



County of Fresno

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

Planning Commission Staff Report Consent Agenda Item No. 1 September 21, 2017

SUBJECT: Initial Study No. 6481, Classified Conditional Use Permit
Application No. 3348 – First Time Extension

Grant a first one-year time extension to exercise Classified Conditional Use Permit Application No. 3348, which authorizes the addition of two gas pumps (four fueling positions), a 760 square-foot canopy, two 10,000-gallon above-ground storage tanks, and the conversion of 800 square feet of the existing convenience store to a barber shop on a 2.32-acre parcel in the C-1 (Neighborhood Shopping Center) Zone District.

LOCATION: The project is located on the northeast corner of Belmont and Temperance Avenues, approximately 48 feet northeast of the nearest city limits of the City of Fresno (Sup. Dist. 5) (APN 310-143-46).

OWNER: Lakhvinder Paul and Sarabjit Kaur
APPLICANT: Lakhvinder Paul

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

Marianne Mollring, Principal Planner
(559) 600-4269

RECOMMENDATION:

- Approve a first one-year Time Extension for Classified Conditional Use Permit No. 3348; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Planning Commission Resolution and Staff Report dated August 13, 2015
5. Applicant's letter requesting a first one-year time extension

ENVIRONMENTAL DETERMINATION:

A Mitigated Negative Declaration prepared for Initial Study Application No. 6481 was approved by the Planning Commission, in accordance with the California Environmental Quality Act (CEQA), with approval of Classified Conditional Use Permit Application No. 3348 on August 13, 2015.

Section 15162(b) of the CEQA Guidelines states that once a Mitigated Negative Declaration has been adopted for a project, no subsequent Environmental Impact Report (EIR) or Mitigated Negative Declaration shall be prepared unless: 1) substantial changes are proposed to the project; 2) substantial changes occur with respect to the circumstances under which the project is undertaken; or 3) new information of substantial importance is presented which was not known and could not have been known at the time the previous Mitigated Negative Declaration was adopted. This Time Extension request does not propose changes to the approved project, nor is there evidence of the circumstances noted in conditions 1, 2 or 3 above. Therefore, a subsequent/supplemental environmental document is not required. This Time Extension request was routed to those agencies who commented on the original application and no concerns regarding the continued adequacy of the environmental document were raised.

PUBLIC NOTICE:

Notices were sent to 79 property owners within 1,320 feet of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

The Fresno County Zoning Ordinance requires that a Classified Conditional Use Permit (CUP) shall become void when substantial development has not occurred within two years after approval of the permit. On August 23, 2016, the County amended Zoning Ordinance Section 873.I to authorize the Planning Commission to grant up to a maximum of four (4) one (1)-year time extensions when it can be demonstrated that circumstances beyond the control of the Applicant has caused the delay, provided that the request for extension is filed prior to the expiration of the permit.

The Planning Commission's jurisdiction in evaluating this request is limited to determining whether or not the Applicant should be granted an additional year to exercise the CUP as originally approved.

BACKGROUND INFORMATION:

On August 13, 2015, the Planning Commission considered the subject project. After receiving staff's presentation and considering public testimony from the Applicant, the Commission voted eight to zero (one Commissioner absent) to adopt the Mitigated Negative Declaration and approve Classified CUP No. 3348.

ANALYSIS/DISCUSSION:

Classified Conditional Use Permit No. 3348 was approved by the Planning Commission on August 13, 2015. The subject application to allow a first one-year Time Extension was filed by the Applicant on July 6, 2017. If the Time Extension is granted, the Applicant will have an additional year (until August 13, 2018) to achieve substantial development.

The Planning Commission's jurisdiction in evaluating this request is limited to determining whether or not the Applicant should be granted an additional year to exercise the CUP as originally approved. In a letter dated June 30, 2017, the Applicant states that they have been working with professionals to provide studies, reports, and drawings relating to the required right-of-way dedication and condition to connect to city water service.

The proposed Time Extension was routed to the same Agencies that reviewed this project on December 21, 2011. None of those Agencies identified any change in circumstances or the need for additional Conditions, and did not express concern with the proposed extension of time.

PUBLIC COMMENT:

None

CONCLUSION:

Staff believes the first one-year Time Extension for Classified Conditional Use Permit No. 3348 should be approved, based on factors cited in the analysis above. Approval of this Time Extension will extend the expiration date to August 13, 2018.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to approve the first one-year Time Extension for Classified Conditional Use Permit No. 3348; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to deny the first one-year Time Extension request for Classified Conditional Use Permit No. 3348 (state reasons for denial); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action

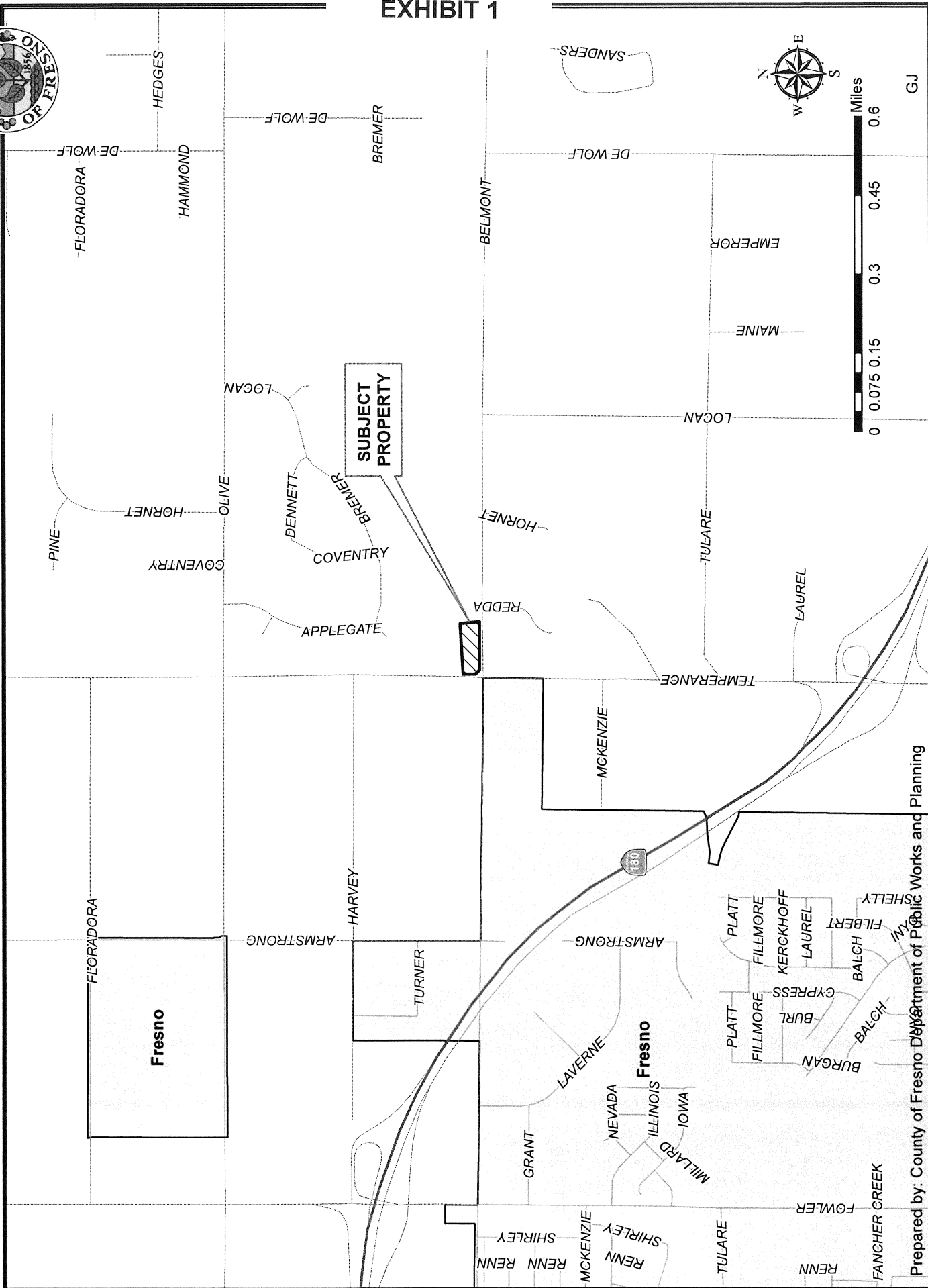
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EXHIBIT 1

LOCATION MAP

CUP3348 Ext 1



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

CUP 3348 Ext 1
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EXISTING ZONING MAP

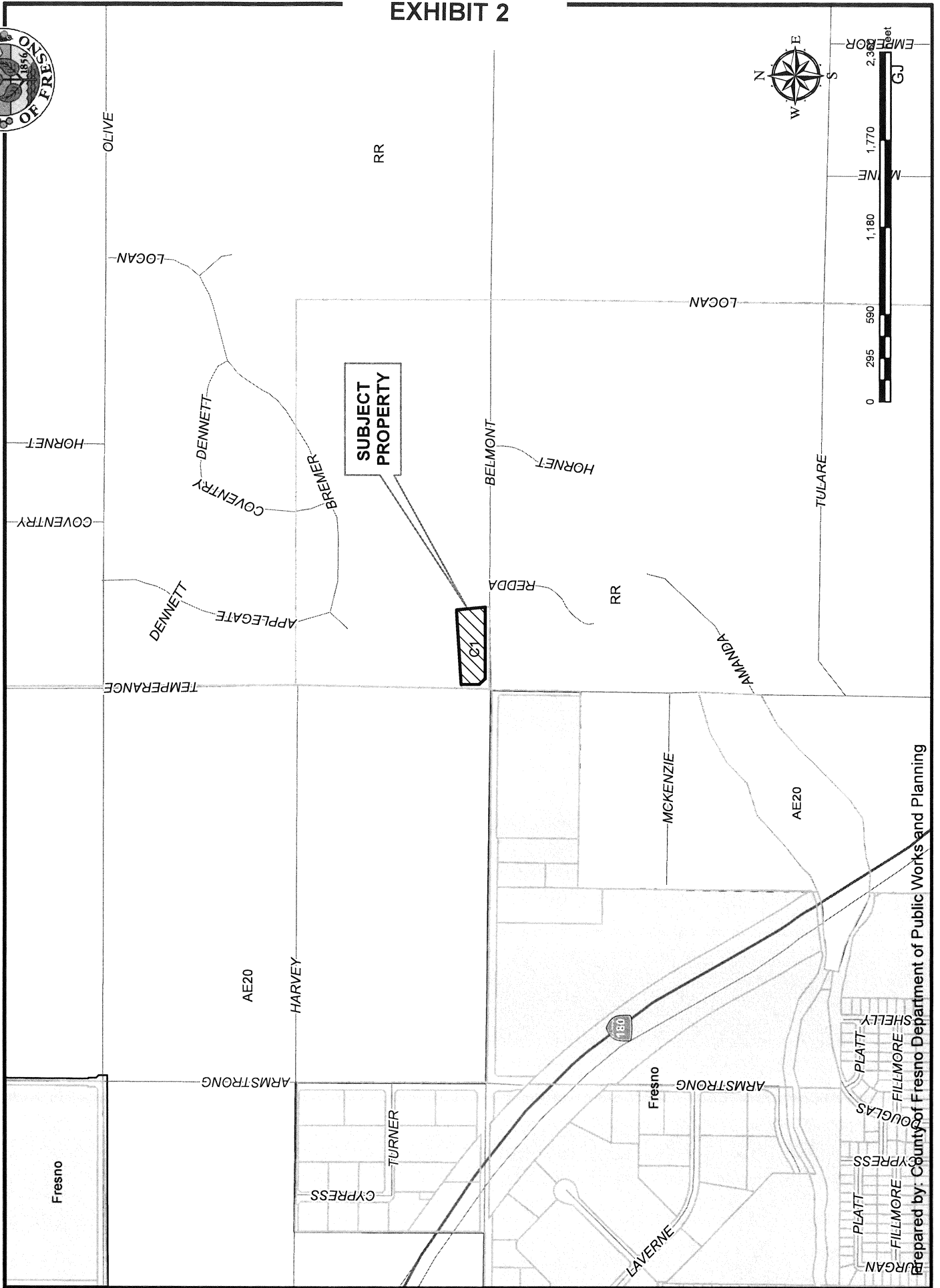


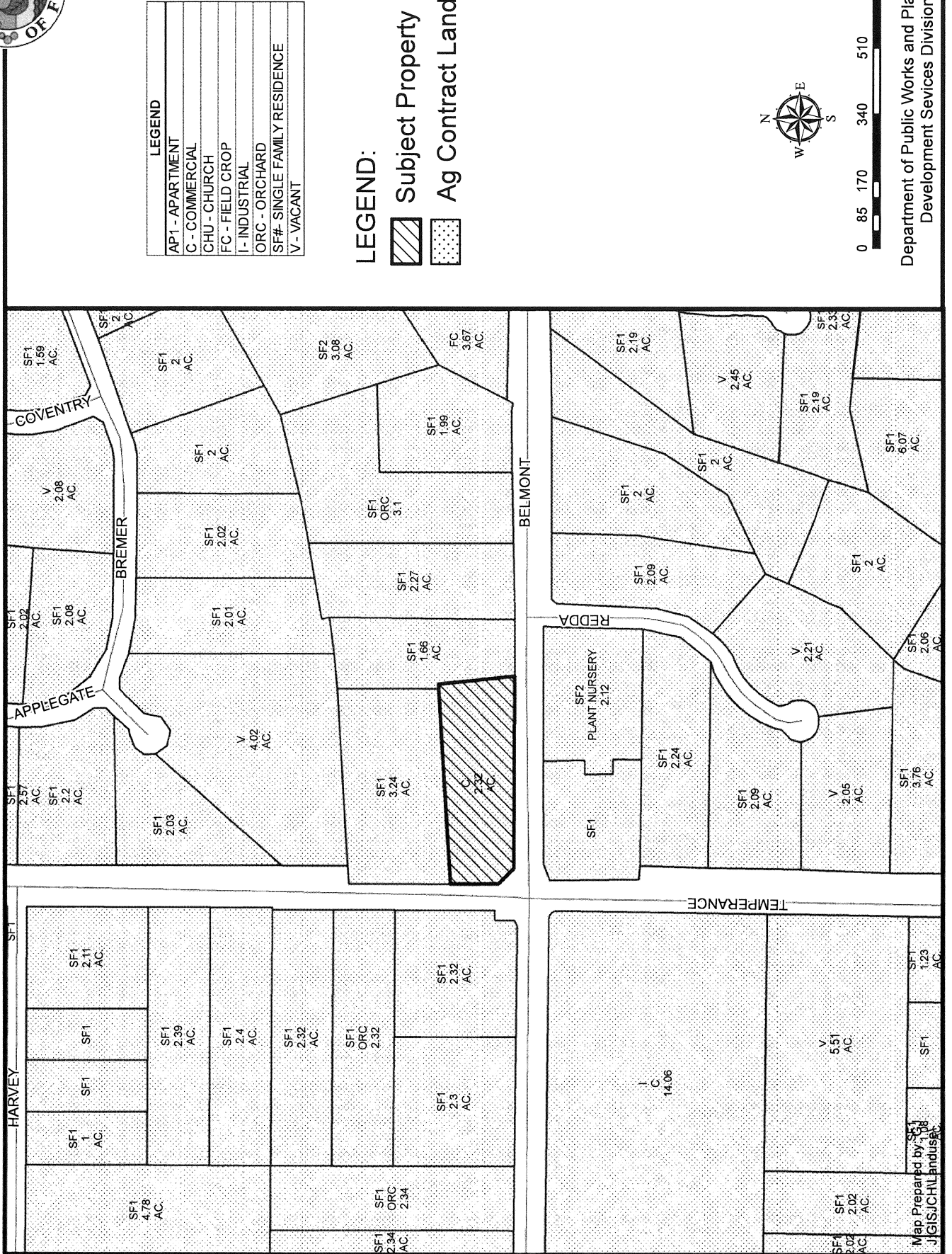
EXHIBIT 2



EXHIBIT 3

EXISTING LAND USE MAP

CUP 3348 Ext 1



LEGEND	
AP1 - APARTMENT	
C - COMMERCIAL	
CHU - CHURCH	
FC - FIELD CROP	
I - INDUSTRIAL	
ORC - ORCHARD	
SF# - SINGLE FAMILY RESIDENCE	
V - VACANT	

LEGEND:

- Subject Property
- Ag Contract Land



Department of Public Works and Planning
Development Services Division

Map Prepared by: JGIS/CHL/landusrc

EXHIBIT 4



Inter Office Memo

DATE: August 13, 2015
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12518 - INITIAL STUDY APPLICATION NO. 6481
and CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO.
3348

APPLICANT/OWNER: Sarabjit Kaur

REQUEST: Add two gas pumps (four fueling positions), a 760 square-foot canopy, two 10,000-gallon above-ground storage tanks, and convert 800 square-feet of the existing convenience store to a barber shop on a 2.32-acre parcel in the C-1 (Neighborhood Shopping Center) Zone District. Adopt the Negative Declaration prepared for Initial Study Application No. 6481 and approve Classified Conditional Use Permit Application No. 3348 with recommended Findings and Conditions.

LOCATION: The project site is located on the northeast corner of Belmont and Temperance Avenues, approximately forty-eight feet northeast of the nearest city limits of the City of Fresno (Sup. Dist. 5) (APN 310-143-46).

PLANNING COMMISSION ACTION:

At its hearing of August 13, 2015, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Rocca and seconded by Commissioner Egan to adopt the Mitigated Negative Declaration prepared for the project, adopt the recommended Findings of Fact in the Staff Report, and approve Classified Conditional Use Permit Application No. 3348, subject to the Modified Conditions listed in Exhibit B, eliminating Condition No. 8 which stated: "The proposed project shall make necessary

RESOLUTION # 12518

improvements and right-of-way and public easement dedications along adjacent public street(s) and within the site boundaries per City of Fresno standards/requirements.”

This motion passed on the following vote:

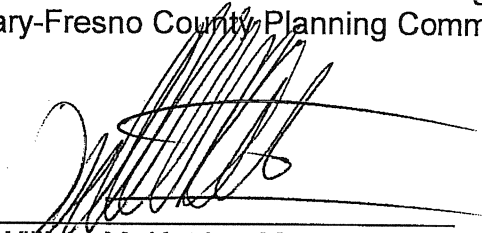
VOTING: Yes: Commissioners Abrahamian, Borba, Egan, Lawson,
 Mendes, Rocca, Woolf, Zadourian

 No: None

 Absent: Commissioner Batth

 Abstain: None

ALAN WEAVER, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: 
William M. Kettler, Manager
Development Services Division

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NOTE: The approval of this project will expire two years from the date of approval unless a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Classified Conditional Use Permit.

Attachments

EXHIBIT A

Initial Study Application No. 6481
Classified Conditional Use Permit Application No. 3348

Staff: The Fresno County Planning Commission considered the Staff Report dated August 13, 2015, and heard a summary presentation by staff.

Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:

- The applicant is adding the gas pumps in order to improve business.
- The applicant decided to connect to city water due to the site being in a low-water area and being in proximity to City of Fresno services.
- The applicant is objecting to the Condition No. 8, requiring that the proposed project shall make necessary improvements and right-of-way and public easement dedications along adjacent public street(s) and within the site boundaries per City of Fresno standards/requirements.

Others: No other individuals presented information in support of or in opposition to the application.

Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

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Mitigation Monitoring and Reporting Program
Initial Study No. 6481/Unclassified Conditional Use Permit Application No. 3348
(Including Conditions of Approval and Project Notes)

Mitigation Measure					
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 not to shine toward adjacent properties and public streets or roadways.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing: Review at SPR
*2.	Transportation/Traffic	Based on the City of Fresno's Master Fee Schedule, a Traffic Signal Mitigation Impact Fee of \$38,120.08 shall be paid by the Applicant based on the Trip Generation Analysis Update estimating an increase in existing traffic by an average of 809 daily trips.	Applicant	Applicant/PW&P/ City of Fresno	Prior to issuance of building permits
*3.	Transportation/Traffic	Right-of-way dedications per City of Fresno standards shall be made by the Applicant to the County of Fresno for future road improvements. The Applicant shall irrevocably offer an additional 20 feet of right-of-way dedication along the north side of Belmont Avenue, and an additional 46 feet of right-of-way along the east side of Temperance Avenue.	Applicant	Applicant/PW&P	Prior to issuance of building permits
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Floor Plans, Elevations, and Operational Statement approved by the Commission.				
2.	A Site Plan Review shall be submitted for approval by the Director of the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include, but are not limited to, design of parking and circulation, grading and drainage, fire protection, and control of lighting.				
3.	Plans, permits and inspections shall be required for all structures based upon the current adopted edition of the California Codes at the time of plan check submittal.				
4.	The Applicant shall seal and abandon existing on-site well(s) in compliance with the State of California Well Standards, Bulletin 74-90 or current revisions issued by the California Department of Water Resources and City of Fresno standards. Installation of a public fire hydrant is required in accordance with City Standards.				

Conditions of Approval	
5.	The proposed project shall receive water from the City of Fresno.
6.	This project shall pay its Fresno Major Street Impact (FMSI) Fee, which will be determined at the time of building permit.
7.	The project shall pay the Regional Transportation Mitigation Fee (RTMF) and provide proof of payment or exemption, based on vesting rights, prior to issuance of building permits.
8.	If the proposed development does not increase the net impervious surface on site, the existing drainage pattern is not changed and storm water runoff on site drains to the street, with FMFCD approval, there will be no engineered grading and drainage plan required. But, if this application proposes to increase parking area beyond the existing paved area, then an engineered grading and drainage plan is required to show how the runoff generated by the proposed paved parking and addition is handled without adversely impacting adjacent properties.

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document and 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 Applicant.	
1.	The proposed site plan shall be reviewed and approved by the City of Fresno Traffic & Engineering Services Division, Traffic Planning Section.
2.	If Temperance Avenue and/or Belmont Avenue is widened or improved as part of the project or future project, FID will require the canal pipe to be lined with a 30-inch diameter ASTM C-361 Rubber Gasket Reinforced Concrete Pipe (RGRCP) in accordance with FID standards, that FID is granted an exclusive 15-foot wide easement for and along its pipeline, and that the applicant enter into an agreement with FID for that purpose.
3.	FID's review and written approval will be required for all improvement plans (including, but not limited to, sewer, water, Fresno Metropolitan Flood Control District, street, and landscaping).
4.	For informational purposes, FID's Fancher Creek Canal No. 6 runs southwesterly and crosses Belmont Avenue approximately 700 feet east of the subject property, and FID's Briggs Canal No. 7 runs southwesterly and crosses Belmont Avenue approximately 900 feet east of the subject property. Should this project expand to include any street improvements along Belmont Avenue and in the vicinity of the canal crossing, FID requires it review and approve all plans.
5.	Any proposed parking area should comply with the Fresno County Off-Street Parking Design Standards.
6.	Any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site, and shall not swing outward.

7.	If not already present, a 10-foot by 10-foot corner cut-off should be improved for sight distance purposes at any existing driveway accessing Belmont Avenue and a 30-foot by 30-foot corner cutoff should be required at the intersection of Belmont Avenue and Temperance Avenue.
8.	No new access points from Belmont Avenue are allowed without prior approval, and any existing driveway shall be utilized.
9.	The City of Fresno should be consulted regarding their requirements for any off-site improvements and driveway placement relative to the property line.
10.	Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.
11.	Any work within the designated flood zone shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of Fresno County Ordinance Title 15, Ordinance 11-005.
12.	Prior to the proposed change in use, the Applicant shall complete and submit a Hazardous Materials Business Plan to the Fresno County Department of Public Health, Environmental Health Division.
13.	A spill prevention control and countermeasure plan (SPCC) is required for above-ground petroleum storage tanks with greater than or equal to 1,320 gallons of storage capacity.
14.	All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This Chapter discusses proper labeling, storage and handling of hazardous wastes.
15.	The proposed development shall comply with the California Code of Regulations Title 24. Subsequent to County approval, copies of the approved Site Plan shall be submitted to the Fire District for review and approval.

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County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

August 31, 2015

Sarabjit Kaur
7064 E. Belmont Avenue
Fresno CA 93727

Dear Applicant:

Subject: Resolution No. 12518 - Initial Study Application No. 6481 and Classified
Conditional Use Permit Application No. 3348

On August 13, 2015, the Fresno County Planning Commission approved your application with Conditions. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk to the Board of Supervisors within 15 days, the Planning Commission's decision is final.

The approval of this project will expire two years from the date of approval unless a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Classified Conditional Use Permit.

If you have any questions regarding the information in this letter please contact me at cmonfette@co.fresno.ca.us or 559-600-4245.

Sincerely,

Christina Monfette, Planner
Development Services Division

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Enclosure



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

Planning Commission Staff Report Agenda Item No. 4 August 13, 2015

SUBJECT: Initial Study Application No. 6481
Classified Conditional Use Permit Application No. 3348

Add two gas pumps (four fueling positions), a 760 square-foot canopy, two 10,000-gallon above-ground storage tanks, and convert 800 square-feet of the existing convenience store to a barber shop on a 2.32-acre parcel in the C-1 (Neighborhood Shopping Center) Zone District. Adopt the Negative Declaration prepared for Initial Study Application No. 6481 and approve Classified Conditional Use Permit Application No. 3348 with recommended Findings and Conditions.

LOCATION: The project site is located on the northeast corner of Belmont and Temperance Avenues, approximately forty-eight feet northeast of the nearest city limits of the City of Fresno (Sup. Dist.: 5) (APN: 310-143-46).

Owner: Sarabjit Kaur
Applicant: Sarabjit Kaur
Representative: Elias Saliba

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

Eric VonBerg, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 6481;
- Approve Classified Conditional Use Permit (CUP) Application No. 3348 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

IMPACTS ON JOB CREATION:

The Commission's action will not have a substantial effect on job creation.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plan
6. Applicant's Operational Statement
7. Summary of Initial Study Application No. 6481

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Residential	No change
Zoning	C-1 (Neighborhood Shopping Center)	No change
Parcel Size	2.32	No change.
Project Site	<p>A neighborhood shopping center on a portion of a 2.32-acre parcel in the C-1 Zone District</p> <p>Improvements include:</p> <ul style="list-style-type: none"> • 4,200 square-foot convenience store • 1,800 square-foot fast food restaurant • 24 parking spaces 	<p>A neighborhood shopping center on a portion of a 2.32-acre parcel in the C-1 Zone District</p> <p>Improvements include:</p> <ul style="list-style-type: none"> • 3,400 square-foot convenience store • 800 square-foot barber shop • 1,800 square-foot fast food restaurant • 33 parking spaces • 760 square-foot fuel canopy with four fueling positions for automobiles
Structural Improvements	<ul style="list-style-type: none"> • 4,200 square-foot convenience store • 1,800 square-foot fast food restaurant 	<ul style="list-style-type: none"> • 3,400 square-foot convenience store • 1,800 square-foot fast food restaurant • 800 square-foot barber shop • 760 square-foot fuel canopy with four fueling positions for automobiles

Criteria	Existing	Proposed
		<ul style="list-style-type: none"> Two 10,000-gallon above-ground storage tanks
Nearest Residence	85 feet north of the parcel.	No change
Surrounding Development	The project site is surrounded by single-family residences.	No change
Operational Features	Year-round, 7 days/week Hours are 5:00 am-9:30 pm	Year-round, 7 days/week Hours are 6:00 am–12:00 am
Employees	Two staff per shift; total of four staff per day	Two staff per shift; total of six staff per day
Customers/Supplier*	<ul style="list-style-type: none"> 200 customers per day 300 customers per day during holidays Up to 10 service and delivery vehicles per week 	<ul style="list-style-type: none"> 300 customers per day 400 customers per day during holidays Up to 12 service and delivery vehicles per week
Traffic Trips*	<ul style="list-style-type: none"> 3,118 daily trips (all uses) 208 total trips (A.M. Peak Hour) 206 daily trips (P.M. Peak Hour) 	<ul style="list-style-type: none"> 3,927 daily trips (all uses) 218 total trips (A.M. Peak Hour) 237 total trips (P.M. Peak Hour)
Lighting	Lighting fixtures mounted on building walls and parking light poles; all hooded	Lighting fixtures mounted on building walls, parking light poles, and lighting beneath fueling canopy; all hooded
Hours of Operation	Seven days/week, 5:00 am to 12:00 am	Seven days/week, 6:00 am to 12:00 am

*Estimated number of customers was provided by the Applicant; traffic daily trip estimate was based on the Trip Generation Handbook from the Institute of Transportation Engineers, June 2004, as determined by TJKM Transportation Consultants in their Traffic Impact Statement (TIS) dated September 17, 2012.

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: No

ENVIRONMENTAL DETERMINATION:

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

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: July 27, 2015

PUBLIC NOTICE:

Notices were sent to 24 property owners within 600 feet of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Conditional Use Permit (CUP) Application may be approved only if four Findings specified in Zoning Ordinance Section 873-F are made by the Planning Commission. The decision of the Planning Commission on a CUP Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

This proposal entails the addition of two gas pumps (four fueling positions) , a canopy to be built over the gas pumps, and two 10,000-gallon above-ground storage tanks on a 2.32-acre lot in the C-1 Zone District. Related improvements to the site include parking improvements, a containment wall for the storage tanks, and the interior renovation of the convenience store to include an 800 square-foot barber shop. The above-ground storage tanks will be surrounded by a spillway containment area. One 10,000-gallon tank will store regular gasoline and the other will be divided between diesel fuel and premium gasoline. There are no underground storage tanks proposed with the project.

Sunnyside Market was built as a by-right development on the subject parcel in 1966. In 2005, the Market expanded to include a Subway restaurant. The proposed barber shop is also a by-right improvement, but the addition of the gas pumps is only allowed subject to approval of this Conditional Use Permit Application. Customers currently drive or walk to the Sunnyside Market to purchase items or buy a Subway sandwich. The improvements proposed will allow members of the surrounding community to also purchase gas or get a haircut at this location.

ANALYSIS/DISCUSSION:

Finding 1: 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: 20 feet Side: 10 feet Rear: 10 feet	Front (south property line): 40 feet Side (east property line): 130+ feet Side (west property line): 150+ feet Rear (north property line): 20 feet	Yes

	Current Standard:	Proposed Operation:	Is Standard Met? (y/n)
Parking	<p>For retail store (existing mini-mart):</p> <ul style="list-style-type: none"> • Two square feet of parking area for each square foot of retail floor area <p>For existing restaurant:</p> <ul style="list-style-type: none"> • One parking space for each 100 square feet of gross floor area <p>For proposed barber shop:</p> <ul style="list-style-type: none"> • One parking space for each 225 square feet of gross floor area 	33 spaces (including two handicap compliant)	Yes
Lot Coverage	Not to exceed 33 percent of total lot area	Approximately 7 percent building coverage	Yes
Separation Between Buildings	No requirements	No requirements	N/A
Wall Requirements	Solid masonry walls not less than five feet and no more than six feet in height shall be erected along the boundary between the commercial and residential district.	Per Operational statement: masonry wall along the north and east lot lines	Yes
Septic Replacement Area	100 percent	100 percent	Yes
Water Well Separation	<p>Septic tank: 50 feet</p> <p>Disposal field: 100 feet</p> <p>Seepage pit: 150 feet</p>	An application for connection to the municipal water system has been submitted to Fresno LAFCo. In the event Fresno LAFCo denies the Applicant's request for services, the Applicant will then be required to receive a permit from the State Water Resources Control Board, Division of Drinking Water to operate as a Public Water System.	N/A

Reviewing Agency/Department Comments:

Zoning Section of the Fresno County Department of Public Works and Planning: The proposed improvements satisfy the setback requirements of the C-1 (Neighborhood Shopping Center) Zone District. Completion of a mandatory Site Plan Review (SPR) shall ensure adequate area for parking, circulation and ingress/egress. Completion of the SPR will also ensure compliance with wall and fence requirements for the C-1 Zone District. This requirement has been included as a Project Note.

All proposed improvements will require permitting. This requirement has been included as a Project Note.

City of Fresno Public Works Department, Engineering Division, Traffic Planning: The City of Fresno Public Works Department City Engineer has requested that this project comply with the minimum required setbacks based upon the ultimate street right-of-way dedication and street improvements in the event that they cannot be obtained prior to annexation into the City of Fresno.

City of Fresno Department of Public Utilities: The Applicant shall seal and abandon existing on-site well(s) in compliance with the State of California Well Standards, Bulletin 74-90 or current revisions issued by the California Department of Water Resources and City of Fresno standards. Installation of a public fire hydrant is required in accordance with City Standards. This requirement has been included as a Condition of Approval.

The City of Fresno also commented that connection to the City of Fresno water system shall be required, installation of water service(s) and meter box(es) shall be required, and payment of all applicable water connection fee(s) to the City of Fresno per the Fresno Municipal Code and the Master Fee Schedule.

Fresno County Department of Public Health, Environmental Health Division (Health Department): Based upon the Operational Statement included with the application package, the facility may require permitting as a Public Water System. The City of Fresno boundary incorporates the southwest corner of Belmont and Temperance Avenues. The owners/operators of Sunnyside Market are highly encouraged to investigate the possibility of connecting to the City of Fresno as a public water supply.

State Department of Health Services (Health Services): This facility meets the definition of a public water system and does not meet the criteria for an exemption. As such, it will have to be permitted by the California Department of Public Health (CDPH) - Fresno District as a transient non-community water system. Health Services concurs with the recommendation that the owners investigate the possible water service from the City rather than being permitted separately as a public water system. If they pursue this option, the Health Services office will not require that they initiate the permit process.

There was insufficient information provided to evaluate adequacy of water quality and the construction characteristics of any water supply wells, including adequacy of separation from sewage disposal and the proposed gas tanks. If the Applicant does not propose water service from the City of Fresno, all of these issues will need to be addressed prior to approving their site plan. This requirement has been included as a Project Note.

No other comments specific to the adequacy of the site were expressed by reviewing agencies or departments.

Analysis:

Staff review of the Site Plan demonstrates that the lot area and dimensions are adequate to provide for the proposed development that includes the existing mini-mart, Subway restaurant, proposed fueling stations and barber shop, parking and circulation areas, landscaping, and access to the site. Specifics in regard to parking, wall and fence requirements, and ingress/egress will be addressed when the Applicant applies for Site Plan Review.

The project site is located just northeast to a corner of the city limits of Fresno. The addition of two gas pumps (four fueling stations) and the redesign of the convenience store space to accommodate a barber shop were determined not to qualify as “new urban development,” and therefore, the project was not referred to the City for annexation; however the parcel is within the City’s Sphere of Influence. Future right-of-way dedications have been marked on the site plan and there are no structures proposed to be built within them.

An application for connection to the municipal water system has been submitted to Fresno LAFCo. A Condition of Approval requires the project to receive water from the City of Fresno; however, in the event Fresno LAFCo denies the Applicant’s request for services, the Applicant will then be required to receive a permit from the State Water Resources Control Board, Division of Drinking Water to operate as a Public Water System. This requirement has been included as a Condition of Approval.

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

Recommended Conditions of Approval:

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

Conclusion:

Finding 1 can be made.

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

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Belmont Avenue	No change
Direct Access to Public Road	Yes	Belmont Avenue	No change
Road ADT		Belmont Avenue: 7,600 Temperance Avenue: 6,800	According to the Trip Generation Analysis Update (TGAU), the proposed project

		Existing Conditions	Proposed Operation
			is estimated to increase existing traffic by an average of 809 daily trips; 10 during the A.M. peak hour and 31 during the P.M. peak hour.
Road Classification		Belmont Avenue: Arterial Temperance Avenue: Expressway	No change
Road Width		Belmont Avenue: 34.4 feet Temperance Avenue: 25 feet	No change
Road Surface		Belmont Avenue: Paved Temperance Avenue: Paved	No change
Traffic Trips		<ul style="list-style-type: none"> • 3,118 daily trips (all uses) • 208 total trips (A.M. Peak Hour) • 206 total trips (P.M. Peak Hour) 	<ul style="list-style-type: none"> • 3,927 daily trips (all uses); a 26 percent increase • 218 total trips (A.M. Peak Hour); a 5 percent increase • 237 total trips (P.M. Peak Hour); a 15 percent increase
Traffic Impact Study (TIS) Prepared	Yes	See Traffic Trips	Pursuant to review of the TIS by the Design and Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning, and Caltrans, mitigation measures are required whereby the project shall pay its fair share toward the cost of traffic-related off-site improvements (see Exhibit 1).
Road Improvements Required	No	Belmont Avenue: Fair Temperance Avenue: Good	No change No change

Reviewing Agency/Department Comments:

California Department of Transportation: According to the Applicant's Operational Statement, the proposed additions are expected to serve the current customer base. Per the Institute of Transportation Engineers (ITE), with the addition of two new multi-pump dispensers (four positions), it is expected that the project will contribute 76 PM peak travel period trips. However, given the location of the project and the fact that SR 180 within this area has been

reconstructed to a new four-lane expressway, it is anticipated that the configuration of SR 180 is likely sufficient to accommodate any additional traffic generated by the project.

City of Fresno, Public Works Department, Traffic and Engineering Services: The project trip generation was based on the ITE Trip Generation Manual. The Convenience Market with Gasoline Pumps use (ITE Code 853) and Fast-Food Restaurant without Drive Through use (ITE Code 933) were used to calculate the number of average daily trips (ADT) and AM and PM peak hour trips to be generated by the proposed project.

Trip generation for the existing Sunnyside Market was based on the ITE Trip Generation Manual as well as the San Diego Municipal Code Land Development Code Trip Generation Manual (May 2003). Using the Convenience Market use (ITE Code 852) and Fast-Food Restaurant without Drive Through use (ITE Code 933), the existing Sunnyside Market generates 3,118 ADT; 208 trips during the AM peak hour and 206 trips during the PM peak hour.

The total net trips generated by the proposed project were calculated by taking the difference in the number of trips generated at the Sunnyside Market site before and after the installation of the gasoline pumps.

TJKM utilized the ITE Trip Generation Manual to calculate ADT, and AM and PM peak hour trips generated by the existing Sunnyside Market, as well as the number of trips projected to be generated with the addition of the gasoline fuel pumps. As stated previously, the new trips generated by the addition of the gasoline pumps, and used in the analyses, were developed by calculating the difference between the existing Sunnyside Market trips and the trips projected to be generated by the site after installation of the gasoline pumps.

This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee of \$47.12 per ADT, per the Master Fee Schedule, at the time of building permit. Based on the reported net ADT of 809 for the proposed project, the fee would be \$38,120.08, payable at the time of the building permit. Failure to pay this fee or construct improvements that are credited/reimbursable with this fee will result in a significant unmitigated impact, as this fee is applied to all projects within the City Sphere of Influence. This requirement has been included as a Mitigation Measure.

This project shall pay its Fresno Major Street Impact (FMSI) Fee, which will be determined at time of building permit. This FMSI fee is creditable toward major street roadway improvements included in the nexus study for the FMSI fee. This requirement has been included as a Condition of Approval.

The project shall pay the Regional Transportation Mitigation Fee (RTMF) and provide proof of payment or exemption, based on vesting rights, prior to issuance of building permits. This requirement has been included as a Condition of Approval.

The proposed project shall make necessary improvements and right-of-way and public easement dedications along adjacent public street(s) and within the site boundaries per City of Fresno standards/requirements. This requirement has been included as a Condition of Approval.

The proposed site plan shall be reviewed and approved by the City of Fresno Traffic and Engineering Services Division, Traffic Planning Section. This requirement has been included as a Project Note.

Fresno Irrigation District (FID): FID's Eisen Canal No. 11 is a small earthen channel that runs southerly along the west side of the subject property and parallel to the east side of Temperance Avenue then crosses southwesterly through the intersection of Belmont and Temperance Avenues. If Temperance Avenue and/or Belmont Avenue is widened or improved as part of the project or future project, FID will require the canal be pipelined with a 30-inch diameter ASTM C-361 Rubber Gasket Reinforced Concrete Pipe (RGRCP) in accordance with FID standards, FID be granted an exclusive 15-foot-wide easement for and along its pipeline, and that the Applicant enter into an agreement with FID for that purpose. This requirement has been included as a Project Note.

FID's review and written approval will be required for all improvement plans (including, but not limited to, sewer, water, Fresno Metropolitan Flood Control District, street, and landscaping). This requirement has been included as a Project Note.

For informational purposes, FID's Fancher Creek Canal No. 6 runs southwesterly and crosses Belmont Avenue, approximately 700 feet east of the subject property, and FID's Briggs Canal No. 7 runs southwesterly and crosses Belmont Avenue, approximately 900 feet east of the subject property. Should this project expand to include any street improvements along Belmont Avenue and in the vicinity of the canal crossing, FID requires its review and approval of all plans. This requirement has been included as a Project Note.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Any proposed parking area should comply with the Fresno County Off-Street Parking Design Standards. This requirement has been included as a Project Note.

Any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site, and shall not swing outward. This requirement has been included as a Project Note.

If not already present, a 10-foot by 10-foot corner cut-off shall be improved for sight distance purposes at any existing driveway accessing Belmont Avenue and 30-foot by 30-foot corner cut-off shall be required at the intersection of Belmont Avenue and Temperance Avenue. This requirement has been included as a Condition of Approval.

In an arterial classification, if not already present, on-site turnarounds are required for vehicles leaving the site to enter the arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an arterial road such as Belmont Avenue is usually limited to one common point. Typically, no new access points are allowed without prior approval, and any existing driveway shall be utilized. This requirement has been included as a Project Note.

The City of Fresno should be consulted regarding their requirements for any off-site improvements and driveway placement relative to the property line. This requirement has been included as a Project Note.

Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division. This requirement has been included as a Project Note.

Future right-of-way along Belmont Avenue and Temperance Avenue is per adopted plan lines. The Applicant shall irrevocably offer an additional 20-foot right-of-way dedication along the

north side of Belmont Avenue and an additional 46-foot right-of-way along the east side of Temperance Ave. This requirement has been included as a Mitigation Measure.

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

Analysis:

The California Department of Transportation (Caltrans) submitted their comments in December, 2011. The numbers provided for their comments were based on estimates obtained outside of the Traffic Impact Study (TIS) which was later prepared for the project. Caltrans provided comments during and after the creation of the TIS but declined to revise their 2011 comments despite the updated estimates provided by the study. The Applicant will not be required to contribute a fair-share payment toward maintaining SR 180.

A Traffic Impact Study was required by the Design and Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning, and Caltrans, to assess the project's potential impacts to County and State roadways and intersections. The study was completed and submitted to the County on October 2, 2015. The Applicant later revised the project to include the barber shop, which necessitated a recalculation of the Average Daily Trips (ADT) produced by the proposed improvements. A revised estimate of increased traffic was provided to the County on March 19, 2015. These revised numbers were used to determine the Traffic Signal Mitigation Impact Fee, but since the numbers were lower than those presented in the TIS, staff determined that the revision would not require the preparation of a new TIS.

Comments provided by the City involve some analysis of the methodology used in preparing the TIS, and Design Division of the Fresno County Department of Public Works and Planning concurred with what was presented.

Analysis of the TIS indicated that the increased traffic from the proposal would bring surrounding roads to an unacceptable level of service (LOS). The Applicant was given two options to improve affected intersections to an acceptable LOS and chose Option 2, outlined in full below:

- Option 1. At the intersection of Temperance Avenue/Olive Avenue:
 - a. Add an eastbound left-turn lane with a storage capacity of 125 feet;
 - b. Add a westbound left-turn lane with a storage capacity of 175 feet;
 - c. Add a northbound left-turn lane with a storage capacity of 75 feet;
 - d. Add a southbound left-turn lane with a storage capacity of 50 feet; and
 - e. Signalize the intersection with protective left-turn phasing in all directions.

- Option 2. At the intersection of Temperance Avenue/Belmont Avenue:
 - a. Change the lane geometrics of the eastbound approach lanes from a combination left-thru and a right-turn lane to a left-turn lane with a storage capacity of 100 feet and a combination thru-right;
 - b. Change the lane geometrics of the westbound approach lanes from a combination left-thru and a right-turn lane to a left-turn lane with a storage capacity of 175 feet and a combination thru-right;
 - c. Add a northbound left-turn lane with a storage capacity of 50 feet;

- d. Add a southbound left-turn lane with a storage capacity of 75 feet; and
- e. Signalize the intersection with protective left-turn phasing in all directions.

FID's Eisen Canal No. 11 is shown on the attached site plan. At this time there are no proposed improvements to either Temperance Avenue or Belmont Avenue that would affect any of the three canals mentioned by FID comments, however due to the proximity of Eisen Canal No. 11, the Applicant will be required to submit all improvement plans to FID for review and written approval.

Review of the site plan shows that there is adequate space for vehicles entering Sunnyside Market's parking lot to turn around and exit onto Belmont Avenue in a forward motion. There is no current or proposed access to Temperance Avenue. The mandatory Site Plan Review will address project concerns in regard to parking, required corner cut-offs, and site access.

The City has requested that dedications along both Temperance Avenue and Belmont Avenue be made prior to the eventual annexation of the property. The scope of the subject improvements was not enough to refer the property for annexation at this time; the attached site plan shows the intended property lines that will exist before annexation. However, County staff has determined that right-of-way dedications along both Belmont Avenue and Temperance Avenue must be made to the County as a mitigation measure associated with the required road improvements.

Based on the above information and with adherence to the Mitigation Measures, Mandatory Project Notes, and Conditions of Approval, staff believes that Belmont Avenue and Temperance Avenue will remain adequate to accommodate the proposed use.

Recommended Conditions of Approval:

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

Conclusion:

Finding 2 can be made.

Finding 3: 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 (from nearest property line):
North	3.24 acres	Single-Family Residence	RR	85 feet
East	1.66 acres	Single-Family Residence	RR	120 feet
South	0.46 acre	Single-Family Residence	RR	175 feet
	2.12 acres	Single-Family Residence Greenhouses		

Surrounding Parcels				
West	2.32	Single-Family Residence	AE-20	175 feet

Reviewing Agency/Department Comments:

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA FIRM Panel 1595H, the majority of the area of the subject property is found to be under Flood Zone X (Depth <1 foot), subject to flooding from the 100-year storm. Typically, any work within the designated flood zone shall conform to provisions established in Chapter 15.48 of Flood Hazard Areas of Fresno County Ordinance. This requirement has been included as a Project Note.

The project site is located within the Fresno Metropolitan Flood Control District (FMFCD) boundary. Typically, FMFCD should be consulted for their requirements, and any additional runoff generated by the proposed development cannot be drained across property lines.

If the proposed development does not increase the net impervious surface on site, the existing drainage pattern is not changed, and storm water runoff on site drains to the street, with FMFCD approval, there will be no engineered grading and drainage plan required. But, if this application proposes to increase parking area beyond the existing paved area, then an engineered grading and drainage plan is required to show how the runoff generated by the proposed paved parking and addition is handled without adversely impacting adjacent properties. This requirement has been included as a Condition of Approval.

Fresno County Department of Public Health, Environmental Health Division (Health Department): Prior to the proposed change in use, the Applicant shall complete and submit a Hazardous Materials Business Plan to the Health Department. This requirement has been included as a Project Note.

A spill prevention control and countermeasure plan (SPCC) is required for above-ground petroleum storage tanks with greater than or equal to 1,320 gallons of storage capacity. (Storage capacity means the aggregate capacity of all above-ground tanks and containers at a tank facility.) This requirement has been included as a Project Note.

All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes. This requirement has been included as a Project Note.

The Applicant shall contact their local Fire Authority concerning construction and installation requirements for above-ground storage tanks.

Fresno County Fire Protection District (Fire District): The proposed development shall comply with the California Code of Regulations Title 24. Subsequent to County approval, copies of the approved Site Plan shall be submitted to the Fire District for review and approval. This requirement has been included as a Project Note.

Building and Safety Section of the Fresno County Department of Public Works and Planning: Plans, permits and inspections shall be required for all structures based upon the current adopted edition of the California Codes at the time of plan check submittal. This includes, but is

not limited to, all off-site improvements such as utilities, sidewalks, grading and drainage, and retaining walls, etc. This has been included as a Condition of Approval.

San Joaquin Valley Air Pollution Control District (Air District): No comments.

Analysis:

The subject 2.32-acre property is currently improved with the existing Sunnyside Market and Subway sandwich shop. Located at the intersection of North Temperance Avenue and East Belmont Avenue, the property is zoned for Neighborhood Shopping Center and is located directly northeast of the City of Fresno. The surrounding lands are zoned for Rural Residential and Agriculture and the surrounding properties are improved with single-family residences.

Upon project development, visible improvements will include two gas pumps (four fueling stations), a 760 square-foot canopy, and two 10,000-gallon above-ground storage tanks. The canopy and fueling stations will be located to the front of the existing market, and the tanks will be located to the west. Additional parking spaces will be provided along the east side of the property. Neighborhood shopping centers are intended to serve the surrounding residences by providing small unified centers for shopping. The addition of gas pumps is permitted with a Conditional Use Permit, and also serves the surrounding community by providing access to an additional necessity in a hub location.

The closest residence at 85 feet to the north of the proposed project will not be impacted by the automobile/truck headlight glare resulting from the project operations since the additional parking spaces, including those located along the gas pumps, will not point vehicles toward the residence.

An Initial Study prepared for the project has identified potential impacts to aesthetics and transportation/traffic. Regarding aesthetics, any new on-site lighting would be required to be hooded and directed downward to avoid glare on the adjoining properties. Regarding transportation/traffic, the Applicant would be required to pay a Traffic Signal Mitigation Impact Fee of \$38,120.08. These requirements have been included as Mitigation Measures.

Potential impacts related to air quality, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, and noise have been determined to be less than significant. The Applicant will be required to obtain approval of an Engineered Grading and Drainage Plan and Grading Permit/Voucher; handle all hazardous wastes in accordance with state laws, rules and regulations; provide a spill prevention control and countermeasure plan (SPCC); and obtain the Fresno County Fire Protection District's approval on the Site Plan. Mandatory Site Plan Review (SPR) is included as a Project Note to address these issues and others identified in this Report. Conditions of the SPR may include, but not be limited to, design of parking and circulation, access, grading and drainage, fire protection, and control of light.

The proposed project is not expected to interfere with the existing drainage pattern, as the building currently exists and the fueling area is already paved. The proposal includes the paving of some pervious surface on the east side of the project site to add additional parking. Additionally, a pervious area to the west of the existing building that is currently graveled will be covered with a concrete spillway containment area for the above-ground storage tanks. However, the Applicant will be required to adhere to County Standards which require any additional runoff generated by the proposed development to be retained on site, and cannot be drained across property lines or into County right-of-way. FMFCD reviewed the project and did

not submit any concerns with storm water containment or possible redirection of flood waters.

Based on the above information, and with adherence to Mitigation Measures, Conditions of Approval, and mandatory Project Notes, staff believes that the proposal will not have adverse effects upon surrounding properties.

Recommended Conditions of Approval:

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

Conclusion:

Finding 3 can be made.

Finding 4: The proposed development is consistent with the General Plan

Relevant Policies:	Consistency/Considerations:
<p>Policy LU-E.1: The County shall allow by right in areas designated Rural Residential single-family dwellings and limited agricultural uses related to the production of food and fiber. The County may allow by discretionary permit certain other agricultural uses and non-agricultural uses, including rural commercial centers. For proposed rural commercial centers, the following criteria shall apply:</p> <ul style="list-style-type: none"> a) Commercial uses should be clustered in centers instead of single uses. b) The use shall provide a needed service to the surrounding rural residential community which cannot be provided more efficiently within urban centers. c) To minimize proliferation of commercial centers and overlapping of trade areas, commercial centers should be located a minimum of two (2) miles from any existing or approved commercial use. d) New commercial uses should be located within or adjacent to existing centers. 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. 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 	<p>The Market was built by right on the subject parcel. The proposed improvements are allowed, subject to approval of this Conditional Use Permit Application. In regard to the criteria for Commercial Centers:</p> <ul style="list-style-type: none"> a. The project proposes to add additional services to an existing center. b. The proposed project will provide gasoline and personal services for nearby rural residences where such services are currently deficient. c. No other commercial centers under the jurisdiction of the County of Fresno are located within two miles of the proposed project. There is one gas station/ convenience store located one mile west of the proposed project within the City of Fresno. Given that this is an expansion of an existing commercial use, and not a new commercial use, the proposal will not result in the proliferation of commercial centers and overlapping of trade areas. d. The proposed project is an expansion of an existing commercial use located within the existing footprint. e. The parcel has approximately 711 feet of street frontage along Belmont Avenue. f. This is an expansion of an existing commercial use and not a new commercial use. No Agricultural Commercial Center or Rural Settlement Area is located within two miles of the proposed project. g. The project is located at the intersection of an Expressway (Temperance Avenue) and

Relevant Policies:	Consistency/Considerations:
<p>commercial area of any city or community, or newly established rural residential commercial centers.</p> <p>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>h) Distance from other existing commercial zoning and uses should be considered when siting commercial centers.</p>	<p>an Arterial (Belmont Avenue).</p> <p>h. There is no other property zoned for commercial use by County of Fresno within two miles of the proposed project.</p>

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The property is designated Southeast Rural Residential in the County General Plan. General Plan Policy LU-E.1 (text above) lists criteria for Rural Commercial Centers.

The project site is not under an Agricultural Land Conservation (Williamson Act) Contract.

Analysis:

As noted above, the County General Plan allows for the proposed use in areas designated Rural Residential, provided that the use substantially adheres to Criteria a. through h. of General Plan Policy LU-E.1. The proposal meets this Policy as discussed above and summarized below.

The proposal is consistent with policy LU-E.1 in that the proposal will add additional services to an existing market. These services, the sale of gasoline and the barbershop, will serve the nearby rural residential communities. In addition, there are no other commercial centers or land zoned for commercial use by the County of Fresno within two miles of the proposed project. A similar commercial center exists one mile west of the project within the city, but since this is an addition to an existing project and not a new commercial use, approval of the subject application will not create overlapping trade areas or encourage additional commercial hubs to be built. In regard to the maximum allowed road frontage, the proposed project has 711 feet of frontage across the entire parcel, which is 609 feet shorter than the maximum allowance. Belmont Avenue is designated as an Arterial by the County General Plan.

Given the above discussion, staff believes the project to be consistent with the Fresno County General Plan.

Recommended Conditions of Approval:

None

Conclusion:

Finding 4 can be made.

CONCLUSION:

Staff believes the required Findings for granting the CUP Application can be made based on the factors cited in the analysis, in conjunction with the recommended Mitigation Measures, Conditions of Approval, and Project Notes regarding mandatory requirements. Staff therefore recommends adoption of the Mitigated Negative Declaration prepared for the project and approval of Classified Conditional Use Permit Application No. 3348, subject to the recommended Conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 6481; and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit Application No. 3348, 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 Application No. 3348; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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EXHIBIT 1

Mitigation Monitoring and Reporting Program Initial Study Application No. 6481/Conditional Use Permit Application No. 3348 (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 not to shine toward adjacent properties and public streets or roadways.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing: Review at SPR
*2.	Transportation/Traffic	Based on the City of Fresno's Master Fee Schedule, a Traffic Signal Mitigation Impact Fee of \$38,120.08 shall be paid by the Applicant based on the Trip Generation Analysis Update estimating an increase in existing traffic by an average of 809 daily trips.	Applicant	Applicant/PW&P/ City of Fresno	Prior to issuance of building permits
*3.	Transportation/Traffic	Right-of-way dedications per City of Fresno standards shall be made by the Applicant to the County of Fresno for future road improvements. The Applicant shall irrevocably offer an additional 20 feet of right-of-way dedication along the north side of Belmont Avenue, and an additional 46 feet of right-of-way along the east side of Temperance Avenue.	Applicant	Applicant/PW&P	Prior to issuance of building permits
*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document and Conditions of Approval reference recommended Conditions for the project.					
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Floor Plans, Elevations, and Operational Statement approved by the Commission.				
2.	A Site Plan Review shall be submitted for approval by the Director of the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include, but are not limited to, design of parking and circulation, grading and drainage, fire protection, and control of lighting.				

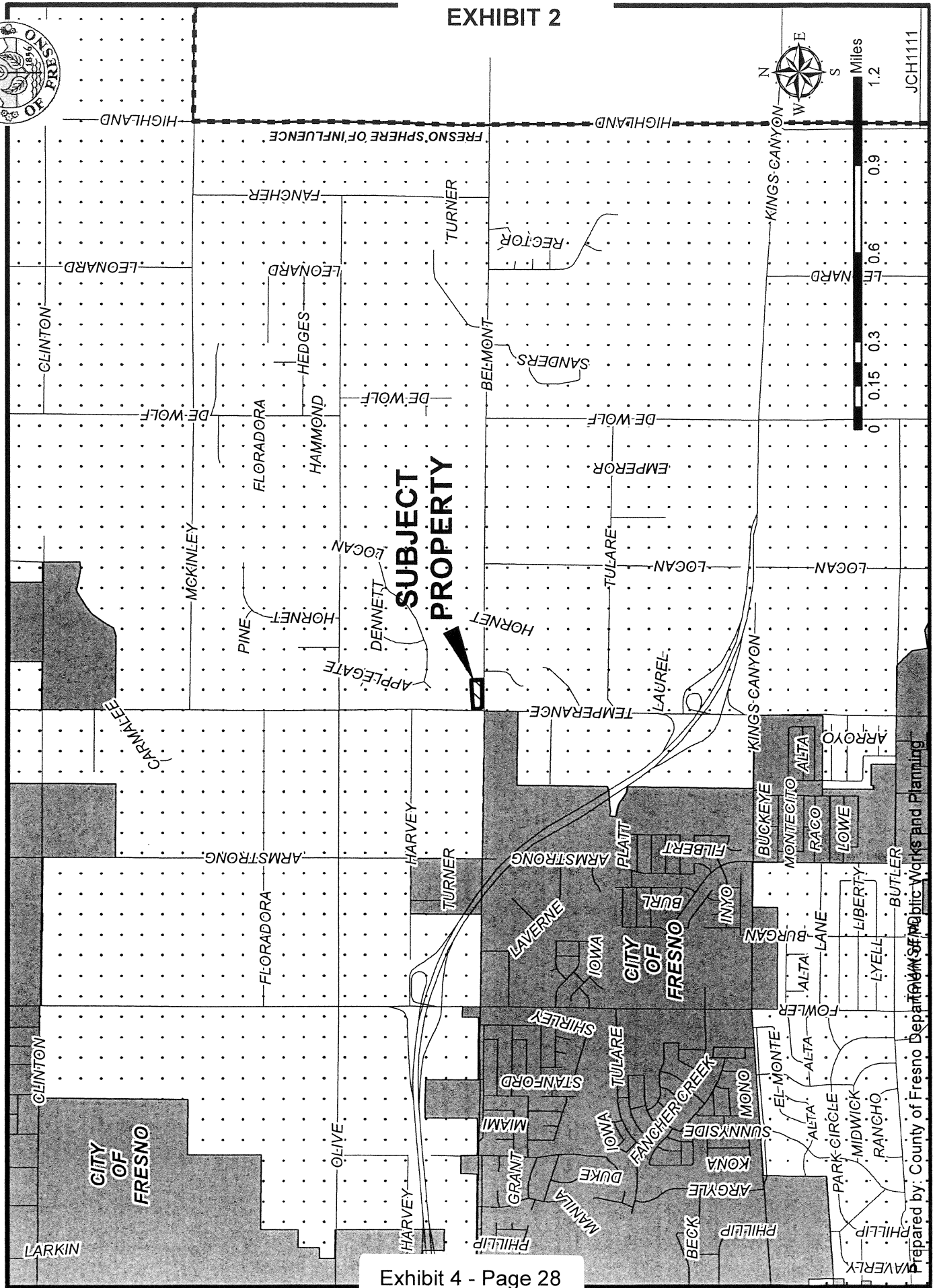
3.	Plans, permits and inspections shall be required for all structures based upon the current adopted edition of the California Codes at the time of plan check submittal.
4.	The Applicant shall seal and abandon existing on-site well(s) in compliance with the State of California Well Standards, Bulletin 74-90 or current revisions issued by the California Department of Water Resources and City of Fresno standards. Installation of a public fire hydrant is required in accordance with City Standards.
5.	The proposed project will receive water from the City of Fresno; however, in the event Fresno LAFCo denies the Applicant's request for services, the Applicant will be required to receive a permit from the State Water Resources Control Board, Division of Drinking Water to operate as a Public Water System.
6.	This project shall pay its Fresno Major Street Impact (FMSI) Fee, which will be determined at the time of building permit.
7.	The project shall pay the Regional Transportation Mitigation Fee (RTMF) and provide proof of payment or exemption, based on vesting rights, prior to issuance of building permits.
8.	The proposed project shall make necessary improvements and right-of-way and public easement dedications along adjacent public street(s) and within the site boundaries per City of Fresno standards/requirements.
9.	If the proposed development does not increase the net impervious surface on site, the existing drainage pattern is not changed and storm water runoff on site drains to the street, with FMFCD approval, there will be no engineered grading and drainage plan required. But, if this application proposes to increase parking area beyond the existing paved area, then an engineered grading and drainage plan is required to show how the runoff generated by the proposed paved parking and addition is handled without adversely impacting adjacent properties.
Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	There was insufficient information provided to evaluate adequacy of water quality and the construction characteristics of any water supply wells, including adequacy of separation from sewage disposal and the proposed gas tanks. If the Applicant is not provided water service from the City of Fresno, all of these issues will need to be addressed prior to approving the site plan.
2.	The proposed site plan shall be reviewed and approved by the City of Fresno Traffic & Engineering Services Division, Traffic Planning Section.
3.	If Temperance Avenue and/or Belmont Avenue is widened or improved as part of the project or future project, FID will require the canal be pipelined with a 30-inch diameter ASTM C-361 Rubber Gasket Reinforced Concrete Pipe (RGRC) in accordance with FID standards, that FID is granted an exclusive 15-foot wide easement for and along its pipeline, and that the applicant enter into an agreement with FID for that purpose.
4.	FID's review and written approval will be required for all improvement plans (including, but not limited to, sewer,

	water, Fresno Metropolitan Flood Control District, street, and landscaping).
5.	For informational purposes, FID's Fancher Creek Canal No. 6 runs southwesterly and crosses Belmont Avenue approximately 700 feet east of the subject property, and FID's Briggs Canal No. 7 runs southwesterly and crosses Belmont Avenue approximately 900 feet east of the subject property. Should this project expand to include any street improvements along Belmont Avenue and in the vicinity of the canal crossing, FID requires it review and approve all plans.
6.	Any proposed parking area should comply with the Fresno County Off-Street Parking Design Standards.
7.	Any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site, and shall not swing outward.
8.	If not already present, a 10-foot by 10-foot corner cut-off should be improved for sight distance purposes at any existing driveway accessing Belmont Avenue and a 30-foot x 30-foot corner cutoff should be required at the intersection of Belmont Avenue and Temperance Avenue.
9.	No new access points from Belmont Avenue are allowed without prior approval, and any existing driveway shall be utilized.
10.	The City of Fresno should be consulted regarding their requirements for any off-site improvements and driveway placement relative to the property line.
11.	Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.
12.	Any work within the designated flood zone shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of Fresno County Ordinance Title 15, Ordinance 11-005.
13.	Prior to the proposed change in use, the Applicant shall complete and submit a Hazardous Materials Business Plan to the Fresno County Department of Public Health, Environmental Health Division.
14.	A spill prevention control and countermeasure plan (SPCC) is required for above-ground petroleum storage tanks with greater than or equal to 1,320 gallons of storage capacity.
15.	All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This Chapter discusses proper labeling, storage and handling of hazardous wastes.
16.	The proposed development shall comply with the California Code of Regulations Title 24. Subsequent to County approval, copies of the approved Site Plan shall be submitted to the Fire District for review and approval.

LOCATION MAP



EXHIBIT 2



CUP 3348

JCH1111

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

EXISTING ZONING MAP

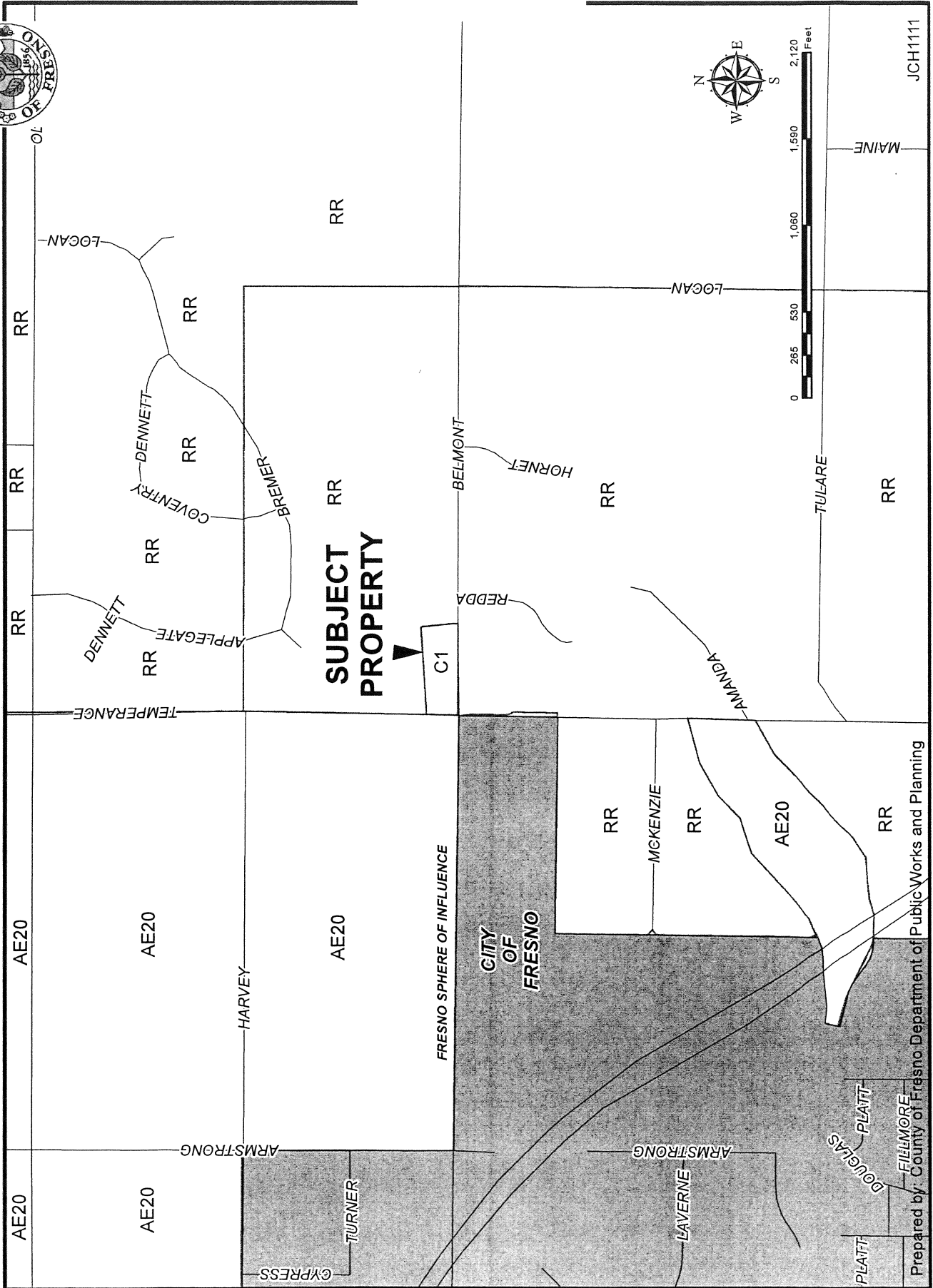
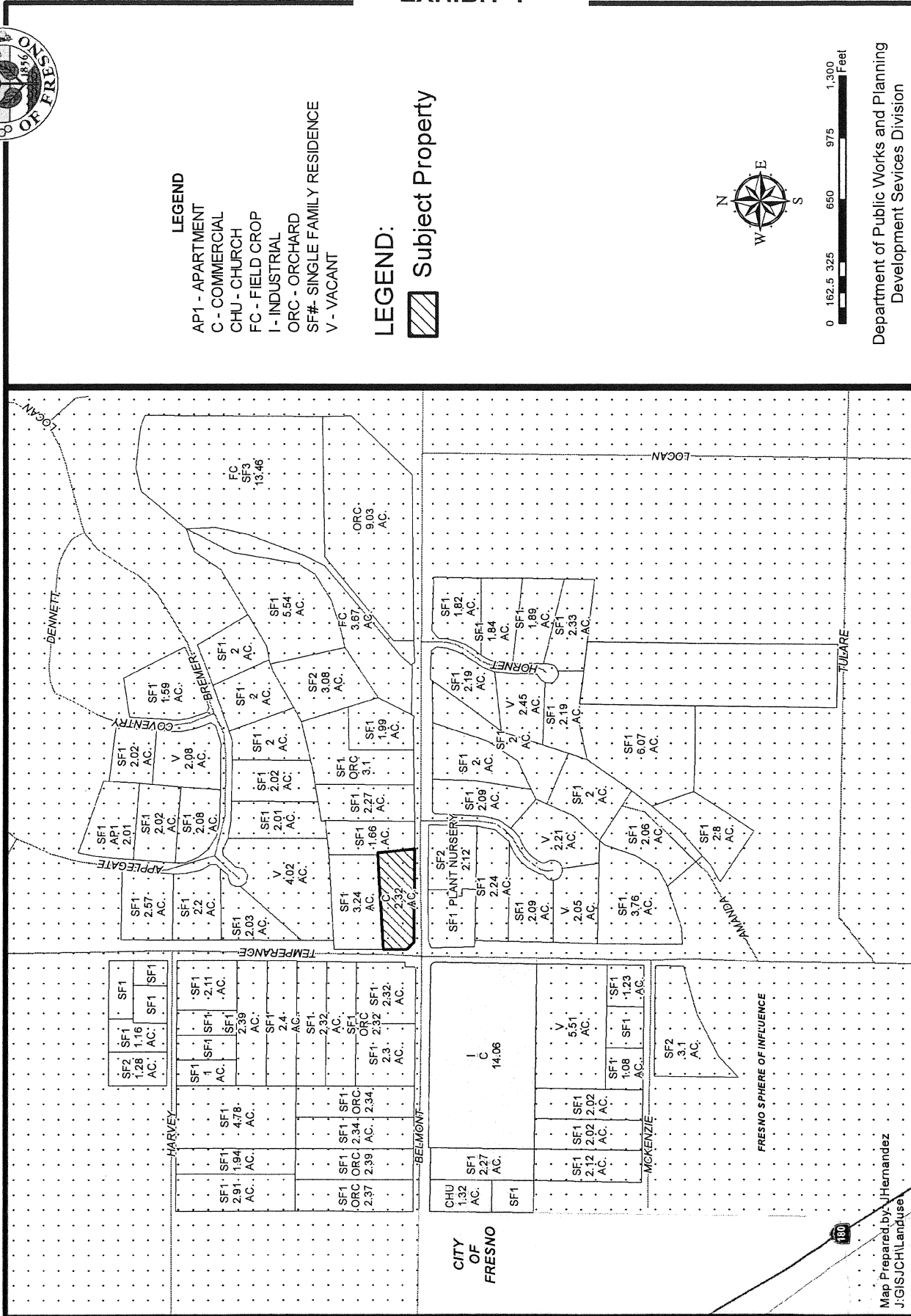




EXHIBIT 4

EXISTING LAND USE MAP

CUP 3348

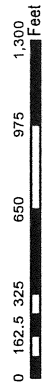
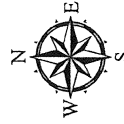


LEGEND

- AP1 - APARTMENT
- C - COMMERCIAL
- CHU - CHURCH
- FC - FIELD CROP
- I - INDUSTRIAL
- ORC - ORCHARD
- SF# - SINGLE FAMILY RESIDENCE
- V - VACANT

LEGEND:

Subject Property



Department of Public Works and Planning
Development Services Division

CITY OF FRESNO

Map Prepared by: Hernandez
JGISJCHILanduse

EXHIBIT 6

**OPERATIONAL STATEMENT
FOR PROPOSED
GAS CANOPY OVER 2 MPD'S
800 sf BARBER SHOP TENANT IMPROVEMENTS
APN: 310-143-46 , AT 7064 E. BELMONT AVE, FRESNO**

Proposed 760 sf island canopy with 2MPD's (multi pump dispenser) in the parking lot of a site with existing 1,800 sf Subway sandwich shop, with existing 4,200 food store that we're proposing to take 800sf barbershop from it, remaining store to be 3,400sf. only.

1. Nature of the operation: customers drive or walk to store, buy gas ,pay at the pump or inside store, groceries, beer, wine, soda, milk, cigarettes, lotto, Subway sandwich or get a hair cut.
2. Operation Time Limits: open your round, 7 days/week, 18 hours/day, 3 shifts per day. 6:00am -12:00 No special activities.
3. Number of Customers: 300 customers /day as average. 400 maximum during busy federal holidays. Customers may drop in anytime, mostly during the day.
4. Number of Employees: 2 persons per shift, total 6/day.
5. Service & Delivery Vehicles: Trucks may make 12 deliveries /week.
6. Access to Site: <E> 2 drivewqays off Belmont Ave. No access off Temperance Ave.
7. Parking: <P> paved site striped w/29 Parking stalls plus 4 under gas island canopy, under total of 33. Type of surfacing proposed asphalteous concrete.
8. Goods Sales: Groceries, gas, beverages, beer, wine, dairy products, meals...
9. Equipments used: WIF/WIC, cash register, soda machine, and coffee maker, sandwich shop and serving equipments...
10. Supplies: Canned & frozen food, oil cans, groceries...stored on Gondolas accessible from aisles. Dairy products stored in WIC, frozen food in WIF.Dry storage on racks.
11. Unsihtly appearance of use: no noise or odors anticipated. No glare or dust to be produced.
12. Solid Wastes: 150 LB/day of domestic garbage, 140 pounds of paper/card box, will be stored in a container and hauled by solid waste management twice/week.
13. Liquid waste: anticipated 1,200 gal/day of domestic liquid waste, to existing onsite septic and seepage pits.
Water use: estimated consumption 1,800 gal/day. Source existing water well.
14. Advertising: site sign with price sign atstreet intersection corner. Building sign displaying business name.
15. Existing building : still be used as is with minor interior remodeling.
16. Building operation: proposed canopy and pumps for fuel sales only.
17. Outdoor lighting: <E>lighting fixtures mounted on building walls, canopy ceiling, and parking light poles, all hooded. No sound amplification systems to be used.
18. Landscaping: Non proposed.
19. Fences: <E> CMU wall 6ft high along east & north property line.on proposed

Owner: Sarabjit Kaur
(559) 326-4039

7/30/2015

Sunnyside market OS#2

EXHIBIT 7



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Sarabjit Kaur
- APPLICATION NOS.: Initial Study Application No. 6481 and Classified Conditional Use Permit No. 3348
- DESCRIPTION: The applicant proposes to add two gas pumps (four fueling positions), a 760 square-foot canopy, two 10,000-gallon above-ground storage tanks, and convert 800 square-feet of the existing convenience store to a barber shop on a 2.32-acre parcel in the C-1 (Neighborhood Shopping Center) Zone District.
- LOCATION: The project site is located on the northeast corner of Belmont and Temperance Avenues, approximately forty-eight feet northeast of the nearest city limits of the City of Fresno (Sup. Dist.: 5) (APN: 310-143-46).

I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or**
- B. Would the project substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway; or**
- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?**

FINDING: NO IMPACT

The project proposes to add two gasoline fuel pumps (four fueling positions) with a 760 square-foot canopy and two 10,000-gallon above-ground storage tanks to an existing convenience store. The applicant is also proposing to convert 800 square-feet of the existing convenience store to a barber shop. The building will then consist of a 3,400 square-foot convenience store, a 1,800 square-foot restaurant, and an 800 square-foot barber shop.

The site of the proposed project is located in a rural residential area within the Sphere of Influence of the City of Fresno. No scenic vistas that may be impacted by the proposed project were identified on or near the site. The site is not located along or near a state scenic highway. The proposed use is characteristic of the existing use and structures,

Evaluation of Environmental Impacts -

Sarabjit Kaur – CUF

Exhibit 4 - Page 33

and therefore, will not degrade the existing visual character or quality of site and surroundings.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED

The proposal includes lighting fixtures mounted in the canopy ceiling that will be hooded and directed downward so as not to shine toward adjacent properties and public streets. With the inclusion of a mitigation measure requiring that outdoor lighting be hooded and directed downward, the additional lighted area will not adversely affect day or nighttime views in the area.

* **Mitigation Measure:**

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

II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project 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. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract; or**
- C. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code §12220(g)), timberland (as defined by Public Resources Code §4526), or timberland zoned Timberland Production (as defined by Government Code §51104(g)); or**
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use; or**
- E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

FINDING: NO IMPACT

The parcel on which the proposed project will be located is not located on or near farmland, forest land, timberland, or land zoned Timberland Production. It is zoned C-1 (Neighborhood Shopping Center), and is designated Rural Residential in the Fresno

County General Plan. The proposed project is a use that is allowed on land zoned C-1 with approval of a Conditional Use Permit.

The parcel is not under a Williamson Act Contract. The proposed project will not result in conversion of Farmland to non-agricultural use or forest land to non-forest land.

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or**
- B. Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation; or**
- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; or**
- D. Would the project expose sensitive receptors to substantial pollutant concentrations; or**
- E. Would the project create objectionable odors affecting a substantial number of people?**

FINDING: LESS THAN SIGNIFICANT IMPACT

The San Joaquin Valley Air Pollution Control District reviewed the proposed project and expressed no concerns with the proposal. The plan does not conflict with the Air Quality Plan, does not violate any air quality standard, will not result in a cumulative net increase of any criteria pollutant, nor does it expose sensitive receptors to substantial pollutant concentrations or create objectionable odors.

IV. BIOLOGICAL RESOURCES

- A. Would the project 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 Game or US Fish and Wildlife Service; or**
- B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; or**
- C. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means; or**

- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or**

- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or**

- F. Would the project conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?**

FINDING: NO IMPACT

The proposed project was referred to the US Fish and Wildlife Service and the California Department of Fish and Wildlife for review and comments. No concerns were expressed by either agency. Therefore, this analysis identified no impacts regarding: 1.) any candidate, sensitive, or special-status species; 2.) any riparian habitat or other sensitive natural community; 3.) any federally protected wetlands; nor 4.) any native resident or migratory fish or wildlife species, migratory wildlife corridors, or wildlife nursery sites.

The proposed project will neither conflict with any local policies or ordinances protecting biological resources nor will it conflict with the provisions of any conservation plan.

V. CULTURAL RESOURCES

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5; or**

- B. Would the project cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5; or**

- C. Would the project directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature; or**

- D. Would the project disturb any human remains, including those interred outside of formal cemeteries?**

FINDING: NO IMPACT

The parcel on which the proposed project will be sited is not located within proximity of any area designated to be moderately or highly sensitive for archeological resources. No historical or paleontological resources, unique geological features, or evidence of possible human remains were identified in this analysis. As such, no impact on historical, archeological, or paleontological resources would result from this proposal.

VI. GEOLOGY AND SOILS

A. Would the project expose people or structures to potential substantial adverse effects, including 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; or
2. Strong seismic ground shaking; or
3. Seismic-related ground failure, including liquefaction; or
4. Landslides?

FINDING: NO IMPACT

The area of the proposed project is not identified as an area which by nature is subject to these types of seismic effects. No agencies expressed any concerns related to ground shaking, ground failure, liquefaction or landslides. Construction of the proposed project will be subject to seismic design standards.

B. Would the project result in substantial soil erosion or loss of topsoil?

FINDING: NO IMPACT

The site of the proposed gas pumps and awning is a 38' x 20' paved area which lies within a paved parking lot. The proposal also includes the paving of some pervious surface on the east side of the project site in order to add additional parking. Additionally, a pervious area to the west of the existing building that is currently graveled will be covered with a concrete spillway containment area for the above-ground storage tanks. Therefore, the project will not result in substantial soil erosion or loss of topsoil.

C. Would the project 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

Landslides and other forms of slope failure form in response to long-term uplift, mass wasting, and disturbance of slopes. The project site contains naturally flat relief (slopes of no more than three percent), which precludes the possibility of landsliding on-site.

The potential for seismic-related ground failure (lateral spreading and liquefaction) occurring on the project site is minimal because of the absence of high groundwater

levels and saturated loose granular soil. The project site is not in an area identified by Fresno County as being susceptible to liquefaction. In addition, the intensity of ground shaking from a large, distant earthquake is expected to be relatively low on the project site and, therefore, would not be severe enough to induce liquefaction on-site.

The San Joaquin Valley in which Fresno County is located is known to experience subsidence. However, the Water, Geology, and Natural Resources Section of the Fresno County Department of Public Works and Planning reviewed the project and expressed no concerns, stating that the proposal to add a fuel island would generate the need for a negligible amount of additional water.

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

FINDING: NO IMPACT

The project site is not located within an area of known risk of expansive soils.

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

FINDING: NO IMPACT

The project will utilize an on-site sewage disposal system. No concerns related to soil capabilities and the septic systems were expressed by the Fresno County Department of Public Health, Environmental Health Division.

VII. GREENHOUSE GAS EMISSIONS

A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or

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

FINDING: LESS THAN SIGNIFICANT IMPACT

Comments received from the San Joaquin Valley Air Pollution Control District expressed no specific project related concerns, supporting the determination that the project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

VIII. HAZARDS AND HAZARDOUS MATERIALS

A. Would the project create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials; or

- B. Would the project 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?**

FINDING: LESS THAN SIGNIFICANT IMPACT

The Fresno County Department of Public Health, Environmental Health Division review of the proposal requires that prior to the issuance of building permits, the applicant shall comply with the following: 1) Complete and submit a Hazardous Materials Business Plan to the Fresno County Department of Public Health, Environmental Health Division. 2) A spill prevention control and countermeasure plan (SPCC) is required for aboveground petroleum storage tanks with greater than or equal to 1320 gallons of storage capacity. 3) The applicant shall contact their local Fire Authority concerning construction and installation requirements for aboveground storage tanks. 4) All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. With adherence to these requirements the project will have a less than significant impact to the public and/or environment.

- C. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; or**
- D. Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

FINDING: NO IMPACT

The subject parcel is not located within one-quarter mile of a school. The proposed project site is not listed on the Hazardous Waste and Substances Site List (Cortese List) which is maintained by the California Department of Toxic Substances Control. There are no listed sites located within a half-mile radius of the proposed project site.

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

FINDING: LESS THAN SIGNIFICANT IMPACT

A small portion of the site of the proposed project is located within the 60 CNEL contour of Fresno Yosemite International, but not located within a safety zone. The portion that

is included in the 60 CNEI contour is vacant land, not used for the project. The project would not create a safety hazard for people residing or working in the project area.

G. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

FINDING: NO IMPACT

The Fresno County Department of Public Health, Environmental Health Division which administers the Office of Emergency Services to coordinate planning and preparedness, response and recovery efforts for disasters did not express any concerns regarding emergency response or evacuation plans.

H. Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

FINDING: NO IMPACT

The project site is located approximately nine miles from the nearest point of a wildland fire area, precluding the site from impacts caused by wildland fires.

IX. HYDROLOGY AND WATER QUALITY

A. Would the project violate any water quality standards or waste discharge requirements; or

B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level?

FINDING: NO IMPACT

The project proposes to add two gasoline fuel pumps (four fueling positions) with a 760 square-foot canopy, and two 10,000-gallon above-ground storage tanks to an existing convenience store. The applicant is also proposing to convert 800 square-feet of the existing convenience store to a barber shop. The building will then consist of a 3,400 square-foot convenience store, a 1,800 square-foot restaurant, and an 800 square-foot barber shop.

Waste water will be managed through an on-site septic system. The project proposal was routed to the Fresno County Department of Public Health, Environmental Health Division which expressed no concerns with the septic system. No waste discharge requirements have been issued nor are they required for this project.

The project site is situated approximately 48 feet from the City of Fresno. An application for connection to the municipal water system has been submitted to Fresno

LAFCo. As a condition of approval, the proposed project will receive water from the City of Fresno. In the event Fresno LAFCo denies the Applicant's request for services, the Applicant will be required to receive a permit from the State Water Resources Control Board, Division of Drinking Water to operate as a Public Water System.

- C. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site; or**
- D. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; or**
- E. Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

FINDING: NO IMPACT

No stream or river exists on or near the property. The proposed project is not expected to interfere with the existing drainage pattern, as the building currently exists and the fueling area is already paved. The proposal includes the paving of some pervious surface on the east side of the project site to add additional parking. Additionally, a pervious area to the west of the existing building that is currently graveled will be covered with a concrete spillway containment area for the above-ground storage tanks. However, the applicant will be required to adhere to County Standards which require any additional runoff generated by the proposed development to be retained on site, and cannot be drained across property lines, or into County right-of-way.

- F. Would the project otherwise substantially degrade water quality?**

FINDING: NO IMPACT

The proposed project was routed to the Regional Water Quality Control Board which expressed no concern regarding water quality. Therefore, no impacts to water quality were identified in this analysis.

- G. Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

FINDING: NO IMPACT

The subject property is in FEMA Flood Zone X (Depth less than 1 foot), subject to flooding from the 100-year storm. However, no housing is proposed with this project.

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

FINDING: LESS THAN SIGNIFICANT IMPACT

The subject property is in FEMA Flood Zone X (Depth less than 1 foot). The above-ground storage tanks will not redirect flood flows due to the proximity of the tanks to the existing building. The fuel pumps and canopy pillars are not large enough to create substantial redirection of flood waters. As such, the proposed project would not impede or redirect flood flows.

I. Would the project expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam; or

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

FINDING: NO IMPACT

The subject property is in FEMA Flood Zone X (Depth less than 1 foot). A 1986 Friant Dam uncontrolled release resulted in the release of 3,000 cfs, with no major flooding in the area. It is expected that future failures would not expose the project to significant loss, injury, or death. The project site is not located near an inland body of water, precluding it from possibility of seiche inundation. The project site is located more than 100 miles from the Pacific Ocean, precluding it from tsunami inundation. The project is not located within an area of steep slopes, precluding it from mudflow inundation.

X. LAND USE AND PLANNING

A. Would the project physically divide an established community?

FINDING: NO IMPACT

The project is located on the site of an existing convenience store near an existing intersection in the C-1 Zone District. The project will not physically divide an established community.

B. Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: NO IMPACT

The subject parcel is designated Rural Residential in the Fresno County General Plan, and is located in the C-1 (Neighborhood Shopping Center) Zone District. Policy LU-E.1 of the Fresno County General Plan was adopted to minimize environmental and service impacts. The policy allows for rural commercial centers that meet the following criteria:

- a) *Commercial uses should be clustered in centers.*
 - *The project proposes to add additional services to an existing center.*
- b) *The use shall provide a needed service to the surrounding rural residential community which cannot be provided more efficiently within urban center.*
 - *The proposed project will provide gasoline and personal services for nearby rural residential where such services are currently deficient.*
- c) *Commercial centers should be located a minimum of two (2) miles from any existing or approved commercial use.*
 - *No other commercial centers under the jurisdiction of the County of Fresno are located within two miles of the proposed project. There is one gas station/convenience store located one mile west of the proposed project within the City of Fresno. Given that this is an expansion of an existing commercial use, and not a new commercial use, the proposal will not result in the proliferation of commercial centers and overlapping of trade areas.*
- d) *New commercial uses should be located within or adjacent to existing centers.*
 - *The proposed project is an expansion of an existing commercial use located within the existing footprint.*
- e) *Commercial centers should not encompass more than one quarter mile (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.*
 - *The parcel has approximately 711 feet of street frontage along Belmont Avenue and will not exceed one-quarter (1/4) mile (1,320 feet).*
- 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.*
 - *This is an expansion of an existing commercial use, and not a new commercial use. No agricultural commercial center or rural settlement area is located within two miles of the proposed project.*
- 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.*
 - *The project is located at the intersection of a General Plan designated expressway (Temperance Avenue) and a General Plan designated arterial (Belmont Avenue).*
- h) *Distance from other existing commercial zoning and uses should be considered when siting commercial centers.*
 - *There is no other property zoned for commercial use by County of Fresno within two miles of the proposed project.*

C. Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

FINDING: NO IMPACT

The proposed project will not conflict with the provisions of any adopted Habitat Conservation Plan or Natural Community Conservation Plan.

XI. MINERAL RESOURCES

- A. Would the project 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. Would the project 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

No mineral resource impacts were identified in the analysis. The site is not located in a mineral resource area identified in Policy OS-C.2 of the General Plan.

XII. NOISE

- A. Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or**
- B. Would the project result in exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels; or**
- C. Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or**
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

FINDING: NO IMPACT

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and expressed no concern related to noise.

- 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, would the project expose people residing or working in the project area to excessive noise levels; or**
- F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

FINDING: LESS THAN SIGNIFICANT IMPACT

A small portion of the site of the proposed project is located within the 60 CNEL contour of Fresno Yosemite International. The portion that is included in the 60 CNEL contour is vacant land, not used for the project. The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and expressed no concern related to noise.

XIII. POPULATION AND HOUSING

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

FINDING: NO IMPACT

The project proposes to add two gasoline fuel pumps (four fueling positions) with a 760 square-foot canopy, and two 10,000-gallon above-ground storage tanks to an existing convenience store. The applicant is also proposing to convert 800 square-feet of the existing convenience store to a barber shop. The building will then consist of a 3,400 square-foot convenience store, a 1,800 square-foot restaurant, and an 800 square-foot barber shop.

The proposed project will not induce population growth, nor will it displace housing or people.

XIV. PUBLIC SERVICES

- A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 public services:**

- 1. Fire protection?**

FINDING: NO IMPACT

Fresno County Fire Protection District reviewed the proposed project and expressed no concerns.

- 2. Police protection; or**

- 3. Schools; or
- 4. Parks; or
- 5. Other public facilities?

FINDING: NO IMPACT

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

XV. RECREATION

- A. Would the project 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. Does the project 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

No impacts on recreational resources were identified in the analysis.

XVI. TRANSPORTATION/TRAFFIC

- A. Would the project conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit; or**
- B. Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED

A Traffic Impact Analysis (TIA) was performed for the intersections of Temperance Avenue/McKinley Avenue, Temperance Avenue/Olive Avenue, and Temperance Avenue/Belmont Avenue. After changes were made to the proposed project, a Trip Generation Analysis Update (TGAU) was prepared. The TIA is attached as Appendix A, and the TGAU is attached as Appendix B.

Existing LOS conditions during the A.M. peak hour at the intersections of Temperance Avenue/Olive Avenue (LOS F) and Temperance Avenue/Belmont Avenue (LOS E) are unacceptable. Two mitigation options were presented in the TIA, with Mitigation Option 2 being chosen by the City of Fresno, a responsible agency for the project, and agreed to by the Applicant, as the preferred option. This Mitigation Option suggests that both intersections would be brought to LOS C or better.

Mitigation Option 2 includes the following improvements:

1. At the intersection of Temperance Avenue/Olive Avenue:
 - a. Add an eastbound left turn lane with a storage capacity of 125 feet;
 - b. Add a westbound left turn lane with a storage capacity of 175 feet;
 - c. Add a northbound left turn lane with a storage capacity of 75 feet;
 - d. Add a southbound left turn lane with a storage capacity of 50 feet; and
 - e. Signalize the intersection with protective left turn phasing in all directions.
2. At the intersection of Temperance Avenue/Belmont Avenue
 - a. Change the lane geometrics of the eastbound approach lanes from a combination left-thru and a right turn lane to a left turn lane with a storage capacity of 100 feet and a combination thru-right;
 - b. Change the lane geometrics of the westbound approach lanes from a combination left-thru and a right turn lane to a left turn lane with a storage capacity of 175 feet and a combination thru-right;
 - c. Add a north bound left turn lane with a storage capacity of 50 feet;
 - d. Add a southbound left turn lane with a storage capacity of 75 feet; and
 - e. Signalize the intersection with protective left turn phasing in all directions.

According to the TGAU, the proposed project is estimated to increase existing traffic by an average of 809 daily trips, 10 during the A.M. peak hour and 31 during the P.M. peak hour. Based on the City of Fresno's Master Fee Schedule, a Traffic Signal Mitigation Impact Fee of \$38,120.08 shall be paid by the Applicant and right-of-way dedications per City of Fresno standards shall be made. These requirements will be made as Mitigation Measures.

* **Mitigation Measures**

1. A Traffic Signal Mitigation Impact Fee of \$38,120.08 shall be paid by the Applicant for future intersection improvements to be made at the intersections of Temperance Avenue/Olive Avenue and Temperance Avenue/Belmont Avenue.
2. Right-of-way dedications per City of Fresno standards shall be made by the Applicant to the County of Fresno for future road improvements.

- C. Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

FINDING: NO IMPACT

The project will have no impact on air traffic patterns.

- D. Would the project substantially increase hazards due to a design feature or incompatible uses; or**

- E. Would the project result in inadequate emergency access?**

FINDING: NO IMPACT

The Design Division and the Roads Maintenance and Operations Section of Department of Public Works and Planning reviewed the project and did not identify any concerns with respect to increased traffic hazards or emergency access.

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

FINDING: NO IMPACT

The proposed project will not impact any plans, policies, or programs supporting alternative transportation.

XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board; or**

- B. Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

FINDING: NO IMPACT

Waste water will be managed through an on-site septic system. The project proposal was routed to the Fresno County Department of Public Health, Environmental Health Division which expressed no concerns with the septic system. An application for connection to the municipal water system has been submitted to Fresno County LAFCo. As a condition of approval, the proposed project will receive water from the City of Fresno. In the event Fresno County LAFCo denies the Applicant's request for services, the Applicant will be required to receive a permit from the State Water Resources Control Board, Division of Drinking Water to operate as a Public Water System.

Neither permanent on site water nor wastewater facilities are required for the proposed project. Therefore, no wastewater treatment requirements will be exceeded, nor will new treatment facilities or expansions thereof be required.

C. Would the project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

FINDING: NO IMPACT

The project proposes to pave some pervious surface on the east side of the project site to add additional parking. Additionally, a pervious area to the west of the existing building that is currently graveled will be covered with a concrete spillway containment area for the above-ground storage tanks. However, the applicant will be required to adhere to County Standards which require any additional runoff generated by the proposed development to be retained on site, and cannot be drained across property lines, or into County right-of-way.

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

FINDING: NO IMPACT

An application for connection to the municipal water system has been submitted to Fresno County LAFCo. As a condition of approval, the proposed project will be required to receive water from the City of Fresno. In the event Fresno County LAFCo denies the Applicant's request for services, the Applicant will be required to receive a permit from the State Water Resources Control Board, Division of Drinking Water to operate as a Public Water System.

E. Would the project 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

Wastewater will be managed through an on-site septic system. Additionally, the project proposal was routed to the Fresno County Department of Public Health, Environmental Health Division; and the California Regional Water Quality Control Board. Neither of these agencies expressed concerns with the project as it relates to wastewater.

F. Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; or

G. Would the project comply with federal, state, and local statutes and regulations related to solid waste?

FINDING: NO IMPACT

Approximately 150 pounds per day of domestic garbage, and 140 pounds per day of paper/boxes will be stored in a container and picked up twice per week by a waste management contractor.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

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

FINDING: NO IMPACT

No such impacts on biological resources were identified in the analysis.

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

FINDING: NO IMPACT

No cumulatively considerable impacts were identified in the analysis.

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

FINDING: NO IMPACT

No substantial adverse impacts on human beings were identified in the analysis.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Classified Conditional Use Permit No. 3348, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to agricultural and forestry resources, biological resources, cultural resources, geology and soils, land use and planning, mineral resources, population and housing, public services, recreation, or utilities and service systems.

Potential impacts related to air quality, greenhouse gas emissions, and hazards and hazardous materials, hydrology and water quality, noise have been determined to be less

than significant. Potential impacts relating to aesthetics and transportation/traffic 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 southeast corner of Tulare and "M" Street, Fresno, California.

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EXHIBIT 5

Akhinder Paul

Aesthetics Designs
4668 W. Pine Ave. Fresno, CA 93722

Tel: (559) 276-0479 Fax: (559) 276-1849

TIME EXTENSION

June 30, 2017

Chris Motta, Senior Planner
Development Services Division
Fresno County Department of Public Works and Planning

RE: CUP #3348,
ISA # 6481

Address: 7064 E. Belmont ave, Fresno, Ca 93727

Subject: Time extension

Mr. Motta;

-We like to request one year extension of the discretionary approval for the above referenced entitlements that was approved on August 13, 2015 planning commission hearing.

-We assume that substantial development has occurred by contracting with professionals to provide studies reports, working drawings, civil drawings for public water extension along Belmont Ave to provide city water service to the project site, Right of way dedication...etc.

-We just finished the offsite water improvements and currently installing the water meters and on site water lines installations.

Contracts copies and Receipts of payments or copies of cancelled checks will be emailed or hard copies will be provided if needed.

Thank you for your consideration,
Best regards,

Owner/Applicant
Sarabjit Kaur
7064 E Belmont ave
Fresno Ca, 93727
559-326-4039

Sun mkt extension 1