



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 5 July 20, 2017

**SUBJECT:** Initial Study Application No. 6987 and Amendment Application No. 3808

Rezone a 22-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-3(c) (Heavy Industrial, Conditional) Zone District to allow a limited number of Light Manufacturing, General Industrial, and Heavy Industrial uses as requested by the Applicant.

**LOCATION:** The subject 22-acre parcel is located at the northwest corner of East Annadale and South Willow Avenues, adjacent to the city limits of the City of Fresno (2778 S. Willow Ave) (SUP. DIST. 4) (APN 316-090-08).

**OWNER:** G.S. Bath, Inc.  
**APPLICANT:** Gurmej Singh Bath

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

Chris Motta, Principal Planner  
(559) 600-4227

### RECOMMENDATION:

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 6987; and
- Recommend that the Board of Supervisors determine that the proposed M-3(c) (Heavy Industrial, Conditional) Zone District is consistent with the General Plan and County-adopted Roosevelt Community Plan; and
- Direct the Secretary to prepare a Resolution to forward Amendment Application (AA) No. 3808 to the Board of Supervisors with a recommendation of approval, subject to the Conditions of Approval listed in the Staff Report.

**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval, and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Uses Allowed Under Proposed M-3(c) Zoning
6. Uses Allowed Under M-3 Zoning with Applicant-Removed Uses
7. Uses Allowed Under AL-20 Zoning
8. Summary of Initial Study Application No. 6987
9. Draft Mitigated Negative Declaration
10. City response to County Referral No. 955

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

**Site Development and Operational Information**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	General Industrial Reserve in the Roosevelt Community Plan	No change
Zoning	AL-20 (Limited Agricultural, 20-acre minimum parcel size)	Rezone to an M-3(c) (Heavy Industrial, Conditional) Zone District limited to the uses listed in Exhibit 5.
Parcel Size	22-acre parcel	No change
Project Site	22-acre parcel	No change
Structural Improvements	None	No change
Nearest Residence	Approximately 115 feet east of the nearest property line	No change
Surrounding Development	Mix of Agricultural uses, Industrial uses, and Commercial Offices/ Professional, some single-family residences	No change

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Operational Features	N/A	Dependent on use
Employees	N/A	Dependent on use
Customers	N/A	Dependent on use
Traffic Trips	None	Up to 1,547 daily trips estimated by the Traffic Impact Study
Lighting	None	Dependent on use
Hours of Operation	N/A	Dependent on use

### Setback, Separation and Parking

	<b>Current Standard: AL-20</b>	<b>Proposed Operation: M-3(c)</b>	<b>Is Standard Met (y/n)</b>
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Front: None* Side: None* Rear: None*  *or 15 feet when adjacent to a residential district	Yes
Parking	<u>Residential/By-Right Use:</u> No requirements  <u>Discretionary Use:</u> Dependent on use	One space for each two permanent employees, one space for each truck and one space for each sales person	Yes
Lot Coverage	No requirement	No requirement	N/A
Separation between Buildings	Six feet minimum (75 feet minimum between human habitations and structures utilized to house animals)	No requirement	Yes
Wall Requirements	No requirements	Solid masonry walls shall be erected where the district borders a residential district	Property does not border a residential district.
Septic Replacement Area	100 percent	100 percent	No change

	<b>Current Standard: AL-20</b>	<b>Proposed Operation: M-3(c)</b>	<b>Is Standard Met (y/n)</b>
Water Well Separation	Septic tank: 50 feet Disposal field: 100 feet Seepage pit: 150 feet	Septic tank: 50 feet Disposal field: 100 feet Seepage pit: 150 feet	No change

### Circulation and Traffic

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	No	N/A	N/A
Public Road Frontage	Yes	1,055 feet along E. Annadale Avenue and 275 along S. Willow Avenue	No change
Direct Access to Public Road	Yes	S. Willow Avenue	No change
Road Average Daily Traffic (ADT)		E. Annadale Avenue: 400 S. Willow Avenue: 1,400	No change
Road Classification		E. Annadale Avenue: Local S. Willow Avenue: Arterial	No change
Road Width		E. Annadale Avenue: 22.2 feet S. Willow Avenue: 19.1 feet	No change
Road Surface		E. Annadale Avenue and S. Willow Avenue: paved	No change
Traffic Trips		None	1,547
Traffic Impact Study (TIS) Prepared	Yes	N/A	A TIS was prepared by JLB Traffic Engineers, dated September 16, 2016
Road Improvements Required		N/A	The Applicant shall pay a pro-rata share of \$210,078.00 for improvements to Jensen Avenue, Willow Avenue, and Chestnut Avenue.

**Surrounding Properties:**

	<b>Size:</b>	<b>Use:</b>	<b>Zoning:</b>	<b>Nearest* Residence:</b>
North	4.14 acres	Vineyard	Heavy Industrial (City)	None
	9.55 acres	Commercial/Professional offices	M-3 (c)	None
South	25.09 acres	Field Crops	AL-20	None
East	0.91 acres	Single-Family Residence	AL-20	115 feet
	0.46 acres	Single-Family Residence	AL-20	180 feet
	4.41 acres	Commercial/Professional offices	AL-20	None
West	22.00 acres	Field Crops	AL-20	None

\*As measured from the nearest property line

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

**ENVIRONMENTAL ANALYSIS:**

An Initial Study (IS) was prepared for this proposal by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. '

During the public review period, comments were received relating to the mitigation measure proposed in Section IX: Hydrology and Water Quality. Based on these comments, staff updated the proposed mitigation measure to indicate a connection to public sewer (as discussed in the report) as opposed to requiring a connection to public water which was addressed in a separate measure. In addition, staff rearranged the order of Section IX to present the mitigation measure in part IX.B as opposed to IX.F. Since these changes do not alter the conclusion of the Initial Study or propose less restrictive mitigation measures, the Initial Study was not rerouted for a new public review period. A corrected version of the study is attached as Exhibit 8.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: June 16, 2017.

**PUBLIC NOTICE:**

Notices were sent to 39 property owners within a quarter-mile of the subject parcels, exceeding the 300-foot minimum notification requirement prescribed by the California Government Code and County Zoning Ordinance.

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

**PROCEDURAL CONSIDERATIONS:**

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

**BACKGROUND INFORMATION:**

According to County records, the subject parcel was zoned R-A (Single-Family Residential Agriculture) prior to 1960. This zoning was confirmed by the Board of Supervisors on June 8, 1960. On September 29, 1980, the subject parcel and other surrounding parcels were rezoned from R-A to AL-20 (Limited Agricultural, 20-acre minimum parcel size) and AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) by means of Amendment Application No. 3148. The subject parcel is currently designated as General Industrial Reserve by the Roosevelt Community Plan, which was adopted by the Board of Supervisors on December 17, 1979.

This proposal entails the rezoning of a 22-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) to an M-3(c) (Heavy Industrial, Conditional) Zone District. If approved, this rezone would allow by-right uses on the property which are more intensive than the by-right uses currently permitted. Further, this rezone would reduce the population density in the area since no residential uses are allowed by right in the M-3 Zone District, except a caretaker’s residence. The setback requirements of the M-3 Zone District are less restrictive than the setback requirements of the currently-zoned AL-20 District.

The subject parcel is located adjacent to the City of Fresno’s city limits and is within its Sphere of Influence (SOI). A Memorandum of Understanding (MOU) between the County and the City of Fresno requires that applications for new urban development within the City’s SOI are referred to the City for Annexation. This application was referred on February 4, 2015 as part of the pre-application review process. The City elected not to pursue annexation and released the subject project to the County for processing on May 14, 2015. On July 13, 2017, the City provided a revised response to Referral No. 955 (Exhibit 10) which indicated that the City was electing to pursue annexation of the property. The MOU states that once a project has been released, the County may process applications for development permits for new urban development consistent with the most recently adopted city general plan. In this case, the City designates this parcel for Heavy Industrial (IH), which is consistent with the proposed M-3(c) (Heavy Industrial, Conditional) Zoning. This application was filed following the City’s May 14, 2015 release. Staff acknowledges the City’s desire to annex this parcel; however in compliance with the MOU, the rezoning application shall be processed by the County.

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

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
Policy LU-F.29: The County may approve rezoning requests and discretionary permits for new industrial development or expansion of existing industrial uses subject to conditions concerning the following criteria or other conditions adopted by the Board of	a. Adverse impacts of noise, odor, vibration, smoke, noxious gasses, heat and glare, dust and dirt, combustibles, and other pollutants were addressed by Initial Study No. 6987, which was prepared for this application. To reduce adverse light impacts, a mitigation measure was included requiring that all

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>Supervisors:</p> <ul style="list-style-type: none"> <li>a. Operational measures or specialized equipment to protect public health, safety, and welfare, and to reduce adverse impacts of noise, odor, vibration, smoke, noxious gases, heat and glare, dust and dirt, combustibles, and other pollutants on abutting properties.</li> <li>b. Provisions for adequate off-street parking to handle maximum number of company vehicles, salespersons, and customers/visitors.</li> <li>c. Mandatory maintenance of non-objectionable use areas adjacent to or surrounding the use in order to isolate the use from abutting properties.</li> <li>d. Limitations on the industry's size, time of operation, or length of permit.</li> </ul>	<ul style="list-style-type: none"> <li>lighting be hooded and pointed downward. No adverse impacts related to noise, odor, vibration, smoke, noxious gasses, dust and dirt, combustibles, or other pollutants were identified.</li> <li>b. The proposed rezoning was reviewed by various agencies and the Fresno County Design Division. Specific parking requirements will be addressed during the mandatory Site Plan Review process required by the conditional rezoning.</li> <li>c. The subject parcel and surrounding parcels are designated as General Industrial or General Industrial (Reserve) by the County-adopted Roosevelt Community Plan. There are no adjacent parcels zoned for residential use.</li> <li>d. Mandatory Site Plan Review of all development on the property will reduce adverse impacts on surrounding properties.</li> </ul>
<p>Policy LU-F.30: The County shall generally require community sewer and water services for industrial development. Such services shall be provided in accordance with the provisions of the Fresno County Ordinance, or as determined by the State Water Quality Control Board.</p>	<p>Most of the uses allowed by the conditional zoning on the property are low-water uses; however, Mitigation Measures have been incorporated into the project which restrict the property to low-water uses and uses which generate a small amount of liquid waste, until such time that the property is served by community sewer and water facilities.</p>

**Reviewing Agency/Department Comments:**

Development Engineering: Annadale Avenue is a County-maintained road, classified as a Local road with an existing 40 feet right-of-way north of the centerline per Plat Book. The minimum width for a Local road right-of-way north of the centerline is 30 feet. Records indicate this section of Annadale Avenue from Chestnut Avenue to Willow Avenue has an Average Daily Traffic (ADT) of 400, pavement width of 22.2 feet, structural section of 0.31 feet road mix surfacing, and is in good condition.

Willow Avenue is a County-maintained road classified as an Arterial road with an existing 30 feet right-of-way west of the centerline along the parcel frontage, per Plat Book. The minimum width for an Arterial road right-of-way west of the centerline is 53 feet. Records indicate this section of Willow Avenue from Vine Avenue to Annadale Avenue has an ADT of 1,400, pavement width of 19.1 feet, structural section of 0.28 feet asphalt concrete and is in very good condition. Any work done within the right-of-way to construct a new driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.

According to FEMA FIRM Panel 2130H, the parcels are not subject to flooding from the 1% (100-year)-chance storm. According to U.S.G.S. Quad Maps, there are no existing natural drainage channels adjacent to or running through the subject parcel.

The project is located within the Fresno Metropolitan Flood Control District (FMFCD) Boundary Drainage Zone CE. FMFCD should be consulted for their requirements, and any additional

runoff generated by development cannot be drained across property lines. A grading permit or voucher may be required for any grading proposed with this application.

Fresno Irrigation District (FID): FID's active Benefield No. 239 Canal runs westerly, crosses Willow Avenue, traverses the subject property from east to west, and may be impacted by future development. This canal would need to be improved as part of any future development of the subject parcel. FID's conditions are as follows: Pipe Requirement – FID requires the Applicant pipe the canal across the subject property, approximately 400 feet, with 20-inch inside diameter ASTM C-361 Rubber Gasket Reinforced Concrete Pipe (RGRCP) in accordance with FID standards, and that the Landowner enter into an agreement with FID for that purpose; Easement Requirements – The Applicant shall grant to FID an exclusive pipeline easement. The width of the easement depends on several factors including pipe size, alignment, depth, etc. The applicant can expect the easement to be a minimum of 20 feet wide; FID requires the Applicant and/or the Applicant's engineer meet with FID's Engineering Department to discuss specific requirements.

In addition, FID requires that it review, approve, and be made a party to signing all improvement plans which affect its property/easements and canal/pipeline facilities, including, but not limited to: sewer and water, FMFCD, street, landscaping, dry utilities, and all other utilities. FID requires the landowner to submit for FID's approval a grading and drainage plan which shows that the proposed development will not endanger the structural integrity of the pipeline or result in drainage patterns that could adversely affect FID.

Fresno Metropolitan Flood Control District (FMFCD): The Fresno Metropolitan Flood Control District (District) bears responsibility for storm water management within the Fresno-Clovis metropolitan area, including the area of the proposed subject site. Within the metropolitan area, storm runoff produced by land development is to be controlled through a system of pipelines and storm drainage retention basins. All FID easements shall be shown on all maps with proper recording information.

The community has developed and adopted a Storm Drainage and Flood Control Master Plan. Each property contributes its pro-rata share to the cost of the public drainage system. All properties are required to participate in the community system for everyone. It is this form of participation in the cost and/or construction of drainage systems that will mitigate the impact of development. The subject site shall pay drainage fees at the time of development based on the fee rates in effect at that time. The drainage fee for the area of proposed improvements will be calculated with the submittal to the District of the building entitlement or site grading plan.

The proposed project lies within the District's Drainage Area "HH". The District's Master Plan can accommodate the proposed land use and rezone.

The District requires that the storm drainage patterns for the development conform to the District's Master Plan. The District will need to review and approve all improvement plans for any proposed construction of curb and gutter or storm drainage facilities for conformance to the Master Plan within the project area. Specific construction requirements will be addressed with future entitlements on the property that may include street reconstruction.

Permanent drainage service is not available for the proposed project site; the District recommends temporary facilities until permanent service becomes available.



A portion of the proposed project appears to be located within a 500-year flood-prone area as designated on the latest Flood Insurance Rate Maps available to the District.

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

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

Fresno County Department of Public Health, Environmental Health Division: This parcel is located adjacent to the City of Fresno and within its sphere of influence. The Fresno County General Plan Policy Document, Policy LU-F.30 states: "The County shall generally require community sewer and water services for industrial development. Such services shall be provided in accordance with the provisions of the Fresno County Ordinance, or as determined by the State Water Quality Control Board." This Department supports this Policy and believes industrial development should be provided with community service in order to better protect groundwater resources.

It is highly recommended that all future development of the property require connection to community water and community sewer facilities. If on-site water wells and/or sewage disposal systems are permitted, only low water uses and uses that generate small amounts of liquid waste shall be permitted until such time that the property is served by community water and sewer facilities or adequate information is submitted to the Fresno County Department of Public Health and Department of Public Works and Planning to demonstrate that the property can accommodate higher volumes of liquid wastes.

In an effort to protect groundwater, all abandoned water wells and septic systems on the parcel shall be properly destroyed by an appropriately-licensed contractor (permits required). Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements.

San Joaquin Valley Unified Air Pollution Control District: The District's initial review of the project concludes that emissions resulting from construction and/or operation of the project may exceed the following thresholds of significance: 10 tons per years of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), or 15 tons per year particulate matter of 10 microns or less in size (PM10). The District recommends that a more detailed preliminary review of the project be conducted.

Based on information provided to the District, the proposed project would/may equal or exceed 25,000 square feet of light industrial space or 100,000 square feet of heavy industrial space; therefore, the District concludes that the proposed project is subject to District Rule 9510 (Indirect Source Review [ISR]). Further review of this application indicated that the ISR would not be required, since there is no development as part of this application. Further development projects within this project site may be subject to ISR if they meet the applicability thresholds stated in Rule 9510.

State Water Resources Control Board (SWRCB): The SWRCB Division of Drinking Water will require that all water service to the proposed facility be provided by the City of Fresno water system, rather than through the use of any on-site well or wells (existing or proposed). Water service can be provided by annexation of the parcel into the City's service area or through an outside service agreement.

Road Maintenance and Operations Division: Any curb and gutter that is constructed across the parcel's frontage shall be built to the ultimate alignment as required by the City's current standard plans and policies. Drainage waters that are collected by this new curb and gutter shall either be directed into FMFCD facilities or directed to on-site storm drainage ponds.

The project's TIS indicates that the majority of truck traffic coming out of the site onto Willow Avenue will turn right onto Annadale Avenue, but the Annadale/Chestnut intersection was not studied, and the analysis did not extend to Annadale Avenue. The City's Traffic Signal Mitigation Impact Fee (TSMI) study does not show any signalization at the Annadale/Chestnut intersection.

Zoning Section of the Fresno County Department of Public Works and Planning: We have no building records/history. Aerial photos show a very old pre-1958 barn building.

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

### **Analysis:**

One fundamental issue regarding any rezone request is whether the proposed zone change is consistent with the General Plan. This parcel is located adjacent to the City of Fresno and is a part of the Roosevelt Community Plan. Nearby parcels that are part of the City of Fresno have been designated for Heavy Industrial Uses (City Zoning IH). Parcels east of Willow Avenue and within the County are designated for Reserve (General Industrial) and County parcels east of the subject parcel are designated for Reserve (Limited Industrial). The Zoning Compatibility Matrix for the Roosevelt Community Plan indicates that the requested M-3(c) District is compatible with the General Industrial designation. Parcels designated as 'Reserve' are intended for development after those areas which have not been so designated, and typically are developed after annexation to the City.

The subject parcel and those parcels to the east and south are zoned AL-20 (Limited Agricultural, 20-acre minimum parcel size). Parcels to the north and west are zoned Heavy

Industrial by the City of Fresno, and parcels to the northeast are also zoned for Heavy Industrial uses. These industrial parcels are located adjacent to the city limits. The Limited Agricultural zoning is intended to support the 'Reserve' designation by allowing certain lands to be used for agricultural purposes until the expansion of the City requires their development.

The Urban Industrial Policies of the General Plan indicate that community water and sewer services will generally be required for industrial development in accordance with the provisions of the Fresno County Ordinance Code. In this case, the nearest sewer and water connections are more than 100 feet away from the project site. The Applicant is limited to low-water and low-liquid waste projects until such a time as connection is made. Further, the Applicant is required, through a mitigation measure, to connect to those services once they are available within 100 feet of the project site.

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

A Traffic Impact Study was prepared by JLB Traffic Engineering, dated September 16, 2016. This review indicated the need to make the following improvements to County roads: at the intersection of Jensen Avenue and Peach Avenue modify the existing traffic signal, widen Peach Avenue for the southbound left-turn and right-turn lanes, and widen Peach Avenue for the northbound left-turn and right-turn lanes; at the intersection of North Avenue and Chestnut Avenue modify the existing traffic signal and widen North Avenue for the eastbound and westbound left-turn lane; at the intersection of North Avenue and Willow Avenue install a new traffic signal, widen Willow Avenue for northbound and southbound left-turn lanes, and widen North Avenue for eastbound and westbound left-turn lanes; and along Jensen Avenue between Chestnut Avenue and Clovis Avenue widen the roadway from four lanes to six lanes. A pro-rata share of the cost associated with these improvements has been calculated, and payment has been made a Mitigation Measure.

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

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

**Recommended Conditions of Approval:**

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

**PUBLIC COMMENT:**

None.

## **CONCLUSION:**

Staff believes that the proposed rezone from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) to an M-3(c) (Heavy Industrial, Conditional) Zone District is consistent with the Fresno County General Plan and County-adopted Roosevelt Community Plan, and recommends approval of Amendment Application No. 3808, subject to the Mitigation Measures, Conditions of Approval and Project Notes identified in the Staff Report.

## **PLANNING COMMISSION MOTIONS:**

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

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 6987; and
- Recommend that the Board of Supervisors determine that the proposed M-3(c) (Heavy Industrial) Zone District is consistent with the General Plan and County-adopted Roosevelt Community Plan; and
- Direct the Secretary to prepare a Resolution to forward Amendment Application (AA) No. 3808 to the Board of Supervisors with a recommendation of approval, subject to the Mitigation Measures and Condition of Approval listed in the Staff Report.

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

- Determine that the proposed M-3(c) (Heavy Industrial) Zone District is not consistent with the General Plan and County-adopted Roosevelt Community Plan (state reasons); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

### **Mitigation Measures, recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

CMM:ksn

G:\4360Devs&PIn\PROJSEC\PROJDOCS\AA\3800-3899\3808\SR\AA3808 SR.doc

**Mitigation Monitoring and Reporting Program**  
**Initial Study Application No. 6987 and Amendment Application No. 3808**  
**(Including Conditions of Approval and Project Notes)**

**EXHIBIT 1**

<b>Mitigation Measures</b>					
<b>Mitigation Measure No.*</b>	<b>Impact</b>	<b>Mitigation Measure Language</b>	<b>Implementation Responsibility</b>	<b>Monitoring Responsibility</b>	<b>Time Span</b>
*1.	Aesthetics	All lighting shall be hooded and directed as to not shine toward adjacent property and public streets.	Applicant	Applicant/ Public Works and Planning	Ongoing
*2.	Geology and Soils	To address on-site wastewater, uses that only generate small amounts of liquid waste shall be permitted on site until such time that public sewer service from the City of Fresno's public sewer system is available to the property. Availability of public sewer shall be defined as the presence of a public sewer main constructed and operational within 100 feet of the property. At such time when public sewer service becomes available to the property, the City of Fresno will notify the property owner in writing of such availability. From the date of the letter, the property shall be required to (a) connect to the City's public sewer system within 180 calendar days, (b) destroy any on-site wastewater system that serves the property in accordance with State and County on-site wastewater system destruction standards within 60 days thereafter, and (c) pay all appropriate sewer lateral, connection and capacity fees as specified in the City's Master Fee Schedule. If the property fails to meet the above requirements, the property owner consents to reimbursement to the City of Fresno full costs for on-site wastewater system destruction costs, and all sewer lateral, service connection and capacity fee costs. The City shall be entitled to pursue all remedies allowed by law to secure reimbursement from the property owner for sewer-related utility costs, up to and including disconnection of public water service. Prior to the expiration of any of the timeframes discussed herein, and upon good showing by the owner that the required actions are being diligently pursued, the City of Fresno may extend applicable timeframes by a reasonable amount.	Applicant	Applicant/ Fresno County Department of Public Health Department, Environmental Health Division (EHD)/Fresno County Department of Public Works and Planning, Water/Geology/Natural Resources Section (WGNR)	As noted
*3.	Hydrology and Water Quality	To address on-site water uses, only low-water uses shall be permitted until such time that public water service from the City of Fresno's public water system is available to the property. Availability of public water service shall be defined as the presence of a potable water main constructed and operational within 100 feet of the property. At such time when public water service is available to the property, the property shall be	Applicant	Applicant/EHD/ WGNR	As noted

		<p>required to (a) connect to the City's public water system within 60 calendar days, (b) destroy any on-site well that serves the property in accordance with State and County well destruction standard within 60 days, and (c) pay all appropriate water meter, service connection and capacity fees as specified in the City's Master Fee Schedule. If the property fails to meet the above requirements, the property owner consents to reimbursement to the City of Fresno full costs for on-site well destruction, and all water lateral and service connection costs. The City shall be entitled to pursue all remedies allowed by law to secure reimbursement from the property owner for water-related utility costs. Prior to the expiration of any of the timeframes discussed herein, and upon good showing by the owner that the required actions are being diligently pursued, the City of Fresno may extend applicable timeframes by a reasonable amount.</p>			
*4	Transportation/ Traffic	<p>Prior to the issuance of building permits for the uses allowed on the M-3(c)-zoned property, the Applicant shall enter into a Traffic Mitigation Agreement with the County of Fresno agreeing to participate in the funding of future off-site traffic improvements and pay for funding deemed appropriate by the County on the following pro-rata share: \$210,078.00.</p>		Applicant/ Fresno County Road Maintenance and Operations Division	Prior to the issuance of building permits
<b>Conditions of Approval</b>					
1.	<p>The uses allowed on the property shall be limited to the following, subject to the Property Development Standards in Section 845.5:</p> <p><b>M-3:</b></p> <ul style="list-style-type: none"> <li>• Concrete and cement products</li> <li>• Ready-mix concrete</li> </ul> <p><b>M-2:</b></p> <ul style="list-style-type: none"> <li>• Building materials</li> <li>• Used materials yards</li> <li>• Manufacturing: <ul style="list-style-type: none"> <li><input type="checkbox"/> Automotive: <ul style="list-style-type: none"> <li>- Assembly</li> <li>- Battery manufacture</li> <li>- Body and fender works</li> <li>- Rebuilding</li> </ul> </li> <li><input type="checkbox"/> Machinery and shop (no punch presses over twenty [20] tons or drop hammers): <ul style="list-style-type: none"> <li>- Automatic screw machines</li> <li>- Blacksmith shops</li> </ul> </li> <li><input type="checkbox"/> Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously prepared</li> </ul> </li> </ul>				

materials:

- Bone
- Feathers
- Hair
- Horns
- Paints, not employing a boiling process
- Rubber

**M-1:**

- Related uses:
  - Advertising structures
  - Automobile repairs (conducted within a completely enclosed building)
  - Automobile re-upholstery
  - Caretaker's residence, which may include an office for the permitted industrial use
  - Commercial uses that are incidental to and directly related to and serving the permitted industrial uses
  - Electrical supply
  - Signs, subject to the provisions of Section 843.5-K
  - Truck driver's training schools
- Manufacturing
  - Automotive:
    - Painting
    - Automotive reconditioning
    - Truck repairing and overhauling
    - Upholstering
    - Battery assembly (including repair and rebuilding) limited to the use of previously manufactured components
  - Machinery and shop (no punch presses over twenty [20] tons or drop hammers):
    - Electric motor rebuilding
    - Machine shops
    - Sheet metal shops
    - Welding shops
    - Manufacturing, compounding, assembly or treatment of articles or merchandise from previously prepared materials
  - Storage yards:
    - Contractor's storage yard
    - Draying and freight yard
    - Feed and fuel yard
    - Machinery rental
    - Motion picture studio storage yard
    - Transit storage
    - Trucking yard terminal, except freight classifications

<p>- Trucking yard terminal, except freight classifications</p> <ul style="list-style-type: none"> <li>• Processing <ul style="list-style-type: none"> <li><input type="checkbox"/> Creameries</li> <li><input type="checkbox"/> Laboratories</li> <li><input type="checkbox"/> Blueprinting and photocopying</li> <li><input type="checkbox"/> Tire retreading, recapping, rebuilding</li> </ul> </li> <li>• Fabrication <ul style="list-style-type: none"> <li><input type="checkbox"/> Assembly of small electric and electronic equipment</li> </ul> </li> <li>• Other uses <ul style="list-style-type: none"> <li><input type="checkbox"/> Agricultural uses</li> <li><input type="checkbox"/> Communication equipment buildings</li> <li><input type="checkbox"/> Electric transmission substations</li> <li><input type="checkbox"/> Off-street parking</li> <li><input type="checkbox"/> Public utility service yards with incidental buildings</li> <li><input type="checkbox"/> Electric distribution substations</li> </ul> </li> </ul>	<p>To address existing Fresno Irrigation District (FID) Facilities (Benefield No. 239 Canal) that exist on and traverse the project site:</p> <ol style="list-style-type: none"> <li>a) Prior to issuance of any permits, the Applicant shall grant an exclusive pipeline easement to FID with a minimum 20-foot width. <p style="margin-left: 40px;">Note: Ultimate easement width will depend on several factors including pipe size, alignment, depth, etc.</p> </li> <li>b) Prior to County action on any grading and drainage plans, the County shall route said plans to FID for review and comment. The County shall consider FID input with the intent to ensure that proposed development will not endanger the structural integrity of the pipeline or result in drainage patterns that could adversely affect the on-site FID facilities.</li> <li>c) At such a time as on-site development/grading will occur within 100 feet of the Benefield No. 239 Canal, the Applicant shall be responsible to pipe the canal across the subject property (a distance of approximately 400 feet) in accordance with FID standards. To initiate this process the Applicant shall enter into an agreement with FID to insure necessary improvements to the canal occur. <p style="margin-left: 40px;">Note: FID standards typically include 20-inch (inside diameter) ASTM C-361 Rubber Gasket Reinforced Concrete Pipe.</p> </li> </ol>
<p>2.</p>	<p>*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference required Conditions for the project.</p>

Notes	
<p><b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b></p>	
<p>1.</p>	<p>Any additional runoff generated by development cannot be drained across property lines. A grading permit or voucher may be required for any grading proposed with this application.</p>



**Notes**

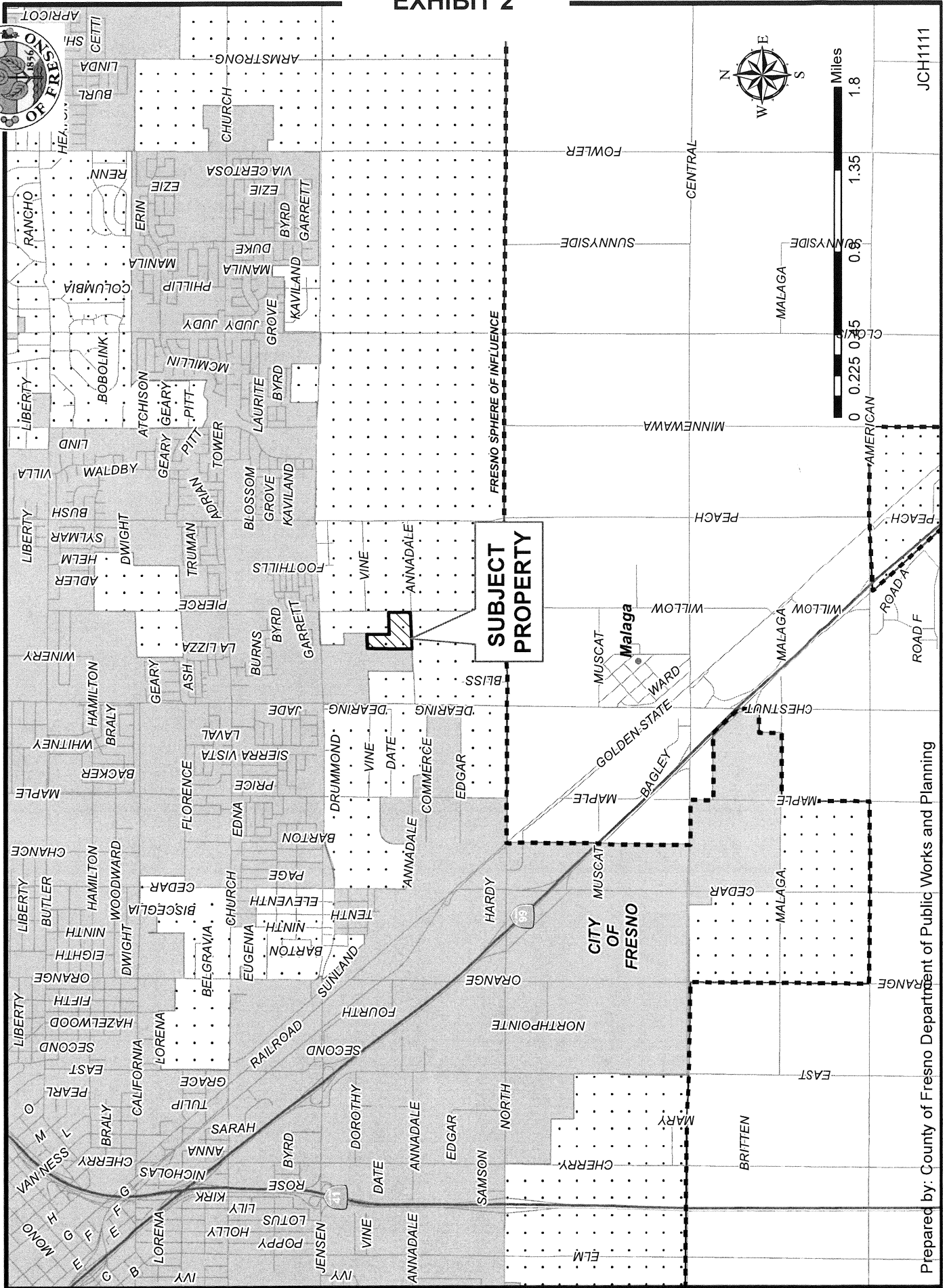
	<p>Any work done within the right-of-way to construct a new driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.</p>
2.	<p>The subject site will be required to pay the Fresno Metropolitan Flood Control District drainage fees at the time of any development based on the fee rates in effect at that time.</p>
3.	<p>The Fresno Metropolitan Flood Control District (District) requires that the storm drainage patterns for the development conform to the District's Master Plan. The District will need to review and approve all improvement plans for any proposed construction of curb and gutter or storm drainage facilities for conformance to the Master Plan within the project area. Specific construction requirements will be addressed with future entitlements on the property that may include street reconstruction.</p>
4.	<p>A State National Pollutant Discharge Elimination System (NPDES) general permit for storm water discharges associated with construction activities is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre if part of a larger common plan of development or sale).</p>
5.	<p>Construction activity, including grading, clearing, grubbing, filling, excavation, development or redevelopment of land that results in a disturbance of one (1) acre or more of the total land area, or less if part of a larger plan of development or sale, must secure a storm water discharge permit in compliance with the U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System regulations (CFR Parts 122-124, Nov. 1990). The permit must be secured by filing a Notice of Intent for the State General Permit for Construction Activity with the State Water Resources Control Board. The notice must be filed prior to the start of construction.</p>
6.	<p>Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. Contact the Water Surveillance Program at (559) 600-3357 for more information.</p>
7.	<p>As part of the mandatory Site Plan Review Process, new development on this parcel shall be submitted to the San Joaquin Valley Unified Air Pollution Control District to determine if an Indirect Source Review application is required.</p>
8.	<p>Any curb and gutter that is constructed across the Applicant's frontage shall be built to the ultimate alignment as required by the City's current standard plans and policies. Drainage waters that are collected by this new curb and gutter shall either be directed into FMFCD facilities or directed to on-site storm drainage ponds</p>
9.	

# EXHIBIT 2



## LOCATION MAP

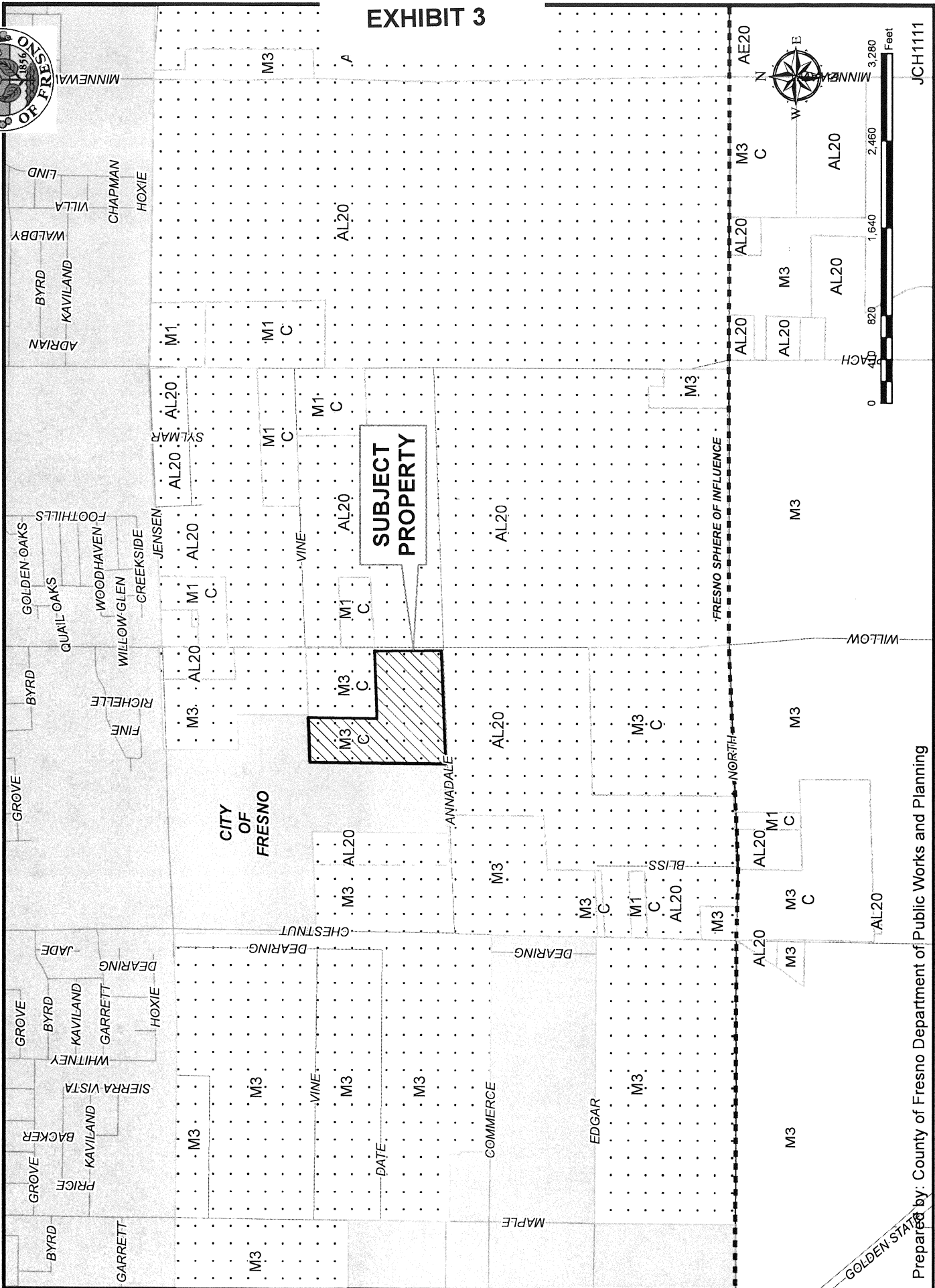
AA 3808



# EXISTING ZONING MAP



## EXHIBIT 3

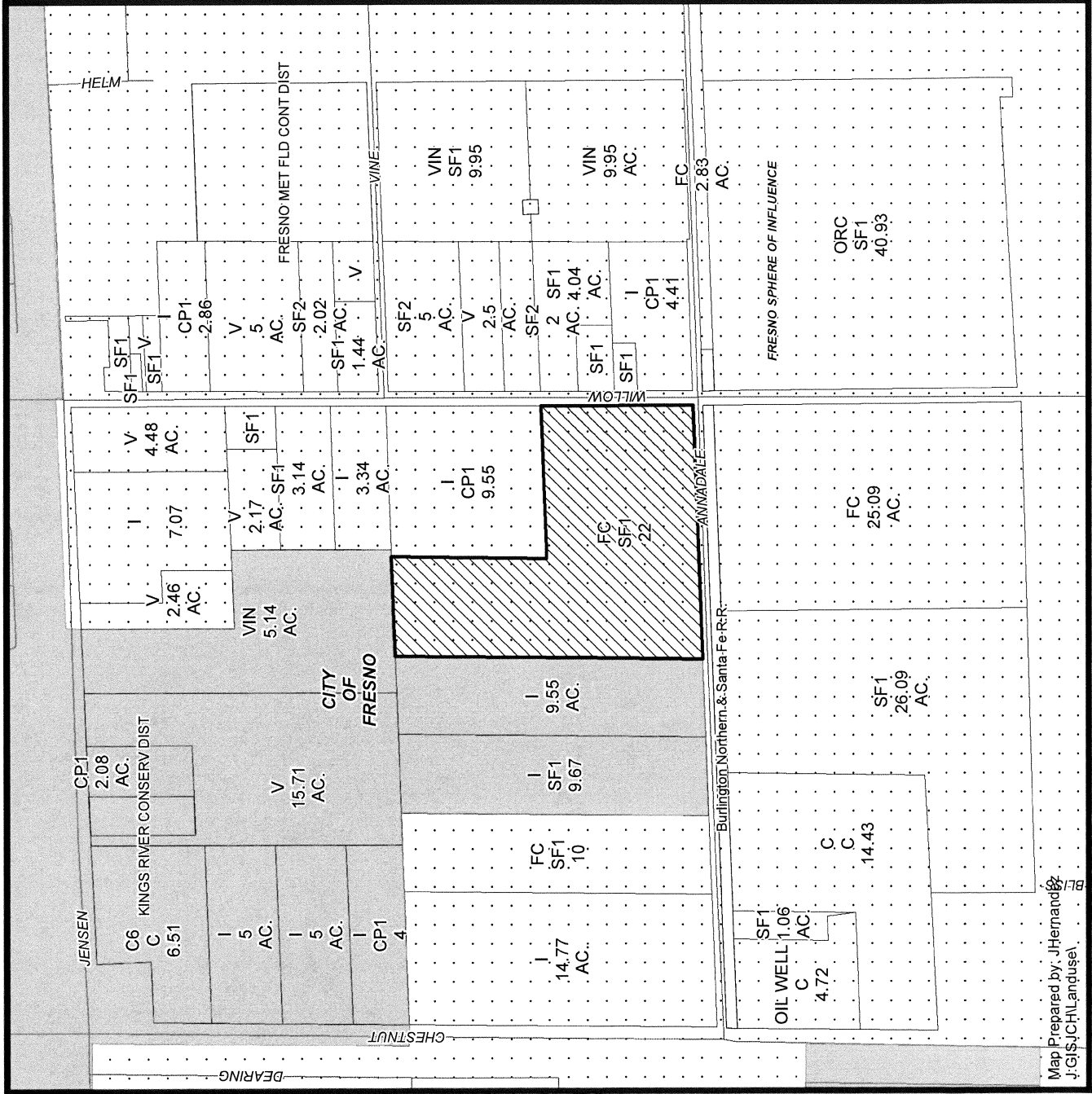




# EXHIBIT 4

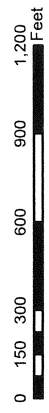
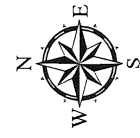
## EXISTING LAND USE MAP

AA 3808



- LEGEND**
- PAH - PACKING HOUSE
  - C - COMMERCIAL
  - C# - COMMERCIAL
  - CP# - OFFICE COMM./PROF
  - FC - FIELD CROP
  - I - INDUSTRIAL
  - ORC - ORCHARD
  - SF# - SINGLE FAMILY RESIDENCE
  - V - VACANT
  - VIN - VINEYARD

**LEGEND:**  Subject Property



Department of Public Works and Planning  
Development Services Division

Map Prepared by: JHernandez  
J.Gis/CHL/anduse

# EXHIBIT 5

List of Allowed Uses - AA3808

Last Updated 2/23/2017

## M-1

### A. Related Uses:

1. Advertising Structures
2. Automobile Repairs (conducted within a completely enclosed building)
3. Automobile re-upholstery
4. Caretaker's Residence, which may include an office for the permitted industrial use
5. Commercial uses that are incidental to and directly related to and serving the permitted industrial uses
6. Electrical supply
7. Signs, subject to the provisions of Section 843.5-K
8. Truck driver's training schools

### B. Manufacturing

1. Automotive
  - a. Painting
  - b. Automotive reconditioning
  - c. Truck repairing and overhauling
  - d. Upholstering
  - e. Battery assembly (including repair and rebuilding) limited to the use of previously manufactured components
2. Machinery and Shop (no punch presses over twenty (20) tons or drop hammers)
  - a. Electric motor rebuilding
  - b. Machine shops
  - c. Sheet metal shops
  - d. Welding shops
  - e. Manufacturing, compounding, assembly or treatment of articles or merchandise from previously prepared materials
3. Storage Yards
  - a. Contractors storage yard
  - b. Drying and freight yard
  - c. Feed and fuel yard
  - d. Machinery rental
  - e. Motion picture studio storage yard
  - f. Transit storage
  - g. Trucking yard terminal, except freight classifications

### C. Processing

1. Creameries
2. Laboratories
3. Blueprinting and photocopying

4. Tire retreading, recapping, rebuilding
- D. Fabrication
  1. Assembly of small electric and electronic equipment
- E. Other uses
  1. Agricultural uses
  2. Communication equipment buildings
  3. Electric transmission substations
  4. Off-street parking
  5. Public utility service yards with incidental buildings
  6. Electric distribution substations

M-2

- A. All uses permitted in the "M-1" District as modified by the conditional zoning
- B. Building materials
- C. Used materials yards
- D. Manufacturing
  1. Automotive
    - a. Assembly
    - b. Battery manufacture
    - c. Body and fender works
    - d. Rebuilding
  2. Machinery and shop (no punch presses over twenty (20) tons or drop hammers):
    - a. Automatic screw machines
    - b. Blacksmith shops
  3. Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously prepared materials:
    - a. Bone
    - b. Feathers
    - c. Hair
    - d. Horns
    - e. Paints, not employing a boiling process
    - f. Rubber

M-3

- A. All uses permitted in the "M-2" District as modified by the conditional zoning
- B. Concrete and cement products
- C. Ready-mix concrete

# EXHIBIT 6

## SECTION 843

### "M-1" - LIGHT MANUFACTURING DISTRICT

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

#### SECTION 843.1 – USES PERMITTED

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

##### A. RELATED USES

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

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

18. Newspaper publishing

19. Offices:

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

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

21. ~~Restaurants.~~

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

23. ~~Truck service stations.~~

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

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

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

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

C. MANUFACTURING

1. ~~Aircraft, modification, storage, repair and maintenance~~

2. Automotive:

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

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

- 3. ~~Boat building and repairs.~~
- 4. ~~Book binding.~~



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

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

12. ~~Manufacturing and maintenance of electric or neon signs~~

13. ~~Novelties.~~

14. ~~Planing mills.~~

15. ~~Printing shops, lithographing, publishing.~~

16. ~~Retail lumber yard.~~

17. ~~Rubber and metal stamps.~~

18. ~~Shoes.~~

19. ~~Stone monument works.~~

20. Storage yards:

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

21. ~~Textiles.~~

22. ~~Wholesaling and warehousing.~~

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

(Added by Ord. 490.21 adopted 9-14-65)

D. PROCESSING

1. Creameries.

2. Laboratories.

3. Blueprinting and photocopying.

4. ~~Laundries.~~

5. ~~Carpet and rug cleaning plants.~~

6. ~~Cleaning and dyeing plants.~~

7. Tire retreading, recapping, rebuilding.

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

E. FABRICATION

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

F. OTHER USES

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

SECTION 843.2 - USES PERMITTED SUBJECT TO DIRECTOR REVIEW AND APPROVAL

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

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

SECTION 844

"M-2" - GENERAL INDUSTRIAL DISTRICT

The "M-2" General Industrial District is intended to provide for the establishment of industrial uses essential to the development of a balanced economic base.

---

SECTION 844.1 - USES PERMITTED

The following uses shall be permitted in the "M-2" District. All uses shall be subject to the Property Development Standards in Section 844.5.

(Amended by Ord. 490.174 re-adopted 5-29-79)

- A. All uses permitted in the "M-1" District, Section 843.1.
- B. ~~Baled cotton storage.~~
- C. Building materials.
- D. ~~Cotton compress.~~
- E. Used materials yards.
- F. Manufacturing.
  - 1. Automotive:
    - a. Assembly.
    - b. Battery manufacture.
    - c. Body and fender works.
    - d. Rebuilding.
  - 2. Machinery and shop (no punch presses over twenty (20) tons or drop hammers):
    - a. Automatic screw machines.
    - b. Blacksmith shops.
  - 3. Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously prepared materials:
    - a. Bone.
    - b. Feathers.
    - c. Hair.
    - d. Horns.
    - e. Paints, not employing a boiling process.
    - f. Rubber.
  - 4. Wholesale lumber yards.
  - 5. Meat packing & meat processing, subject to the provisions of Section 855-N.  
(Added by Ord. 490.21 adopted 9-14-65)
- G. ~~Microwave-relay-structures.~~

SECTION 845

"M-3" - HEAVY INDUSTRIAL DISTRICT

The "M-3" Heavy Industrial District is intended to provide for the establishment of industrial uses essential to the development of a balanced economic base.

SECTION 845.1 - USES PERMITTED

The following uses shall be permitted in the "M-3" District. All uses shall be subject to the Property Development Standards in Section 845.5.

- A. All uses permitted in the "M-2" District, Section 844.1.
- B. ~~Alcohol distillation, including wineries and breweries, when connected with adequate public sewers.~~
- C. ~~Organic fertilizer, bulk sales and storage.~~
- D. Concrete and cement products.
- E. Ready-mix concrete.

SECTION 845.2 - USES PERMITTED SUBJECT TO DIRECTOR REVIEW AND APPROVAL

A. MANUFACTURING

- 1. Aircraft factory.
- 2. Aluminum foundry.
- 3. Cinder and cinder blocks.
- 4. Clay and clay products.
- 5. Fertilizers (inorganic), the compounding of dried inorganic materials.
- 6. Fungicides.
- 7. Glass manufacturing.
- 8. Oil cloth or linoleum manufacture.
- 9. Plastic manufacture.
- 10. Railroad repair shops.
- 11. Sawmills.
- 12. Yeast manufacturing.

# EXHIBIT 7

## SECTION 817

### "AL" - LIMITED AGRICULTURAL DISTRICT

The "AL" District is a limited agricultural district. It is intended to protect the general welfare of the agricultural community by limiting intensive uses in agricultural areas where such uses may be incompatible with, or injurious to, other less intensive agricultural operations. The District is also intended to reserve and hold certain lands for future urban use by permitting limited agriculture and by regulating those more intensive agricultural uses which, by their nature, may be injurious to non-agricultural uses in the vicinity or inconsistent with the express purpose of reservation for future urban use.

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

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

#### SECTION 817.1 - USES PERMITTED

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

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

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

- H. Apiaries and honey extraction plants subject to the provisions of Section 855-N.
- I. Signs, subject to the provisions of Section 817.5-K.
- J. Temporary or permanent telephone booths.
- K. Storage of petroleum products for use by the occupants of the premises but not for resale or distribution.
- L. Mobile home occupancy consisting of one or more mobile homes, subject to the provisions of Section 856 and Section 817.1-D.
- M. Historic and monument sites.
- N. The harvesting curing, processing, packaging, packing, shipping, and selling of agricultural products produced upon the premises, or where such activity is carried on in conjunction with, or as a part of, a bona fide agricultural operation.  
(Added by Ord. T-052-286 adopted 3-8-94)
- O. Agricultural tourism uses and facilities subject to the provisions of Section 855-N.  
(Added by Ord. T-078-353, adopted 12-7-04)

SECTION 817.2 - USES PERMITTED SUBJECT TO DIRECTOR REVIEW AND APPROVAL

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

- A. Churches, parsonages, and other religious institutions.
- B. Commercial stables or riding academies.
- C. Communications equipment buildings, microwave relay structures.
- D. Electrical transmission substations and electric distribution substation.
- E. Temporary and permanent farm labor camps when carried on as a secondary function in conjunction with a bona fide agricultural operation. The density standards of Section 817.5-C shall not apply.
- F. Philanthropic and eleemosynary institutions where agriculture is carried on to a substantial degree.
- G. Public schools, private or parochial schools of an elementary or secondary level and colleges.  
(Amended by Ord. 490.188 adopted 10-29-79; Ord. T-052-286 adopted 3-8-94)
- H. Day Nursery - large.  
(Added by Ord. T-052-286 adopted 3-8-94)
- I. Public buildings and yards, fire stations.
- J. Sale of food products produced off the premises provided that the sale of such products is incidental and secondary to the sale of agricultural products produced upon the premises.
- K. Veterinarian offices and animal hospitals.  
(Amended by Ord. 490.195 adopted 2-26-80)



## EXHIBIT 8

# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Gurmej Singh Bath
- APPLICATION NOS.: Initial Study Application No. 6987 and Amendment Application No. 3808
- DESCRIPTION: Rezone a 22-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-3(c) (General Industrial, Conditional) Zone District to allow a limited number of Light Manufacturing, General Industrial, and Heavy Industrial uses as requested by the Applicant.
- LOCATION: The subject 22-acre parcel is located at the northeast corner of East Annadale and South Willow Avenues, adjacent to the City Limits of Fresno (2778 S. Willow Ave). (SUP. DIST. 4) (APN 316-090-08).

### I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

FINDING: NO IMPACT:

The subject parcel is located along Chestnut Avenue, which is not a State Scenic Highway. No scenic vistas or scenic resources were identified near the property.

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

FINDING: LESS THAN SIGNIFICANT:

The subject parcel is located adjacent to industrial uses to the west and north. Parcels east and south contain a mix of residential and agricultural uses. The General Plan designates this area for General Industrial uses. The proposed rezoning is consistent with this ultimate plan and some of the more intense uses permitted by an unrestricted Heavy Industrial (M-3) will not be permitted by the proposed conditional zoning. Because of this consistency and the existing development in the area, impacts to the visual character and quality of the site and its surroundings will be less than significant.



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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The allowed uses may result in the creation of new sources of light and glare in the area. The nearest neighboring residential unit is located on the opposite side of south Willow Avenue, approximately 95 feet east of the closet property line. Potential light and glare impacts will be mitigated to a less than significant impact by requiring that all outdoor lighting be hooded and directed so as not to shine towards adjacent properties and public streets.

\* **Mitigation Measure**

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

## II. AGRICULTURAL AND FORESTRY RESOURCES

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

FINDING: NO IMPACT:

The project proposes to rezone land that has been designated as Farmland of Local Importance by the Department of Conservation's Important Farmland 2012 map. The parcel is not under a Williamson Act Contract. The current zoning on the parcel is Limited Agricultural, which is a designation for land which is ultimately intended for intensive development and is permitted limited agricultural uses on an interim basis. There is no impact on prime or unique farmlands, or conflicts with Williamson Act Contracts.

- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The project is not located in forestland or a timberland preserve.

- E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses or conversion of forest land to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is currently zoned for limited agricultural uses; however, the County-Adopted Roosevelt Community Plan designates the land for Reserve (General Industrial). This designation is intended to reserve and hold certain lands for future urban use by permitting only limited agricultural uses. The parcel to the northeast is designated for industrial and those parcels within the City of Fresno to the north and east are designated for Heavy Industrial uses (IH) while the other adjacent parcels are zoned for limited agriculture. The subject parcel is currently dedicated to the farming of almond plants. It is the intent of the Roosevelt Community Plan that these parcels will eventually be industrial in nature. The conversion of this parcel to that ultimate goal will not result in the conversion of Farmland to non-agricultural uses or convert forestland to non-forest use.

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

In order to determine if this project would conflict with or obstruct implementation of the Air Quality Plan, the cumulative impact of the project's contribution to the existing violation of air quality standards within the San Joaquin Valley Air Basin was considered. The Air Impact Assessment performed by First Carbon Solutions on September 15, 2016 determined that emissions of ROG, NOx, PM10, and PM2.5 associated with the construction and operation of the project would not exceed the San Joaquin Valley Air Pollution Control District (SJVAPCD)'s significance thresholds. The project's emissions are less than significant for all criteria pollutants and would not result in inconsistency with the Air Quality Plan (AQP) for this criterion. The project's proposed land use designation is consistent with the land use policies of the County of Fresno's 2000 General Plan. The project complies with all applicable policies, implementation actions, and mitigation measures of the 2000 General Plan; therefore, the project is not considered inconsistent with the AQP, and the impact would be less than significant.

- B. Would the project violate any air quality standard or contribute to an existing or projected air quality violation; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

Local roadways are not identified as operating at unacceptable conditions under existing conditions, according to the Draft Traffic Impact Analysis prepared for the project. In addition, the highest background 8-hour average of carbon monoxide is 2.22 parts per million (ppm), which is 76 percent lower than the state ambient air quality standard of 9.0 ppm. Therefore, the project would not significantly contribute to an exceedance of state or federal CO standards.

An analysis of maximum daily emissions during construction and operation was conducted to determine if emissions would exceed the 100 pounds per day screening threshold for any pollutant of concern. Operational emissions include emissions generated on-site by area sources such as natural gas combustion and landscape maintenance, and off-site by motor vehicles accessing the project. The project would not exceed SJVAPCD screening thresholds for requiring additional ambient air quality modeling; therefore, the project's localized criteria pollutant impacts are less than significant.

- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

In accordance with CEQA Guidelines Section 15064, subdivision (h)(3), a lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project complies with the requirements in a previously approved plan or mitigation program. The SJVAPCD's 8-Hour Ozone Plan contains measures to achieve reductions in emissions of ozone precursors and sets plans towards attainment of ambient ozone standards by 2023. The 2012 PM2.5 Plan and the 2015 PM2.5 Plan for the 1997 PM2.5 Standard require fewer NOx reductions to attain the PM2.5 standard than the Ozone Plan, so the Ozone Plan is considered the applicable plan for reductions of the ozone precursors NOx and ROG. The 2012 PM2.5 Plan requires reductions in directly emitted PM2.5 from combustion sources such as diesel engines and fireplaces and from fugitive dust to attain the ambient standard and is the applicable plan for PM2.5 emissions. Reductions in NOx required for ozone attainment are also sufficient for PM2.5 attainment. The project is consistent with all applicable control measures in the air quality attainment plans. The project would comply with any District rules and regulations that may pertain to implementation of the AQPs. Therefore, impacts would be less than significant with regard to compliance with applicable rules and regulations.

- D. Would the project expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The District considers a sensitive receptor to be a location that houses or attracts children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. The closest sensitive receptor is a single-family residence located approximately 940 feet southeast from the southeastern corner of the project site. The project is not considered a sensitive receptor and has not identified any uses that would be potentially significant sources of toxic emissions.

During operations, dust emissions are anticipated to be negligible, because most of the project area would be occupied by industrial buildings, pavement, and landscaped areas. This condition would preclude the possibility of the project from providing habitat

suitable for *C. immitis* spores and for generating fugitive dust that may contribute to Valley fever exposure. Impacts would be less than significant.

According to a map of areas where naturally occurring asbestos in California are likely to occur (U.S. Geological Survey, 2011), there are no such locations within the project area. Therefore, development of the project is not anticipated to expose receptors to naturally occurring asbestos.

- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Land uses that are typically identified as sources of objectionable odors include landfills, transfer stations, sewage treatment plants, wastewater pump stations, composting facilities, feed lots, coffee roasters, asphalt batch plants, and rendering plants. The project has not proposed any of these activities. Therefore, the project would not be considered a generator of objectionable odors during operations. However, under the proposed zoning, odorous uses could be proposed when specific development plans are identified. When specific uses are identified, the County will assess whether they include potential odor sources under the site plan review or conditional use permit processes. During construction, the various diesel-powered vehicles and equipment in use on-site would create localized odors. These odors would be temporary and would not likely be noticeable for extended periods beyond the project's site boundaries. The potential for diesel odor impacts is therefore less than significant. As an industrial project, the project will not place sensitive receptors near existing odor sources. Therefore, the uses near the project do not need to be addressed.

#### IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; 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 Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The California National Diversity Database (CNDDDB) does not list any candidate, sensitive, or special-status species at the project site. Historically, the property has alternated between vacancy and agricultural uses. Its proximity to the City of Fresno and other industrial uses reduces the probability that there is habitat to support special-status species. This project was routed to the California Fish and Wildlife Service and the U.S. Department of Fish and Wildlife. Neither agency expressed concerns that the proposed project would have an adverse impact on any habitats, natural communities, or local plans, policies and regulations.

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

FINDING: NO IMPACT:

The U.S. Fish and Wildlife Service has identified a riverine canal which bisects the northern part of the subject parcel. This canal is semi-permanently flooded, which means that water persists throughout the growing season in most years. The bottom of the canal has at least 25% cover of particles smaller than stones and vegetative cover less than 30%. This is the Benefield No. 239 canal, maintained by Fresno Irrigation District. It does not provide for the migration of resident or migratory fish and does not provide a migratory wildlife corridor.

- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Would the project Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local regional, or state habitat conservation plan?

FINDING: NO IMPACT:

The subject parcel does not contain any habitat and does not propose the removal or impairment of any such habitat.

## V. CULTURAL RESOURCES

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5; or
- B. Would the project cause of substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries; or
- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

FINDING: NO IMPACT:

The project is not located within any area designated to be highly or moderately sensitive for archeological resources. No impact on historical, archeological, or paleontological resources would result from this proposal. This project was forwarded to Table Mountain Rancheria and Santa Rosa Rancheria Tachi Yokut. Neither tribe requested consultation on this project. Parcels in this area are either developed for industrial uses or have been heavily disturbed by continuous farming operations. The developed nature of the subject and surrounding parcels makes it unlikely that historical resources will be uncovered. There is no development proposed as part of this application; approval would permit new uses by-right on the parcel.

## VI. GEOLOGY AND SOILS

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

FINDING: NO IMPACT:

The project is not located along a known fault line as defined by the Alquist-Priolo Earthquake Fault Zoning Act. The site is not located in an area of strong seismic ground shaking per figure 9-5 of the Fresno County General Plan Background Report (FCGPBR). Figure 9-6 (FCGPBR) and maps released by the Department of Conservation in conjunction with the Seismic Hazards Mapping Act show that the site is not located in an area at risk of seismic-related ground failure, liquefaction, or landslides.

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

FINDING: NO IMPACT:

The soil on the subject property is almost evenly split between Hesperia sandy loam and Hesperia fine sandy loam. Both types of soils have a 0-2% slope and are well drained with a low run-off class. The site is not in an area that is defined by Figure 7-1

(FCGPBR) as being at risk for expansive soils and the composition of the soil does not indicate a risk specific to the project site.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The soil on the subject parcel is adequate to support the use of septic tanks. The sewage disposal system requirement for individual use or uses will be further analyzed at the time of site plan review. Permitted uses associated with this rezoning request are general low-water/-liquid waste generating uses and a mitigation measure limiting site development to those low-water/-liquid waste generating uses has been included:

\* **Mitigation Measure**

1. *To address on-site wastewater, uses that only generate small amounts of liquid waste shall be permitted on-site until such time that public sewer service from the City of Fresno's public sewer system is available to the property. Availability of public water/sewer shall be defined as the presence of a public sewer main constructed and operational within 100 feet of the property. At such time when public sewer service becomes available to the property, the City of Fresno will notify the property owner in writing of such availability. From the date of the letter, the property shall be required to (a) connect to the City's public sewer system within 180 calendar days, (b) destroy any onsite wastewater system that serves the property in accordance with State and County onsite wastewater system destruction standards within 60 days thereafter, and (c) pay all appropriate sewer lateral, connection and capacity fees as specified in the City's Master Fee Schedule. If the property fails to meet the above requirements, the property owner consents to reimbursement to the City of Fresno full costs for onsite wastewater system destruction costs, and all sewer lateral, service connection and capacity fee costs. The City shall be entitled to pursue all remedies allowed by law to secure reimbursement from the property owner for sewer-related utility costs, up to and including disconnection of public water service. Prior to the expiration of any of the timeframes discussed herein, and upon good showing by the owner that the required actions are being diligently pursued, the City of Fresno may extend applicable timeframes by a reasonable amount.*

## 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Air Quality and Greenhouse Gas (GHG) Analysis Report prepared by First Carbon and dated September 15, 2016 estimates a Business as Usual (BAU) output of emissions from this project as 4,269.49 metric tons of carbon dioxide equivalents(MTCO<sub>2e</sub>) by the year 2020. With adherence to regulations and design features, the project is expected to produce 3,028.39 MTCO<sub>2e</sub>. The project has a reduction of 29.07 percent from BAU to the year 2020 with Regulations and Design features incorporated. This is above the 29 percent reduction required by the SJVAPCD threshold, and the 21.7 percent average reduction from all sources of GHG emissions now required to achieve AB 32 targets. Therefore, the impact is less than significant.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The CEQA Guidelines amendments adopted to implement SB 97 allow for projects that are consistent with a GHG reduction plan adopted by the Lead Agency to be considered to have less than significant impacts from GHG emissions. No GHG plans have been adopted by Fresno County. Since no other local or regional plan is in place, the project is assessed for its consistency with the Air Resource Board's (ARB) adopted Scoping Plan.

The project will comply with regulations that would minimize GHG emissions. Building designs must comply with energy efficiency and water conservation regulations that reduce project emissions. Motor vehicles accessing the site will be increasing in fuel efficiency as the vehicle efficiency regulations are phased in. The project is consistent with all applicable strategies identified by the ARB's Scoping Plan. The 29.07 percent emissions reduction demonstrates that the project would not significantly hinder or delay the State's ability to meet the reduction targets contained in AB 32 or conflict with implementation of the Scoping Plan. The project promotes the goals of the Scoping Plan through implementation of design measures that reduce energy consumption, and water consumption. Therefore, the project does not conflict with any plans to reduce GHG emissions. The impact is less than significant.

## VIII. HAZARDS AND HAZARDOUS MATERIALS

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The rezone will allow, by right, some uses that may require the routine transport, use, or disposal of hazardous materials; however, such uses will be restricted by the California Health and Safety Code, which will reduce the impact of such use and potential accidental releases to less than significant.



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

FINDING: NO IMPACT:

The nearest school to the project site is Aynesworth Elementary, which is located nearly two-thirds of a mile northeast of the project site.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is not located on a hazardous materials site. There are two hazardous materials sites nearby, located along South Willow Avenue, opposite the project site (Great American Transport and Holman Trailer Repair). Great American Transport is considered a waste tire facility and Holman Trailer Repair is a generator of hazardous waste through the use of motor vehicle fuels, oil, and propane. The Resource Conservation and Recovery Act lists a site just north of the subject parcel: Valley Transport Refrigeration. Given the compliant status of the nearby sites, this project will not expose visitors or employees to significant impacts related to hazardous wastes.

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

- H. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located within an airport land use plan or within two miles of any public or military airstrip.

- I. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan?

FINDING: NO IMPACT:

The project will not impair the implementation of, or physically interfere with, the implementation of an adopted Emergency Response Plan or Emergency Evacuation Plan.

- 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 not in an area at risk of wildland fires.

#### IX. HYDROLOGY AND WATER QUALITY

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

As a result of the rezone application, more intensive by-right uses will be allowed on the property; however, if such developments do not connect to the City of Fresno for sewer and water services, development will be limited to low-water uses and uses that generate small amounts of liquid waste until such a time that the development is connected to municipal facilities. This requirement is included as a mitigation measure listed in Section VI.E. **In addition, a similar measure requiring that the applicant connect to public water has been included:**

\* **Mitigation Measure**

1. ***To address on-site water uses, only low-water uses shall be permitted, until such time that public water service from the City of Fresno's public water system is available to the property. Availability of public water service shall be defined as the presence of a potable water main constructed and operational within 100 feet of the property. At such time when public water service is available to the property, the property shall be required to (a) connect to the City's public water system within 60 calendar days, (b) destroy any onsite well that serves the property in accordance with State and County well destruction standard within 60 days, and (c) pay all appropriate water meter, service connection and capacity fees as specified in the City's Master Fee Schedule. If the property fails to meet the above requirements, the property owner consents to reimbursement to the City of Fresno full costs for onsite well destruction, and all water lateral and service connection costs. The City shall be entitled to pursue all remedies allowed by law to secure reimbursement from the property owner for water-related utility costs. Prior to the expiration of any of the timeframes discussed herein, and upon good showing by the owner that the required actions are being diligently pursued, the City of Fresno may extend applicable timeframes by a reasonable amount.***
- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or

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

FINDING: NO IMPACT:

There are no streams or rivers within or near the project site. The subject parcel is within the Fresno Metropolitan Flood Control District's Drainage area and eventual development will be subject to the Flood District's rules and regulations.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Improvements on the property will be subject to the Grading and Drainage Sections of the County Ordinance code which requires that run-off is retained on site. Additionally, until the property has been connected to Fresno City water and sewer, only low-water uses will be permitted on the site.

\* **Mitigation Measure**

- ~~1. To address on-site water uses, only low-water uses shall be permitted, until such time that public water service from the City of Fresno's public water system is available to the property. Availability of public water service shall be defined as the presence of a potable water main constructed and operational within 100 feet of the property. At such time when public water service is available to the property, the property shall be required to (a) connect to the City's public water system within 60 calendar days, (b) destroy any onsite well that serves the property in accordance with State and County well destruction standard within 60 days, and (c) pay all appropriate water meter, service connection and capacity fees as specified in the City's Master Fee Schedule. If the property fails to meet the above requirements, the property owner consents to reimbursement to the City of Fresno full costs for onsite well destruction, and all water lateral and service connection costs. The City shall be entitled to pursue all remedies allowed by law to secure reimbursement from the property owner for water-related utility costs. Prior to the expiration of any of the timeframes discussed herein, and upon good showing by the owner that the required actions are being diligently pursued, the City of Fresno may extend applicable timeframes by a reasonable amount.~~

**See Section IX.B**

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

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

FINDING: NO IMPACT:

There is no housing proposed with this application and the project site is not within the 100-year floodplain according to FEMA FIRM Panel 2130 of 3525, last revised on February 18, 2009. Parts of the project site are designated as having as 0.2% annual chance flood or a 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile.

- I. Would the project expose persons or structures to levee or dam failure; or
- J. Would the project cause inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

The subject parcel is not at risk of flooding due to levee or dam failure, nor is it at risk of causing seiche, tsunami, or mudflow.

#### X. LAND USE AND PLANNING

- A. Will the project physically divide an established community?

FINDING: NO IMPACT:

The project site is limited to the property lines of the subject parcel and will not physically divide an existing community. The parcel is located in an area of industrial and limited agricultural uses and it is consistent with the General Plan for this area.

- B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project?

FINDING: NO IMPACT:

The proposed rezoning is consistent with the General Industrial (Reserve) designation of the site in the Roosevelt Community Plan and would not conflict with any other plan, policy, or regulation.

- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT:

There are no Habitat Conservation Plans or Natural Community Conservation Plans which apply to the subject property.

## XI. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource; or

FINDING: NO IMPACT:

The project site is located in an area that has been classified by the Surface Mining and Reclamation Act of 1975 (SMARA) as containing sand and gravel deposits suitable for production as high-quality Portland cement concrete (PCC) aggregate. This area extends throughout the center of Fresno County and north of the County lines well into Madera County. However, surface mining and reclamation is allowed in all Fresno County Zone Districts subject to discretionary application. The rezone proposal will have no impact on that right.

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

FINDING: NO IMPACT:

Figure 7-7 (FCGPBR) designates mineral resource locations. Review of this map shows that the project site is not near any such designation.

## XII. NOISE

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

FINDING: NO IMPACT:

The project site is not located near an airport or private airstrip, and therefore will not be impacted by airport related noise.

### XIII. POPULATION AND HOUSING

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

FINDING: NO IMPACT:

The project will allow for specific industrial uses on the subject property and will not allow or generate the need for additional housing.

### XIV. PUBLIC SERVICES

- A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically-altered public facilities in the following areas:
  - 1. Fire protection;
  - 2. Police protection;
  - 3. Schools;
  - 4. Parks; or
  - 5. Other public facilities?

FINDING: NO IMPACT:

The project has been reviewed by the Fresno County Fire Protection District, who expressed no concerns with the proposal. No impacts to police, schools, or parks were identified in the analysis. Allowing additional industrial uses in this area is not expected to increase the need for fire or police protection, schools, parks, or other public facilities.

### XV. RECREATION

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

FINDING: NO IMPACT:

The proposal is not located on or near a public park and will not require expansion of recreational facilities

## XVI. TRANSPORTATION/TRAFFIC

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

A Traffic Impact Study (TIS) was performed by JLB Traffic Engineering, which identified project impacts on the effectiveness of the circulation system and reviewed the project for compliance with level of service standards (LOS) established by the City of Fresno, the County of Fresno, and Caltrans.

The TIS identified a need to make the following improvements to County Roads in order to mitigate impacts from the project. Also included is the Applicant's Project Percent Share (PPS), which is the estimated contribution of the project towards the need for these improvements: At the intersection of Jensen Avenue and Peach Avenue (PPS 0.24%) Modify the existing traffic signal, widen Peach Avenue for the southbound left-turn lane and southbound right-turn lane, and widen Peach Avenue for the northbound left-turn lane and northbound right-turn lane; At the intersection of North Avenue and Chestnut Avenue (PPS 1.12%) Modify the existing traffic signal and widen North Avenue for the eastbound and westbound left-turn lane; At the intersection of North Avenue and Willow Avenue (PPS 2.9%) install a new traffic signal, widen Willow Avenue for northbound and southbound left-turn lanes, and widen North Avenue for eastbound and westbound left-turn lanes; and along Jensen Avenue between Chestnut Avenue and Clovis Avenue (PPS total varies between 1.02% and 1.32%) widen the roadway from four lanes to six lanes.

\* **Mitigation Measure**

1. *Prior to the issuance of building permits for the uses allowed on the M-3(c)-zoned property, the Applicant shall enter into a Traffic Mitigation Agreement with the County of Fresno agreeing to participate in the funding of future off-site traffic improvements and pay for funding deemed appropriate by the County on the following pro-rata share: \$210,078.00.*

- C. Would the project result in a change in air traffic patterns; or
- D. Would the project substantially increase traffic hazards due to design features?

FINDING: NO IMPACT:

The project site is not within the area of any clear zone or other imaginary surface of a public use airport as described under FAR Part 77 or in the vicinity of a private airstrip.

- E. Would the project result in inadequate emergency access; or
- F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

There is a segment of pavement along Annadale Avenue between a point approximately 50 feet west of the Project's western property line and a point approximately 300 feet west of Willow Avenue where the pavement width varies between 17.2 to 18.3 feet. Increased traffic as a result of this project may decrease the performance and safety of Annadale Avenue in this area.

The Traffic Index (TI) represents the sum of the 18-kip Equivalent Single Axle Loads (ESAL) expected on a given lane, over a given designation period. The TIS prepared for this application identified that the TI's for Annadale Avenue and Willow Avenue would be increasing by at least 0.5. This represents increased wear on both roads.

The following improvements were identified by the TIS: along Willow Avenue between Jensen Avenue and North Avenue overlay roadway for Traffic Index (TI) increase of 0.5 and along Jensen Avenue between Minnewawa Avenue to 0.167 miles west of Clovis Avenue overlay roadway for TI increase of 0.5. The cost of these improvements has been included in the Mitigation Measure at Section XVI.B.

## XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements; or
- B. Would the project require construction of or the expansion of new water or wastewater treatment facilities; or
- C. Would the project require or result in the construction or expansion of new storm water drainage facilities; or
- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed; or
- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:



The subject property is located within the City of Fresno's Sphere of Influence (SOI). The Fresno County Public Health Department, Environmental Health Division reviewed the proposal and indicated that the proposed industrial zoning allows a wide range of uses some of which have the potential to generate large quantities of wastewater. Therefore, Environmental Health Division required that only low water uses that generate small amounts of liquid waste would be permitted until the property is served by a community sewer and water system. The applicant will connect to sewer services when there is a working sewer main within 100 feet of the parcel. This requirement is included as a mitigation measure listed in Section VI.E.

- F. Would the project be served by a landfill with sufficient permitted capacity; or
- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: NO IMPACT:

No impacts to landfills or statutes and regulations pertaining to solid waste were identified in the course of the analysis.

#### XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

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

FINDING: NO IMPACT:

No impacts that would substantially reduce the habitat of a fish or wildlife species were identified. The project proposes to allow industrial uses on a parcel that has been historically used for light farming purposes and does not provide a habitat for threatened or special-status species.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Cumulatively considerable impacts were identified for Aesthetics, Geology and Soils, Hydrology and Water Quality, Transportation/Traffic, and Utilities and Service Systems; however, these impacts will be mitigated with compliance to the Mitigation Measures listed in sections I.D, VI.F, XVI.B, and XVI.F.

- C. Does the project have environmental impacts 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 Amendment Application No. 3808, 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 Cultural Resources, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, and Recreation.

Potential impacts related to Agricultural and Forestry Resources, Air Quality, Biological Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, and Noise have been determined to be less than significant.

Potential impacts relating to Aesthetics, Geology and Soils, Hydrology and Water Quality, Transportation/Traffic, and Utilities and Service Systems have determined to be less than significant with compliance with existing regulations and the Mitigation Measures listed in sections I.D, VI.F, ~~XVI~~ IX.B, and XVI.E B.

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.

CMM

G:\4360Devs&PIn\PROJSEC\PROJDOCS\AA\3800-3899\3808\IS-CEQAAA3808 IS Writeup Redline.docx

## EXHIBIT 9

File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		... Only.  CLK-2046.00 E04-73 R00-00	
Agency File No: <b>IS 6987</b>	<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>		County Clerk File No: <b>E-</b>
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Christina Monfette	Area Code: 559	Telephone Number: 600-4245	Extension: N/A
Applicant (Name): <b>Gurmej Singh Bath</b>		Project Title: <b>Initial Study Application No. 6987 and Amendment Application No. 3808</b>	
Project Description: <b>Rezone a 22-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-3(c) (General Industrial, Conditional) Zone District to allow a limited number of Light Manufacturing, General Industrial, and Heavy Industrial uses as requested by the Applicant.</b>			
Justification for Negative Declaration:  Based upon the Initial Study prepared for Amendment Application No. 3808, 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 Cultural Resources, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, and Recreation.  Potential impacts related to Agricultural and Forestry Resources, Air Quality, Biological Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, and Noise have been determined to be less than significant.  Potential impacts relating to Aesthetics, Geology and Soils, Hydrology and Water Quality, Transportation/Traffic, and Utilities and Service Systems have determined to be less than significant with compliance with existing regulations and the Mitigation Measures listed in sections I.D, VI.F, IX.B, and XVI.B.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – June 16, 2017		Review Date Deadline: Planning Commission – July 20, 2017	
Date:	Type or Print Signature: Christina Monfette Planner	Submitted by (Signature): Planner	

State 15083, 15085

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

### LOCAL AGENCY MITIGATED NEGATIVE DECLARATION



## EXHIBIT 10

### Development and Resource Management Department

2600 Fresno Street, Third Floor  
Fresno, California 93721-3604  
(559) 621-8003 FAX (559) 498-1012  
www.fresno.gov

Jennifer K. Clark  
Director

July 13, 2017

Christina Monfette  
Public Works and Development Services Division  
2220 Tulare Street, Suite A, First Floor  
Fresno, California 93721

Dear Ms. Monfette:

**SUBJECT: FRESNO COUNTY REFERRAL NO. 955 FOR PROPERTY LOCATED 2778 SOUTH WILLOW AVENUE (APN: 316-090-09)**

On May 14, 2015, The City of Fresno sent correspondence regarding County Referral No. 955 regarding the subject property. In that letter, attached, the City indicated that there was no intention to annex the subject property. Upon further internal discussions, the City has opted to pursue annexation at this time due to the subject properties contiguous location to existing City boundaries. The subject property encompasses 22 acres located on the northwest corner of South Willow and East Annadale Avenues and abuts City boundaries on the west and north.

The subject property is currently processing a rezone application with the County that is requesting a conditional M-3, Heavy Industrial, zone district. The Fresno General Plan designates the subject site for Heavy Industrial planned land use which is consistent with the City's IH, Industrial Heavy, zone district.

Pursuant to Section 4.1 of the MOU between the City of Fresno and County of Fresno an application that is within one mile of the city limits of the City of Fresno and within the City's Sphere of Influence shall first be referred to the City for possible annexation. The City of Fresno elects to pursue annexation of the subject property.

As with more recent County Referrals and project requests, the City has been requesting incorporation of City infrastructure requirements. These include the following.

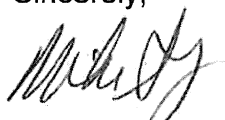
- The project applicant shall construct all street frontage improvements along project frontage of Van Ness Boulevard, West Palo Alto Avenue and North Sequoia Drive, per City of Fresno standards. This shall also include any dedications of required right-of-way for these improvements.
- To address on-site water uses, only low-water uses shall be permitted, until such time that public water service from the City of Fresno's public water system is available to the property. Availability of public water service shall be defined as the presence of a potable water main constructed and operational within 100 feet of the property. At such time when public water service is available to the property, the property shall be required to (a) connect to the City's public water system within 60 calendar days, (b) destroy any onsite well that serves the property in accordance with State and County well destruction standard within 60 days, and (c) pay all appropriate water meter, service connection and capacity fees as

specified in the City's Master Fee Schedule. If the property fails to connect to the City of Fresno's public water system within 60 calendar days of public water service being available to the property, the property owner consents to the County (or City?) placing a lien on the property equal to the value of the well destruction costs, and all water meter, service connection and capacity fee costs.

- To address on-site wastewater, uses that only generate small amounts of liquid waste shall be permitted on-site until such time that public sewer service from the City of Fresno's public sewer system is available to the property. Availability of public water shall be defined as the presence of a public sewer main constructed and operational within 100 feet of the property. At such time when public sewer service is available to the property, the property shall be required to (a) connect to the City's public sewer system within 60 calendar days, (b) destroy any onsite wastewater system that serves the property in accordance with State and County onsite wastewater system destruction standards within 60 days, and (c) pay all appropriate sewer lateral, connection and capacity fees as specified in the City's Master Fee Schedule. If the property fails to connect to the City of Fresno's public sewer system within 60 calendar days of public water service being available to the property, the property owner consents to the County (or City?) placing a lien on the property equal to the value of well onsite wastewater system destruction costs, and all sewer lateral, service connection and capacity fee costs.

If you have any additional questions regarding this matter, please call me at (559) 621-8040.

Sincerely,



Mike Sanchez, AICP, MCRP  
Assistant Director

c: Bernard Jimenez

**Development and Resource Management Department**

2600 Fresno Street, Third Floor  
Fresno, California 93721-3604  
(559) 621-8003, FAX (559) 498-1026

**Jennifer K. Clark, Director**

May 14, 2015

Please Reply To:

Mike Sanchez  
(559) 621-8040  
[mike.sanchez@fresno.gov](mailto:mike.sanchez@fresno.gov)

Eric Von Berg  
County of Fresno  
Department of Public Works and Planning  
Development Services Division  
2220 Tulare Street, Sixth Floor  
Fresno, CA 93721

RECEIVED  
MAY 18 2015

FRESNO COUNTY  
DEPT. OF  
PUBLIC WORKS & PLANNING

Dear Mr. Von Berg:

SUBJECT: REFERRAL NO. 955 FOR PROPERTY LOCATED AT 2778 SOUTH WILLOW AVENUE (APN 316-090-0~~9~~8)

The City has reviewed County Referral No. 955 located at 2778 South Willow Avenue which is requesting M-3, Heavy Industrial - County zoning, The proposed zoning is consistent with the City of Fresno's General Plan designation of Heavy Industrial planned land use. It is the intent of the applicant to develop a truck storage facility and related shop building on a portion of the subject site.

The City of Fresno recommends that as a condition of approval that the applicant be required to provide an irrevocable offer of dedication for the ultimate development of Willow and Annadale Avenues, per City of Fresno standards, along their respective project frontage.

The City elects not to pursue annexation at this time and releases the applicant to file appropriate applications with the County.

If you have any further questions, please contact me at the number listed above.

Sincerely,

Development Services

  
Mike Sanchez, MCRP  
Assistant Director