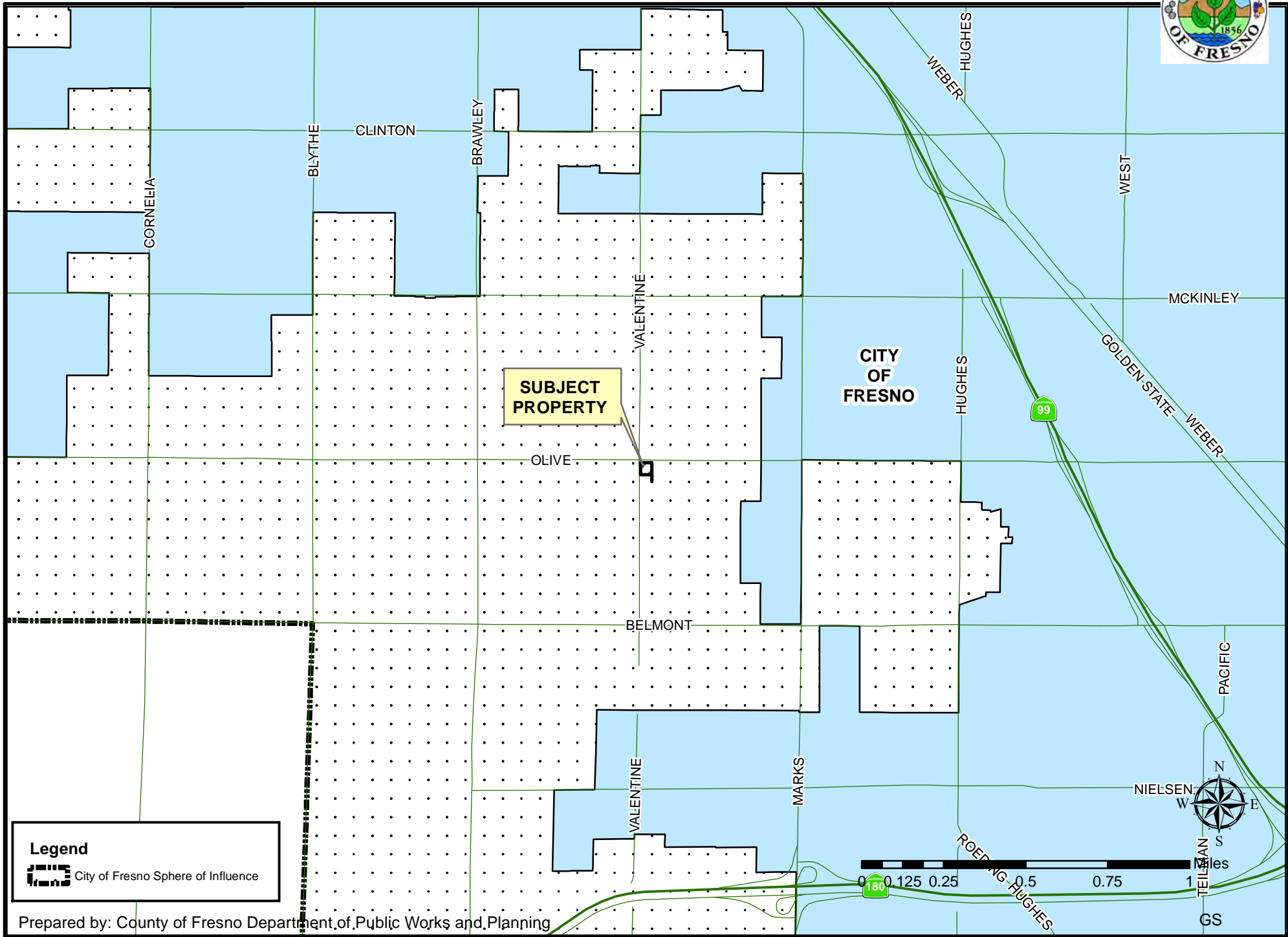
Notes	
	<ul style="list-style-type: none"> • An Engineered Grading and Drainage Plan to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. • A grading permit or voucher for any grading proposed with this application. • An encroachment permit from Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning for any work done within the right-of-way to construct a new driveway or improve an existing driveway. • If not already present, a 10-foot by 10-foot corner cut-off shall be improved for sight distance purposes at the existing driveway onto both Olive and Valentine Avenues.
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"> • Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. • Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. • All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations, Title 22, Division 4.5. • All abandoned water wells on the parcel shall be properly destroyed by an appropriately licensed contractor. • Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil. • Should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction; and the “oily water” removed from the well must be handled in accordance with federal, state and local government requirements. • Prior to issuance of building permits, If any modification/changes made to the interior of the existing mini-market, the applicant shall submit complete food facility plans and specifications to the Health Department for review and approval. • Should the project involve any modifications to the existing restroom facilities, then the operator is advised that a food facility must have a functioning restroom facility at all times for the employees. Since the food facility conducts food preparation, then a restroom trailer is required. The restroom trailer must be equipped with hot/cold running water and flush toilet. Porta-pottie type restrooms are not acceptable for facilities with unpackaged food or food preparation activities. • The remodel activities must be conducted in such a manner as to not contaminate any food product, or food contact surfaces if the applicant is proposing to conduct construction activities during operational hours. The applicant's contractor shall take all necessary measures to ensure contamination does not occur, or the facility will be required to be closed until the remodel is complete or remodel activities occur strictly during off hours. • Prior to the issuance of building permits, the applicant shall submit three (3) sets of complete plans and specifications regarding the installation of any underground storage tanks to the Fresno County Department of Public Health, Environmental Health Division.
7.	<p>The project shall comply with California Code of Regulations Title 24 – Fire Code and California Code of Regulations Title 19. Upon County approval of the project and prior to the issuance of the building permits, the applicant shall submit approved plans to the North Central Fire Protection District for approval.</p>
8.	<p>The Fresno Irrigation District's active Victoria Colony E. Br. No. 43 runs southerly crosses Olive Avenue approximately 1,000 feet east of the subject property, crosses Dudley Avenue approximately 1,100 feet southeast of the subject property, and crosses</p>

Notes	
	Belmont Avenue approximately 2,300 feet southeast of the subject property. Any street and/or utility improvements along Olive Avenue, Dudley Avenue, Belmont Avenue, or in the vicinity of the canal, shall require FID's review and approve of all plans.
9.	The Fresno Irrigation District's active Victoria Colony W. Br. No. 43 runs southerly crosses Olive Avenue approximately 1,600 feet west of the subject property, crosses Dudley Avenue approximately 1,900 feet southwest of the subject property, and crosses Belmont Avenue approximately 2,900 feet southwest of the subject property. Any street and/or utility improvements along Olive Avenue, Dudley Avenue, Belmont Avenue, or in the vicinity of the canal, shall require FID's review and approve of all plans.

EA:
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EXHIBIT 2
LOCATION MAP

CUP 3636

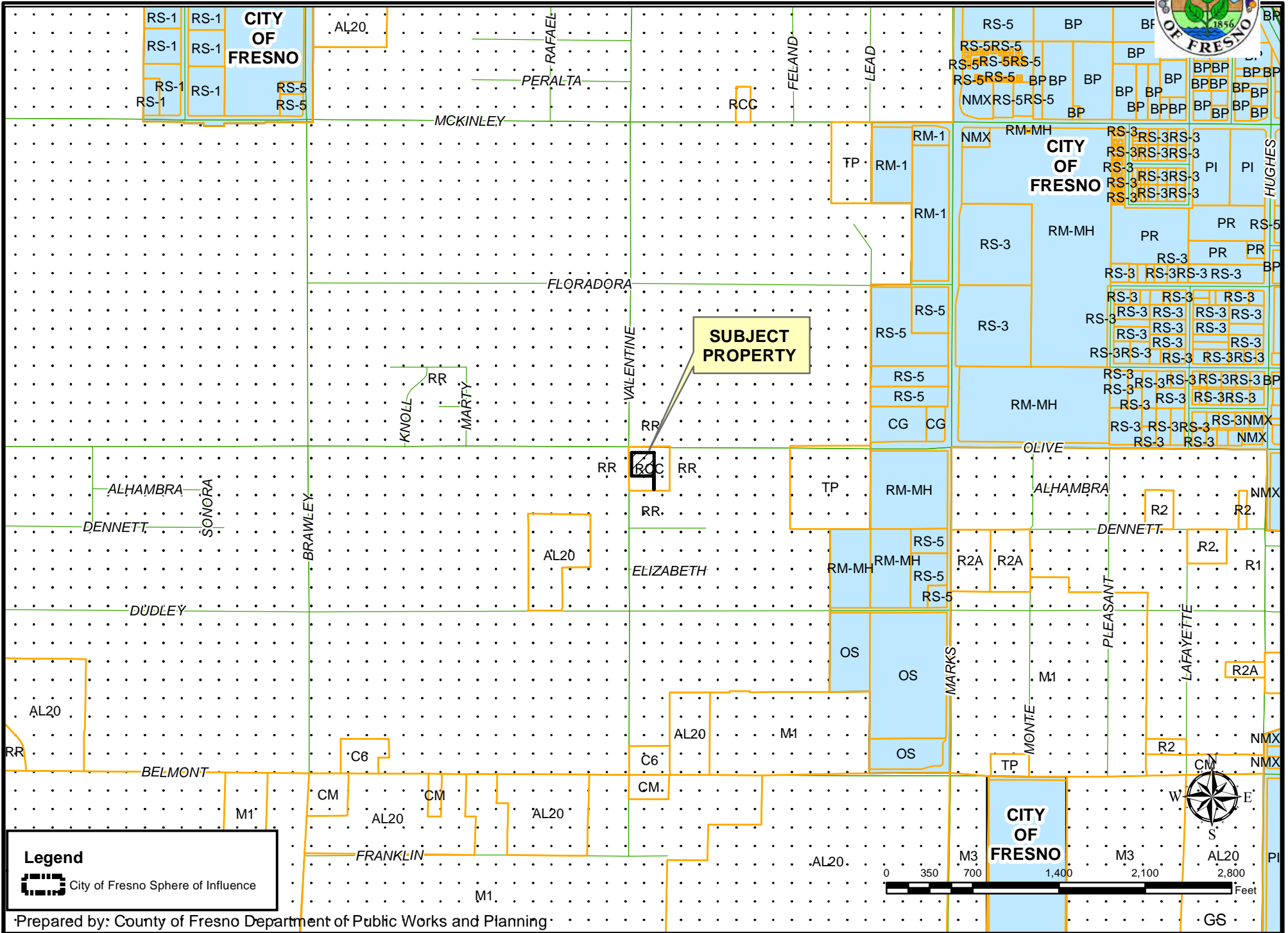


Legend

- City of Fresno Sphere of Influence

EXHIBIT 2

EXHIBIT 3
EXISTING ZONING MAP



Legend

City of Fresno Sphere of Influence

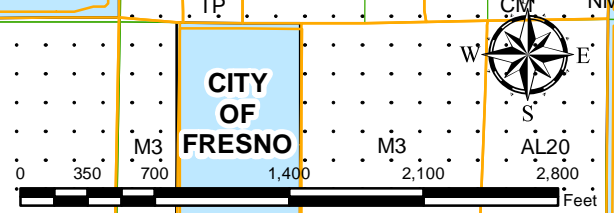
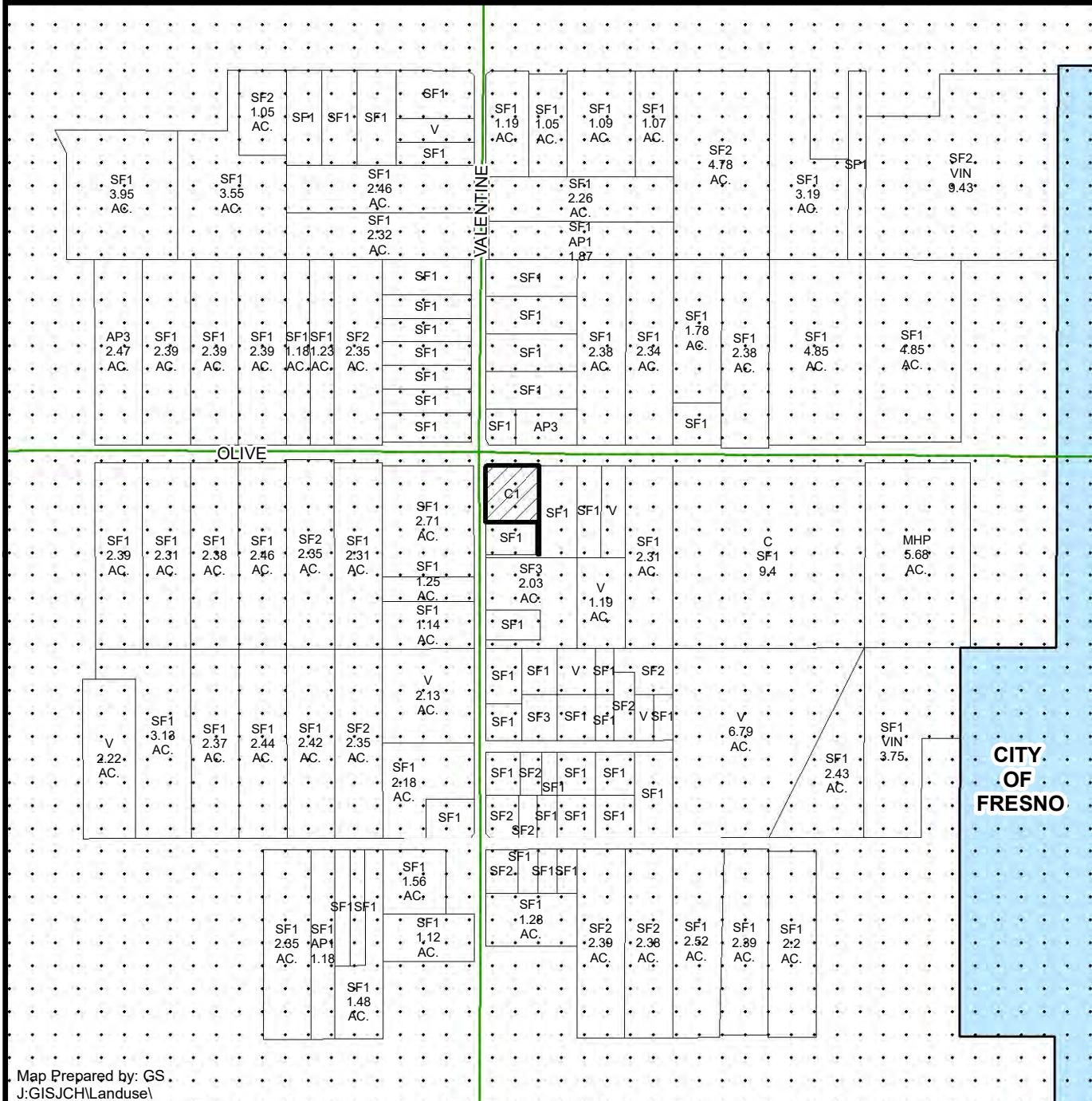




EXHIBIT 3

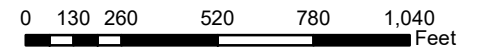
EXISTING LAND USE MAP



LEGEND	
AP1	- APARTMENT
C	- COMMERCIAL
C#	- COMMERCIAL
MHP	- MOBILE HOME PARK
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT
VIN	- VINEYARD

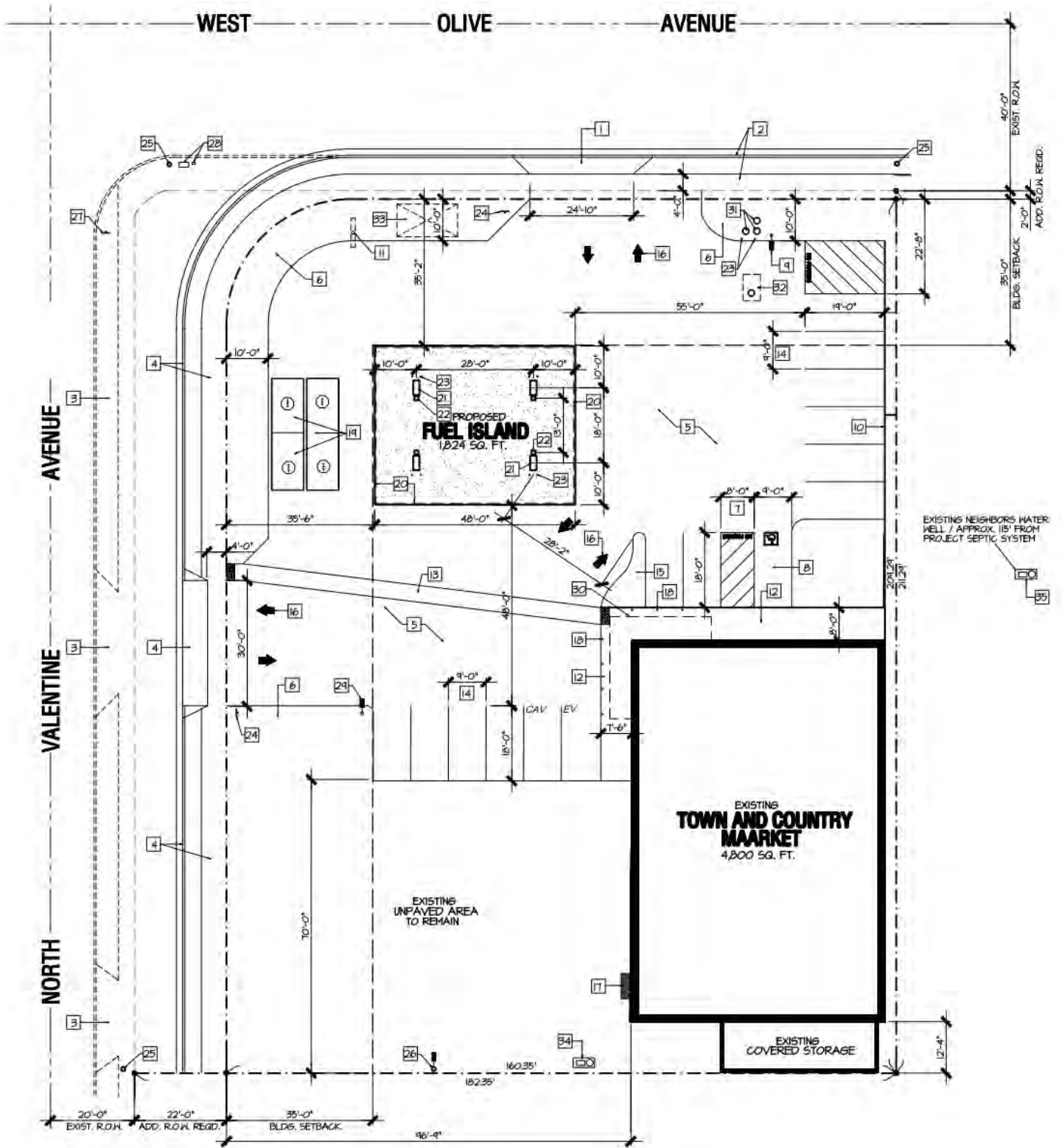
Legend

-  Subject Property
-  City of Fresno Sphere of Influence



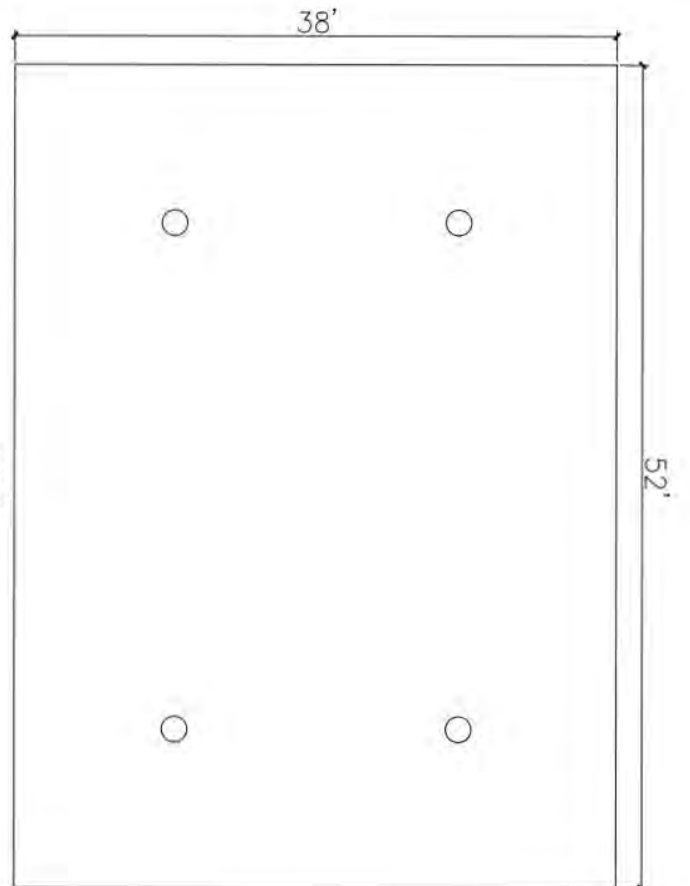
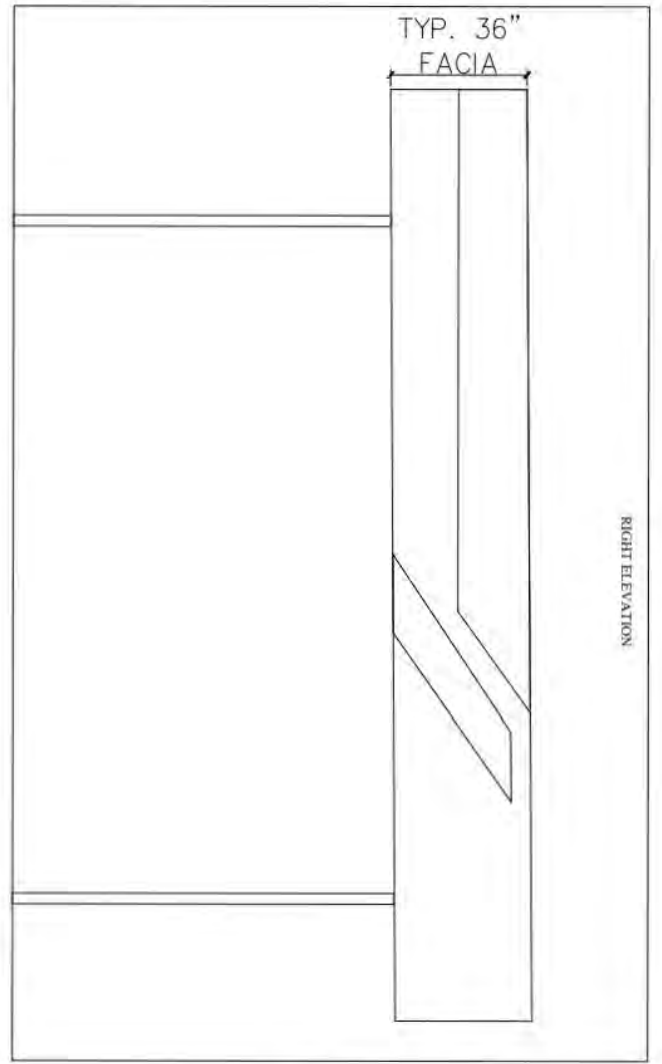
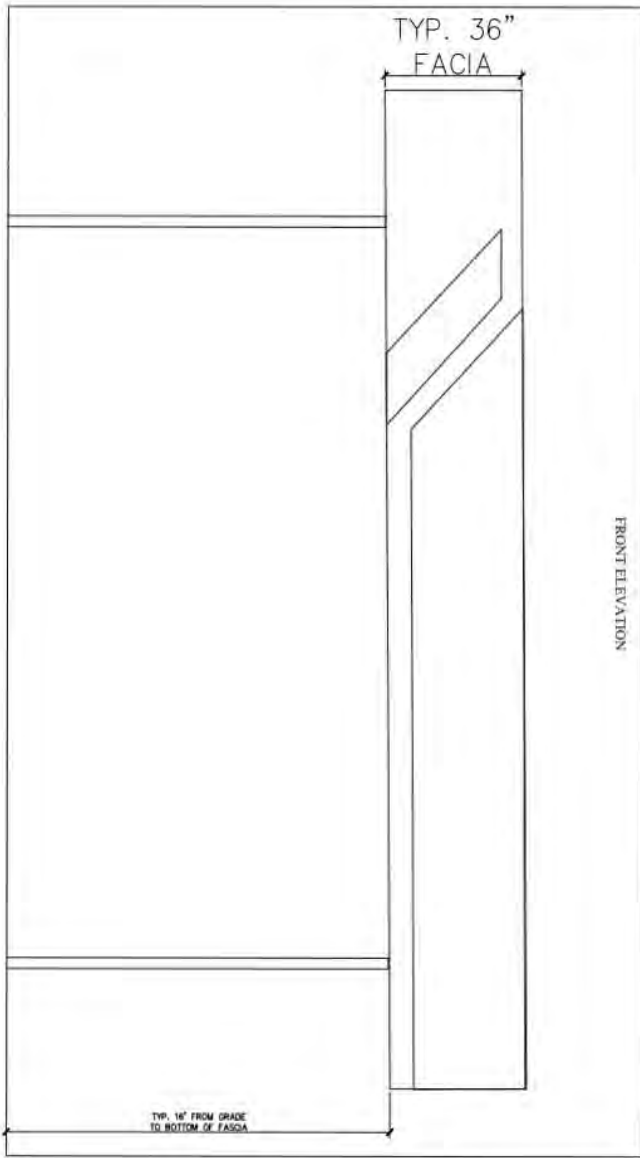
Department of Public Works and Planning
Development Services Division

EXHIBIT 5



SITE PLAN

ELEVATION (Fuel Island)





Larry Carpenter & Cliff Woods
3887 N. Valentine
Fresno CA 93722

Telephone (559) 444-1730
Fax (559) 444-1735
E-mail engineeringdivision@lcservices.com

March 15, 2019

TOWN & COUNTY MARKET
3375 W. OLIVE AVE.
FRESNO, CA. 93722

Operational Statement

1. Nature of the operation-what do you proposed to do?
 - a. The current nature of the Town & Country's current nature of business is a neighborhood food market. The facility owner wants to expand his business and open a gas station on site to better serve the community. The proposed gas station will include a 38' x 52' gas station canopy with (4) above ground dispensers and two (2) 20, 000gallon underground storage tanks.
2. Operational time limits:
 - a. Mon. – Sun. 7:00am until 10:00pm
3. Number of employees:
 - a. 3 full time employees on staff
4. Service and delivery vehicles.
 - a. Number: Existing
 - b. Type: Existing
 - c. Frequency: Existing
5. Access to the site:
 - a. Public road: There is access onto the property from both Olive Avenue (East & West bound traffic) as well as Valentine Avenue (North and Southbound)
6. Number of parking spaces for employees, customers, and service/delivery vehicles:
 - a. 25 (including gas stalls)
7. Are any goods to be sold on-site? If so, are these goods grown or produced on-site or at some other location?
 - a. This is a small neighborhood market providing many dried and canned goods for the community.
 - b. There is a small butchers counter in the back of the store offering various cuts of fresh meats.
8. What is equipment used for?
 - a. The proposed addition to the property will be a four-dispenser gas station.
9. Does the use cause any unsightly appearance?
 - a. No. Today's gas stations are very well designed
10. List any solid or liquid wastes to be produced:
 - a. No additional volumes of water will be used beyond the existing convenience store's usage.

11. Describe any proposed advertising including size, appearance, and placement
 - a. TBD
12. Will existing buildings be used or will new buildings be constructed?
 - a. The current existing building on the property will continue to be used as a Food Market.
13. Explain which buildings or what portion of buildings will be used in the operation.
 - a. The cashier area of the existing market will be used as a point of sale location inside the store.
14. Will any outdoor lighting or an outdoor sound amplification system be used?
 - a. Individual intercom communication devices will be located at each dispenser. Volumes will be kept to a minimum as not to disturb the community abroad.
 - b. Canopy covered lighting will be managed in a way that the hours of operation will be controlled by ambient light sensors and spread of light onto adjacent properties will be controlled by the placement of the fascia surrounding the canopy.
15. Landscaping and fencing proposed?
 - a. TBD by owner. No new landscaping or fencing will be added
16. Any other information that will provide a clear understanding of the project or operation.
 - a. The current existing Town & Country Food Market property has ample room to install a four-dispenser gas station. The surrounding area of Town & Country only provides one other gas station.
17. Identify all Owners, Officers and/or Board members for each application submitted; this may be accomplished by submitting a cover letter in addition to the information provided on the signed application forms.
 - a. Mehtab Turna (Husband/owner) (559) 285-8361
 - b. Sukhbir Turna Wife/owner (559) 451-6816



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Mehtab Turna
- APPLICATION NOS.: Initial Study Application No. 7578 and Classified Conditional Use Permit Application No. 3636
- DESCRIPTION: Allow the addition of a gas station to an existing minimarket (Rural Residential Commercial Center) on a 38,520 square-foot (0.8-acre) parcel in the RCC (Rural Commercial Center) Zone District.
- LOCATION: The project site is located on the southeast corner of W. Olive and N. Valentine Avenues, approximately 1,756 feet west of the nearest city limits of the City of Fresno (3375 W. Olive Ave., Fresno) (SUP. DIST. 1) (APN 449-090-26).

I. AESTHETICS

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

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

FINDING: NO IMPACT:

The project site is developed with an approximately 5,300 square-foot minimarket and related improvements. The site is located along Olive and Valentine Avenues which are not identified as scenic drives in the County General Plan. There are no scenic vistas or scenic resources, rock outcroppings, or historic buildings on or near the site that could potentially be impacted by the project. No impact on scenic resources would occur.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project area is rural residential, consisting of single-family homes on one half-acre to 10-acre parcels. There are no farming activities in the area.

The subject proposal would allow addition of a gas station to an existing minimarket on the property. This addition includes four gasoline pumps (eight fueling positions), fuel island canopy and underground fuel storage tanks. The proposal also involves redesigning of the existing onsite parking to accommodate the proposed improvements. No changes are proposed to the current ingress and egress to the property off Olive and Valentine Avenues. Besides the four above-ground gasoline pumps, the proposed 19-foot-tall, 1,976 square feet fuel island canopy supported by four pillars would be the only visible structure from adjacent roadways and properties. Because the canopy will be small in size, will maintain low height, and be consistent of design and material typical of such structures, the project will have a less than significant visual impact on the surrounding area.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

The project will require lighting underneath the proposed fuel island canopy. Additional lighting may be provided in parking area. To minimize any potential impacts resulting from new sources of lighting, the project will adhere to the following Mitigation Measure.

* **Mitigation Measure**

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

II. AGRICULTURAL AND FORESTRY RESOURCES

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

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; or

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

FINDING: NO IMPACT:

The project site is not farmland. The Fresno County 2016 Important Farmland Map classifies the site as Urban and Built-Up Land suited for commercial uses and is not enrolled in a Williamson Act Program. The subject proposal is not in conflict with Rural Commercial Center zoning on the property and is an allowed use with discretionary land use approval and adherence to the applicable General Plan Policies.

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

FINDING: NO IMPACT:

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

III. AIR QUALITY

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

An Air Quality and Greenhouse Gas Analysis Report, was prepared for the project by Mitchell Air Quality Consulting, dated August 2, 2019. The Report was reviewed by the San Joaquin Valley Air Pollution Control District (SJVAPCD) with no concerns expressed.

Construction and operation of the project would contribute the following criteria pollutant emissions: reactive organic gases (ROG), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), and particulate matter (PM₁₀ and PM_{2.5}).

As discussed in III. B below, emissions of ROG, NO_x, PM₁₀, and PM_{2.5} associated with the construction and operation of the project would not exceed the District's

significance thresholds and would not result in inconsistency with the AQP (Air Quality Plan) for this criterion. The project will comply with all applicable rules and regulations (e.g. Regulation VIII Fugitive PM10 Prohibitions; Rule 2201- New and Modified Stationary Source Review Rule; Rule 4621-Gasoline Transfer into Stationary Storage Containers; Rule 4622-Gasoline Transfer into Motor Vehicle Fuel Tanks) from the applicable air quality plans. Additionally, as discussed in III. C below, the project would not result in CO hotspot that would violate CO standards.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The primary pollutants of concern during project construction and operation are ROG, NO_x, CO, PM₁₀, and PM_{2.5}. The San Joaquin Valley Air Pollution Control District (SJVAPCD) Guidance for Assessing and Monitoring Air Quality Impacts (GAMAQI) adopted in 2015 contains threshold for CO, NO_x, ROG, SO_x PM₁₀ and PM_{2.5}. The SJVAPCD's annual emission significance thresholds used for the project define the substantial contribution for both operational and construction emissions are 10 tons per year ROG, 10 tons per year NO_x 100 tons per year CO, 27 tons per year SO_x, 15 tons per year PM₁₀ and 15 tons per year PM_{2.5}. The project does not contain sources that would produce substantial quantities of SO₂ emissions during construction and operation.

Per the Air Quality and Greenhouse Gas Analysis Report, the 2020 construction emissions (ton per year) associated with the project would be 0.03 for ROG, 0.19 for NO_x, 0.15 for CO, and 0.01 for PM₁₀ and PM_{2.5} which are less than the threshold of significance. Likewise, the operational emission over the life of the project, primarily from mobile sources, would be 0.35 for ROG, 0.66 for NO_x, 2.00 for CO, 0.26 for PM₁₀ and 0.07 for PM_{2.5} which are also less than the threshold of significance.

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

- C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Sensitive receptors are defined as hospitals, residences, convalescent facilities, and schools. The closest sensitive receptor, a single-family residence, is located approximately 96 feet north of the project site.

Per the Air Quality and Greenhouse Gas Analysis Report, an analysis of maximum daily emissions during construction and operation of the project was conducted to determine if emissions would exceed 100 pounds per day for any pollutant of concern

which include NO_x, CO, PM₁₀ or PM_{2.5}. The maximum daily construction emissions (pound per day) would be 23.42 for NO_x, 8.56 for CO, 1.62 for PM₁₀ and 0.74 for PM_{2.5} and would not exceed SJVAPCD screening thresholds for any pollutant.

Operational emissions are generated on-site by area sources such as consumer products, landscape maintenance, energy use, and onsite motor vehicle operation at the project site. Most motor vehicle emissions would occur distant from the site and would not contribute to a violation of ambient air quality standards, making the analysis highly conservative. Maximum daily air pollutant Emissions (pound per day) during operations (2020) would be 3.73 for NO_x, 12.26 for CO, 1.47 for PM₁₀ and 0.41 for PM_{2.5} and would not exceed SJVAPCD screening thresholds for any pollutant.

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

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

The California Air Resources Board (ARB) recommends a 50-foot separation for typical gas dispensing facilities. The proposed fueling station (gas pumps) is located more than 96 feet from the nearest sensitive receptor (a residence). An analysis prepared using the SJVAPCD Health Risk Prioritization Screening Tool to determine if a health risk assessment would be required showed that the project cancer risk score result was 0.11 compared to the threshold of 10 and chronic and acute risk scores were 0.0055 and 0.033 respectively compared to the screening threshold of 1. Health risk would be further minimized by the implementation of SJVAPCD Rule 4622 which limit emissions of gasoline vapors from storage tanks and from the transfer of gasoline into motor vehicle fuel tanks primarily through the installation of vapor recovery systems.

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

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

FINDING: NO IMPACT:

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

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

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

IV. BIOLOGICAL RESOURCES

Would the project:

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

The project site is developed with a minimarket and paved parking. The project will allow addition of gas pumps, a fuel island canopy and underground storage tanks to the minimarket.

The project site, or the neighboring rural residential zoned parcels developed with single family residences do not provide habitat for state or federally listed species. Also, the site contains no riparian features, wetlands or waters under the jurisdiction of the United States.

The project was routed to the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service comments. Neither agency expressed any concerns with the project.

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

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

The project will not conflict with any local policies or ordinances protecting biological resources.

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

FINDING: NO IMPACT:

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

V. CULTURAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

The project site is not in an area determined to be highly or moderately sensitive to archeological finds. A Sacred Lands Search requested from the Native American Heritage Commission (attached) reported negative results in its search for any sacred sites. The project will have no impact on archeological resources.

VI. ENERGY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
 INCORPORATED:

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

* **Mitigation Measure**

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

VII. GEOLOGY AND SOILS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 9-5 of the Fresno County General Plan Background Report relating to probabilistic seismic hazards, the project site is within an area of peak horizontal ground acceleration of 0 to 20 percent. Any impact resulting from seismic activity would be less than significant.

- 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.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The area of the proposed development is currently asphalt concrete paved. As such, no soil erosion or loss of topsoil would occur from this proposal.

- 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:

Per Figure 9-6 of Fresno County General Plan Background Report, the project site is not in an area at risk of landslides. Also, the project involves no underground materials movement and therefore poses no risks related to subsidence.

- 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 Fresno County General Plan Background Report, the project site is not located in an area where the soils exhibit moderately high to high expansion potential. However, the project development will implement all applicable requirements of the most recent California Building Standards Code and will consider any potential hazards associated with shrinking and swelling of expansive soils.

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

FINDING: NO IMPACT:

The subject proposal involves no changes to the existing sewage disposal system currently serving a minimarket on the property.

Per the City of Fresno, Department of Public Utilities, the nearest City sanitary sewer main is approximately 2,425 feet (0.4 mile) east of the project site at the intersection of Marks and Olive Avenues. The project is subject to County sewer ordinance and given the significant distance between the project site and the nearest sewer line is not required to connect to the City sanitary system at this time.

- 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

The total GHG emission generated during all phases of construction for 2020 is 26.24 metric tons of CO₂ per year. However, in order to account for the construction emissions, amortization of the total emission generated during construction based on 30-year life of the development amounts to 0.87 metric tons of CO₂ per year which is less than significant.

The total GHG emission generated during operation of the project would be approximately 373.94 metric tons of CO_{2e} under Business as Usual (BAU) and 274.86 metric tons of CO₂ for year 2020. The project would achieve a reduction of 26.5 percent from BAU which is 4.8 percent beyond the 21.7 percent average reduction required by Assembly Bill (AB) 32 targets (AB 32 requires GHGs emitted in California be reduced to 1990 levels by the year 2020). Likewise, the total GHG emission generated during operation of the project would be approximately 373.94 metric tons of CO_{2e} under Business as Usual (BAU) and 199.04 metric tons of CO₂ for year 2030. The project would achieve a reduction of 48.6 percent from BAU which is 21.5 percent beyond the 21.7 percent average reduction required by AB 32 targets. The project is consistent with the 2017 Scoping Plan and will contribute a reasonable fair-share contribution (through compliance of Title 24 and CALGreen; regulations on energy production, fuels, and voluntary actions to improve energy efficiency in existing development) to achieving 2030 target.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Adopted in 2006, Assembly Bill (AB) 32 focuses on reducing Greenhouse Gases to 1990 levels by the year 2020. Pursuant to the requirements in AB 32, the Air Resources

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

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and requires the following to be included as Project Notes: 1) Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5.; 3) any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95; and 4) All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations, Title 22, Division 4.5.

The nearest school (McKinley Elementary School) is located approximately 1.1 miles northwest of the project site. Given the distance and with adherence to the above-noted requirements, the project will have no impact on the school facilities.

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

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

Per the Fresno County *Airport Land Use Compatibility* Plan Update adopted by the Airport Land Use Commission (ALUC) on December 3, 2018, the nearest public airport, New Coalinga Municipal Airport, is approximately 6.6 miles east of the project site. At that distance, the airport will not result in a safety hazard or excessive noise for people visiting the project site.

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

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

Per Figure 9-9 of the Fresno County General Plan Background Report, the project site is outside of the State Responsibility area for wildland fire protection. No persons or structures will be exposed to wildland fire hazards.

X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VII. E. GEOLOGY AND SOILS concerning waste discharge requirements.

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and requires the following to be included as Project Notes: 1) in an effort to protect groundwater, all abandoned water wells on the parcel shall be

properly destroyed by an appropriately-licensed contractor; 2) prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil; 3) should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction; and 4) the “oily water” removed from the well must be handled in accordance with federal, state and local government requirements.

The Regional Water Quality Control Board, Central Valley Region also reviewed the proposal and expressed no concerns with 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: NO IMPACT:

The subject proposal requires no use of water. The onsite water well will continue to supply water to the existing minimarket on the property.

Comments provided by the City of Fresno Department of Public Utilities indicate that the subject property is located within City’s Growth Area 2. In accordance with Ground Water Sustainability Act of 2014, the City of Fresno is prohibited from serving the project area until the General Plan Year of 2035.

The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning, and the North Kings Groundwater Sustainability Agency (GSA) expressed no adverse impacts on groundwater resulting from this proposal.

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

1. Result in substantial erosion or siltation on or off site?
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 Map shows no natural drainage channels running adjacent to or through the project site. The Fresno Irrigation District (FID) noted

that the agency does not own, operate or maintain any facilities within the subject property.

Comments from the Development Engineering Section of the Fresno County Department of Public Works and Planning indicate that a Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. This will be included as a Project Note.

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

FINDING: NO IMPACT:

Per Figure 9-7 of the Fresno County General Plan Background Report, the project site is not located in a 100-Year Flood Inundation Area

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

FINDING: NO IMPACT:

The subject proposal would not conflict with a Water Quality Control Plan as Fresno County has none. For Groundwater Management Plan, see discussion in Section X. B. above.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project will not physically divide a community. The nearest city, City of Fresno, is approximately 1,756 feet east of the project site.

- 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 Rural Residential in the County-adopted Fresno High-Roeding Community Plan and is within the City of Fresno Sphere of Influence (SOI). The project will not conflict with any land use plan, policy, or regulation of the City of Fresno and was referred to the City for annexation. The City elected not to pursue

annexation due to the property being located within Growth Area 2 and within a Disadvantaged Unincorporated Community.

The County General Plan allows the proposed non-agricultural use on the land zoned Rural Commercial Center (RCC) provided applicable General Plan policies are met. Concerning General Plan Policy LU-E.1 Criteria a. b. c. d. f. g. h., the subject proposal is not a new commercial use; rather, it is the expansion of an existing commercial use on the property located approximately 0.42 mile from another similar use; will provide needed gasoline service to the surrounding rural residential area.

Concerning General Plan Policy LU-E.2 the current Rural Commercial Center (RCC) zoning on the property was enacted prior to September 20, 1990. The subject parcel was zoned RCC on April 7, 1980 and building permits for the existing convenient store were issued on June 22, 1965.

Concerning General Plan Policy PF-C.17, the subject proposal requires no use of groundwater. The water demand for the existing minimarket on the property will remain unchanged and will not be affected by this proposal.

XII. MINERAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

According to Figure 7-8 of the Fresno County General Plan Background Report the project site is not located within a principal 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: NO IMPACT:

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and expressed no concerns related to noise. The proposed development will be subject to the requirements of the County Noise Ordinance, Fresno County Ordinance Code Section 8.40.

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 involves no housing. As such, no increase in population would occur.

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:

The project will comply with the California Code of Regulations Title 24 – Fire Code and California Code of Regulations Title 19 – Public Safety. A Project Note would require that upon County approval of the project and prior to the issuance of the building permits, the applicant shall submit approved plans for the NCFPD approval.

- 2. Police protection?

- 3. Schools; or

- 4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

The project development will not result in additional police protection, or need schools, parks or other any public facilities.

XVI. RECREATION

Would the project:

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

FINDING: NO IMPACT:

The project involves no 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?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

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

Peters Engineering Group prepared a Traffic Impact Study (TIS), dated May 19, 2020 and was reviewed by the Design and Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning, and the California Department of Transportation.

Per the TIS, adding retail opportunities into the urban fabric and thereby improving retail destination proximity, local-serving retail development tends to shorten trips and reduce VMT. The proposed project (gas station added to an existing minimarket) is a local-serving retail use may be presumed to create a less-than-significant transportation impact. TIS found that the study intersections (Olive Avenue/Brawley Avenue, Olive

Avenue / Marks Avenue, and Olive Avenue/Hughes intersections Avenue) are currently operating at levels of service below the target LOS during the a.m. peak hour. The LOS during the p.m. peak hour is C or better. The other study intersections, including the site access driveways, are operating at acceptable LOS. The TIS found that the intersections will operate with similar conditions in the existing-plus-Project scenario, the near-term no-Project scenario, and the near-term with Project scenario. In order to operate at acceptable LOS, the study intersections listed above would require signalization, including road widening as necessary to accommodate left-turn lanes for eight-phase traffic signal operations. Considering that the Project creates a less-than-significant transportation impact, the Project is not required to construct the traffic signals but pay for fair share cost of signalization in lieu of physical impact. In the year 2040 scenario, all the study intersections, except for the site access driveways, are expected to operate below the target LOS and will require signalization to operate at acceptable LOS. TIS recommends that payment of a fair share cost of the improvements be considered as acceptable mitigation of the Project's share of the cumulative effects at the study intersections.

The County Design Division has identified the following Mitigation Measures, pro-rata share percentages, and estimated costs to ensure that potential traffic impacts are mitigated to less than significant levels:

* **Mitigation Measures:**

1. *Prior to the issuance of building permits for the proposed use, the applicant shall enter into an agreement with the County of Fresno agreeing to participate on a pro-rata basis per acreage developed in the funding of future off-site traffic improvements defined in items a, b, c, d, e, and f below. The traffic improvements and the project's maximum pro-rata share costs are as follows:*
 - a. *The project's percent fair share for Olive Avenue signalization at Brawley Avenue for 2040 scenario is 1.27% construction cost, or \$14,308.00; 15% preliminary engineering, or \$ 2,146; and 15% construction engineering, or \$2,146, totaling \$18,601.00.*
 - b. *The project's percent fair share for right-of-way acquisition for Olive Avenue at Brawley Avenue is 1.27 % construction cost, or \$1,041.00.*
 - c. *The project's percent fair share for Olive Avenue signalization at Marks Avenue for 2040 scenario is 1.43% construction cost, or \$15,997.00; 15% preliminary engineering, or \$ 2,400; and 15% construction engineering, or \$2,400, totaling \$20,796.00.*
 - d. *The project's percent fair share for right -of-way acquisition for Olive Avenue at Marks Avenue is 1.43 % construction cost, or \$644.00.*
 - e. *The project's percent fair share for Olive Avenue signalization at Hughes Avenue for 2040 scenario is 1.26% construction cost, or \$13,150.00; 15% preliminary engineering, or \$1,972.00; and 15% construction engineering, or*

\$1,972.00, totaling \$17,095.00.

- f. *The project's percent fair share for right-of-way acquisition for Olive Avenue at Hughes Avenue is 1.26% construction cost, or \$567.00.*

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

The subject proposal is within City of Fresno Sphere of Influence. The City also commented on the TIS regarding the project's impact on City roadways/intersections. Per the City's comments, the project shall be paying Traffic Signal Mitigation Impact (TSMI) Fee per the City's Master Plan Schedule, Fresno Major Street Impact (FMSI) Fee and Regional Transportation Mitigation Fee (RTMF) prior to issuance of building permits.

The California Department of Transportation expressed no concerns related to traffic and the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning offered no comments on the TIS.

- 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:

As noted above, the subject property is approximately 1,756 feet west of the City of Fresno. The project will add gas pumps and a fuel island canopy to an existing minimarket.

The proposed facility will primarily provide gasoline services to those residing in the area which will help reduce vehicle miles travelled (VMT) outside the area by the residents. Considering this scenario, staff believes the proposed development would not conflict or be inconsistent with above-noted CEQA Guidelines.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project design would result in no change to the existing roadway designs within the project area, which were designed in accordance with Fresno County roadway standards to avoid roadway hazards and other traffic-related hazardous features.

A Condition of Approval would require additional road right-of-way for Valentine and Olive Avenues and a Project Note would require an encroachment permit from the

Fresno County Road Maintenance and Operations Division prior to any work done in the road right-of-way.

D. Result in inadequate emergency access?

FINDING: NO IMPACT:

The project site gains access off Valentine and Olive Avenues. These accesses require no change to accommodate the proposal. The site will continue to have adequate number of points of scape during emergencies.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? (In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe)?

FINDING: NO IMPACT:

The project is not located in an area of moderate or high sensitivity to archaeological finds. Pursuant to Assembly Bill (AB) 52, project information was routed to the Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, Table Mountain Rancheria and Santa Rosa Rancheria Tachi Yokut Tribe offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. Staff receiving no response resulted in no further action on the part of 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: NO IMPACT:

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

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

FINDING: 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: NO 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: NO IMPACT:

The project will not produce solid wastes. The solid waste currently produced by minimarket will continue to be removed by regular trash collection service.

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 in or near a State Responsibility Area for wildfire. See discussion above in Section XV. A. 1. PUBLIC SERVICES.

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 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. No impacts on biological or cultural resources were identified in the project analysis.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Air Pollution Control District, and California Code of Regulations Fire Code. No cumulatively

considerable impacts relating to Agricultural and Forestry Resources or Air quality were identified in the project analysis. Impacts identified for Aesthetics, Energy and Transportation will be mitigated by compliance with the Mitigation Measure listed in Sections I, Section VI and Section XVII of this report.

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

FINDING: NO IMPACT:

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

CONCLUSION/SUMMARY

Based upon Initial Study No. 7578 prepared for Conditional Use Permit Application No. 3636, 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, biological resources, cultural resources, mineral resources, noise, population and housing, recreation, tribal cultural resources, utilities and service systems or wildlife.

Potential impacts related to air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, and public services have been determined to be less than significant.

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

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

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EXHIBIT 8

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 7578	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-	
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor		City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Ejaz Ahmad, Planner		Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): Mehtab Turna		Project Title: Classified Conditional Use Permit Application No. 3636		
Project Description: Allow the addition of a gas station (Rural Residential Commercial Center) to an existing minimarket on a 38,520 square-foot (0.8-acre) parcel in the RCC (Rural Commercial Center) Zone District. The project site is located on the southeast corner of W. Olive and N. Valentine Avenues, approximately 1,756 feet west of the nearest city limits of the City of Fresno (3375 W. Olive Ave., Fresno) (SUP. DIST. 1) (APN 449-090-26).				
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 7578) prepared for Classified Conditional Use Permit Application No. 3636, 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, biological resources, cultural resources, mineral resources, noise, population and housing, recreation, tribal cultural resources, utilities and service systems or wildlife. Potential impacts related to air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, and public services have been determined to be less than significant. Potential impacts related to aesthetics, energy and transportation have been determined to be less than significant with the included Mitigation Measure. The Initial Study and Mitigated Negative Declaration (MND) is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.				
FINDING: The proposed project will not have a significant impact on the environment.				
Newspaper and Date of Publication: Fresno Business Journal – November 9, 2020			Review Date Deadline: Planning Commission – February 10, 2022	
Date: January 26, 2022	Type or Print Name: David Randall, Senior Planner		Submitted by (Signature):	

State 15083, 15085

County Clerk File No. _____

**LOCAL AGENCY
 MITIGATED NEGATIVE DECLARATION**

EXHIBIT 9

January 19, 2022

County of Fresno Planning Commission
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

Re: Application 7578/3636
Hearing Date: 1/27/22
Applicant: Mehtab Turna
Site address: 3375 W. Olive Ave. Fresno, CA 93722

Dear Commission Members:

Thank you for your letter regarding the proposed addition of a gas station at the above referenced location.

I own 2 small homes and a triplex unit located directly across the street at addresses 3348-54-62-66-72.

I believe that the permitting of a gas station would provide a positive impact to the area, and a good addition to the services already provided by Mr. Turna at this location.

My only concern is the already hazardous situation with the traffic at the adjacent intersection of Olive and Valentine. Because the intersection does not have a 4 way stop, the speed of traffic frequently exceeds the posted limit. I have long wondered why the County currently has a 4 way stop at McKinley & Valentine, and also at Clinton & Valentine - intersections where there are no businesses at all - yet there is no stop sign at Olive, where this market further complicates the traffic pattern as motorists come and go amid the heavy thru traffic.

The addition of this popular service will further complicate an already dangerous situation, as I know there have been a number of accidents at this intersection, including some that resulted in fatalities.

In closing, it is my opinion that any permitting or addition of any sort that does not include placing a 4 way stop at this respective intersection, would contribute to an already unsafe situation that unfortunately has existed for some time now.

I hope this short letter has addressed your areas of concern. If you have any questions or need for any further comment, please do not hesitate to reach out to me using the contact information referenced below.

Sincerely,



Richard Behlen, DC, ACN
1438 W. Shaw Ave. Suite A
Fresno, CA 93711
619.977.6114 v/t

cc: Mehtab Turna 3375 W. Olive Ave. Fresno, CA 93722

Enclosures: Copy – Notice of Public Hearing Letter



County of Fresno

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

NOTICE OF PUBLIC HEARING FRESNO COUNTY PLANNING COMMISSION

A public hearing will be held on **INITIAL STUDY APPLICATION NO. 7578** and **CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3636** filed by **MEHTAB TURNA** proposing to:

Allow the addition of a gas station (Rural Residential Commercial Center) to an existing minimarket on a 38,520 square-foot (0.8-acre) parcel in the RCC (Rural Commercial Center) Zone District. The project site is located on the southeast corner of W. Olive and N. Valentine Avenues, approximately 1,756 feet west of the nearest city limits of the City of Fresno (3375 W. Olive Ave., Fresno) (SUP. DIST. 1) (APN 449-090-26).

The Planning Commission hearing will be at **8:45 a.m. on January 27, 2022** (or as soon thereafter as possible) in Room 301, Hall of Records, 2281 Tulare Street (Tulare & "M" Streets), Fresno, CA.

The Agenda and Staff Reports will be on the Fresno County web site
<http://www.co.fresno.ca.us/PlanningCommission>
by Saturday, January 22, 2022, 6:00 a.m.

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

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

STEVEN E. WHITE, DIRECTOR
Department of Public Works and Planning
Secretary - Fresno County Planning Commission

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