



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
BERNARD JIMENEZ, INTERIM DIRECTOR

Planning Commission Staff Report Agenda Item No. 3 March 24, 2016

SUBJECT: Initial Study Application No. 7007 and Amendment Application No. 3811

Rezone a 4.04-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District limited to those by-right uses specified by the applicant.

LOCATION: The project is located on the east side of South Willow Avenue, approximately 470 feet north of its intersection with East Annadale Avenue. The nearest city limits of the City of Fresno are 900 feet northwest from the parcel. (Sup. Dist 4) (APN 316-090-13)

Applicant: Baljinder Dosanjh
Owner: Dennis R. Ellis
Representative: Robin Tani

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. 7007; and
- Recommend that the Board of Supervisors determine that the proposed M-1(c) (Light Manufacturing, 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. 3811 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-1(c) Zoning
6. Uses Allowed Under M-1 Zoning with Applicant-Removed Uses
7. Uses Allowed Under AL-20 Zoning
8. Summary of Initial Study Application No. 7007
9. Draft Mitigated Negative Declaration

SITE DEVELOPMENT, OPERATIONAL INFORMATION AND STANDARDS:

Site Development and Operational Information

Criteria	Existing	Proposed
General Plan Designation	Limited Industrial Reserve in the Roosevelt Community Plan	No change
Zoning	AL-20 (Limited Agricultural, 20-acre minimum parcel size)	Rezone to an M-1(c) (Light Manufacturing, Conditional) Zone District limited to the uses listed in Exhibit 5.
Parcel Size	4.04-acre parcel	No change
Project Site	4.04-acre parcel	No change
Structural Improvements	Single-Family Residence and various ag-related outbuildings	No change
Nearest Residence	Approximately 35 feet south of the nearest property line	No change
Surrounding Development	Mix of Single-Family Residences, Agricultural uses, and Commercial Offices/Professional	No change

Criteria	Existing	Proposed
Operational Features	N/A	Dependent on use
Employees	N/A	Dependent on use
Customers	N/A	Dependent on use
Traffic Trips	Residential traffic	Dependent on use
Lighting	Residential lighting	Dependent on use
Hours of Operation	N/A	Dependent on use

Setback, Separation and Parking

	Current Standard: AL-20	Proposed Operation: M-1(c)	Is Standard Met (y/n)
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	N/A
Septic Replacement Area	100 percent	100 percent	No change
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

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	South Willow Avenue	No change
Direct Access to Public Road	Yes	South Willow Avenue	No change
Road ADT		1,400	No change
Road Classification		Arterial	No change
Road Width		30-foot right-of-way east of the centerline	No change
Road Surface		Pavement width of 19.1 feet	No change
Traffic Trips		Residential traffic	28
Traffic Impact Study (TIS) Prepared	No	N/A	No TIS required by the Design Division of the Fresno County Department of Public Works and Planning
Road Improvements Required		N/A	None required

Surrounding Properties

	Size:	Use:	Zoning:	Nearest* Residence:
North	2.00 acres	Freight container storage yard	M-1 (c)	None
South	0.91 acres	Single-Family Residence	AL-20	30 feet south
	4.41 acres	Industrial Uses	AL-20	None
East	9.95 acres	Vineyard	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. A summary of the Initial Study is included as Exhibit 8.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: March 4, 2016

PUBLIC NOTICE:

Notices were sent to 31 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 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 1951. 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 Limited 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 4.04-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) to an M-1(c) (Light Manufacturing, Conditional). 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-1 Zone District, except a caretaker's residence. The setback requirements of the M-1 Zone district are less restrictive than the setback requirements of the currently-zoned AL-20 District.

ANALYSIS/DISCUSSION/GENERAL PLAN CONSISTENCY:

Relevant Policies:	Consistency/Considerations:
Policy LU-F.29: The County may approve rezoning requests and	a. Adverse impacts of noise, odor, vibration, smoke, noxious gasses, heat and glare,

Relevant Policies:	Consistency/Considerations:
<p>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 Supervisors:</p> <ul style="list-style-type: none"> 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. b. Provisions for adequate off-street parking to handle maximum number of company vehicles, salespersons, and customers/visitors. c. Mandatory maintenance of non-objectionable use areas adjacent to or surrounding the use in order to isolate the use from abutting properties. d. Limitations on the industry's size, time of operation, or length of permit. 	<p>dust and dirt, combustibles, and other pollutants were addressed by Initial Study No. 7007, which was prepared for this application. To reduce adverse light impacts, a mitigation measure was included requiring that all lighting to 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.</p> <ul style="list-style-type: none"> b. The proposed rezoning was reviewed by various agencies and the Fresno County Design Division. Specific concerns with parking will be addressed during the mandatory Site Plan Review required by the conditional rezoning. c. The subject parcel and surrounding parcels are designated as Limited Industrial (Reserve) by the County-adopted Roosevelt Community Plan. There are no adjacent parcels zoned for residential use. d. Mandatory Site Plan Review of all development on the property will reduce adverse impacts on surrounding properties.
<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 a mitigation measure has been incorporated into the project which restricts 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 or adequate information is submitted to the Fresno County Public Health Department, Environmental Health Division, and the County Water/Geology/Natural Resources Section to demonstrate that the property can accommodate higher volumes of liquid wastes.</p>

Reviewing Agency/Department Comments:

California Department of Public Health, Drinking Water Field Operations Branch: No comment until development is proposed.

Caltrans: Given the change of zoning of the proposed development and its distance and orientation from State Route 99, it is projected the site could generate traffic that would impact the SR 99 interchange at Jensen Avenue. Therefore any future purposed projects should be submitted to Caltrans for review.

Design Division of the Department of Public Works and Planning: No concerns with the proposal.

Development Engineering Section of the Fresno County Department of Public Works and Planning: This section of Willow Avenue is classified as a collector road with an existing 30' right-of-way east of the centerline along the parcel frontage. Willow Avenue is a County-maintained road with no precise plans. Records indicate this section of Willow Avenue from Vine Avenue to Annadale Avenue has an ADT of 1,400, pavement width of 19.1', structural section of 0.28' AC, 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 parcel is not subject to flooding from the 1% 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 grading proposed with this application.

Fresno County Department of Agriculture: No concerns with the proposal.

Fresno County Department of Public Health, Environmental Health Division: 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). Environmental Health records indicate two water wells on the parcel, one old and one new. If the old water well is not in use, it is highly recommended it be destroyed.

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.

Fresno County Fire Protection District: No concerns with the proposal.

Fresno County Sheriff's Department: No objections to the proposal as presented.

Fresno Irrigation District (FID): FID does not object or have any comments regarding the rezone. FID understands that no specific development or improvements are being proposed at this time, but FID would like to make the Applicant aware of any potential impacts future development may cause:

FID's Benefield Pipeline No. 239 runs northwesterly and traverses the northeast corner of the subject property.

Area of Concern: 30-foot-wide easement, recorded January 22, 1988 as Document No. 88007585, Official Records of Fresno County. The canal consists of a 20-inch diameter Low-Head PVC pipe (thin wall with solvent weld joints) installed in 1987 (29 years old). Low-Head PVC pipe does not meet FID's current standards for urban development.

FID may require that the Applicant replace the existing pipeline across the subject parcels with new 21-inch diameter ASTM C-361 Rubber Gasket Reinforced Concrete Pipe (RGRCP) in accordance with FID standards for developed parcels, and that the Applicant enter into an agreement with FID for that purpose.

FID may require that external wrap be installed at all pipeline joints within the subject property or any areas where root intrusion may be a future concern based on the proposed improvement at the time of review.

Should the applicant propose to build any improvements within FID's easement, FID requires it review and approve all private facilities that encroach into FID's property/easement. For all encroachment(s), the Applicant will be required to enter into the appropriate agreement to be determined by FID.

FID requires it review, approve, and be made a party to signing all improvement plans which affect its easements and pipeline facilities, including, but not limited to, grading and drainage, sewer and water, FMFCD, street, landscaping, dry utilities, and all other utilities.

As with most developer projects, there will be considerable time and effort required of FID's staff to plan, coordinate, engineer, review plans, prepare agreements, and inspect future development on the site. FID's cost for associated plan review will vary and will be determined at the time of the plan review.

Staff notes that the above information has been provided by FID to the Applicant for information purposes only. The comments do not indicate requirements which have been placed on the project or future development. FID will be notified of on-site development during the mandatory Site Plan Review required as part of the conditional zoning and may provide development conditions at that time.

Fresno Metropolitan Flood Control District: The proposed rezone lies within the District's Drainage Area "CU". The District's system can accommodate the proposed rezone.

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject property is designated Reserve Limited Industrial in the Roosevelt Community Plan. The M-1 Zone District is shown in the Roosevelt Community Plan as a compatible zone district

for land designated Limited Industrial within that plan. The subject parcel is not subject to an Agricultural Land Conservation Contract.

Road Maintenance and Operations Division of the Department of Public Works and Planning: No comments.

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

Water/Geology/Natural Resources Section of the Department of Public Works and Planning: No comment.

Zoning Section of the Department of Public Works and Planning: If the existing on-site residence was built after March 1, 1958, permits will be required.

City of Fresno: No comments.

Analysis:

One fundamental issue regarding any rezone request is whether the proposed zone change is consistent with the General Plan. Parcels between East Annadale Avenue and East Vine Avenue, including the subject parcel, are designated as Reserve Limited Industrial. The Zoning Compatibility Matrix for the Roosevelt Community Plan indicates that the requested M-1(c) District is compatible with the Limited 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. Aerial photos of the area show that parcels without the Reserve designation have generally been developed. Land west of the subject parcel is designated for General Industrial uses and is similarly zoned for Limited Agricultural uses. The parcels to the north and northwest have been zoned for Industrial uses.

A Memorandum of Understanding (MOU) between the County and the City of Fresno requires that applications for new urban development within the City's Sphere of Influence are referred to the City for Annexation, and this application was referred as part of the pre-application review, mailed on July 1, 2015. The City determined that due to the extent of unincorporated property immediately surrounding the subject site, it was not currently practical to annex the parcel and released the project to the County to process. The nearest city limits are 900 feet northwest of the subject parcel, and the land between is designated for General Industrial uses. The City of Fresno released the subject project to the County for processing on July 27, 2015.

The current zoning on the parcel and the parcels directly adjacent to the east, west, and south is AL-20 (Limited Agricultural, 20-acre minimum parcel size). The parcel to the north is zoned M-1(c) (Light Manufacturing, conditional to allow only a draying and freight storage yard and caretakers residence). Within the Roosevelt Community Plan, the Limited Agricultural Zoning is intended to allow for some agricultural uses until the development of the indicated future use (Light Manufacturing, in this case). Given the length of time since the Plan was written (1979), it is reasonable that such 'future development' may be occurring now or in the near future.

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 uses that would be conditionally allowed by right on the property are generally low-water and low liquid waste uses. Impacts on

the use of septic tanks and well water on the property were discussed in the Initial Study prepared for this application and a mitigation measure was incorporated which requires that the Environmental Health Division and the Water/Geology/Natural Resources Section determine the types and number of uses which the property can support without municipal sewer and water. This will be implemented by the mandatory site plan review required by the conditional zoning.

The Transportation Element of the General Plan provides that necessary road improvements and right-of-way dedications be required as a condition of land development to ensure that roads will safely serve expanding development. Willow Avenue is classified as a Collector, and is developed with 19 feet of pavement. The Development Engineering Section of the Fresno County Department of Public Works and Planning has indicated that there are no precise plans for this section of Willow Avenue and no comments were received from the City of Fresno. Industrial Zoning requests typically require evaluation of potential traffic impacts associated with a very broad range of uses permitted by right. In this case, a traffic impact study was determined unnecessary by the Design Division of the Public Works and Development Services Department after the Applicant revised his request to conditional zoning limited to the list of uses included as Exhibit 5. This determination was made because the most traffic that could be reasonably generated by the most intense by-right uses on the property was under the County's threshold for a Traffic Impact Study, which is 100 trips per day. The limited traffic which may be generated by the proposal will not require an expansion of Willow Avenue to safely serve the development.

Based on the above information, and with adherence to the Mitigation Measures, Condition 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-1(c) (Light Manufacturing, Conditional) Zone District is consistent with the Fresno County General Plan and County-adopted Roosevelt Community Plan, and recommends approval of Amendment Application No. 3811, 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. 7007; and
- Recommend that the Board of Supervisors determine that the proposed M-1(c) (Light Manufacturing) 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. 3811 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-1(c) (Light Manufacturing) 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.

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**Mitigation Monitoring and Reporting Program
Initial Study Application No. 7007 and Amendment Application No. 3811
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No. *	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	All 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/ Hydrology and Water Quality/ Utilities and Service Systems	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 sewer and water facilities or adequate information is submitted to the Fresno County Public Health Department, Environmental Health Division, and the County Water/Geology/Natural Resources Section to demonstrate that the property can accommodate higher volumes of liquid wastes. The type and number of uses allowed shall be determined by the Environmental Health Division and the County Water/Geology/Natural Resources Section.	Applicant	Applicant/ Fresno County Public Health Department, Environmental Health Division, and the County Water/Geology/Natural Resources Section	Ongoing
Conditions of Approval					
1.		The Applicant shall submit plans to Fresno Irrigation District (FID) when development plans which include development within 30 feet of the easement for Benefield Pipeline No. 239 are submitted to the County for Site Plan Review.			
2.		Prior to the issuance of building permits, the Applicant shall provide evidence that permits were obtained for the on-site residence, obtain permits for it, provide proof that the residence was built before March 1, 1958, or pull demolition permits for the residence and destroy it.			
*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.					
Notes					
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.					
1.		Future proposed projects shall be submitted to Caltrans for review.			
2.		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.			
3.		Any additional runoff generated by development cannot be drained across property lines.			
4.		All abandoned water wells and septic systems on the parcel shall be properly destroyed by an appropriately-licensed contractor (permits required). Environmental Health records indicate two water wells on the parcel, one old and one new.			

Notes

	<p>If the old water well is not in use, it shall be destroyed (permits required).</p>
5.	<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>
6.	<p>Fresno Irrigation District has provided standard comments and conditions which may be placed on this project for the information of the Applicant to help with the planning and engineering process for the upcoming development:</p> <ul style="list-style-type: none"> • FID's Benefield Pipeline No. 239 runs northwesterly and traverses the northeast corner of the subject property. • Area of Concern: 30-foot-wide easement, recorded January 22, 1988 as Document No. 88007585, Official Records of Fresno County. The canal consists of a 20-inch diameter Low-Head PVC pipe (thin wall with solvent weld joints) installed in 1987 (29 years old). Low-Head PVC pipe does not meet FID's current standards for urban development. • FID requires the Applicant to replace the existing pipeline across the subject parcels with new 21-inch diameter ASTM C-361 Rubber Gasket Reinforced Concrete Pipe (RGRCP) in accordance with FID standards for developed parcels, and that the Applicant enter into an agreement with FID for that purpose. • FID may require external wrap be installed at all pipeline joints within the subject property or any areas where root intrusion may be a future concern based on the proposed improvement at the time of review. • Should the Applicant propose to build any improvements within FID's easement, FID requires it review and approve all private facilities that encroach into FID's property/easement. For all encroachment(s), the Applicant will be required to enter into the appropriate agreement to be determined by FID. • FID requires it review, approve and be made a party to signing all improvement plans which affect its easements and pipeline facilities, including, but not limited to, Grading and Drainage, Sewer and Water, FMFCD, Street, Landscaping, Dry Utilities, and all other utilities. • As with most developer projects, there will be considerable time and effort required of FID's staff to plan, coordinate, engineer, review plans, prepare agreements, and inspect the project. FID's cost for associated plan review will vary and will be determined at the time of the plan review. • The above comments are not to be construed as the only requests FID will have regarding this project. FID will make additional comments and requests as necessary as the project progresses and more detail becomes available.
7.	<p>A grading permit or voucher is required for all grading proposed with this application.</p>

AA 3811 HSR
STR 19 - 14/21

EXISTING ZONING MAP

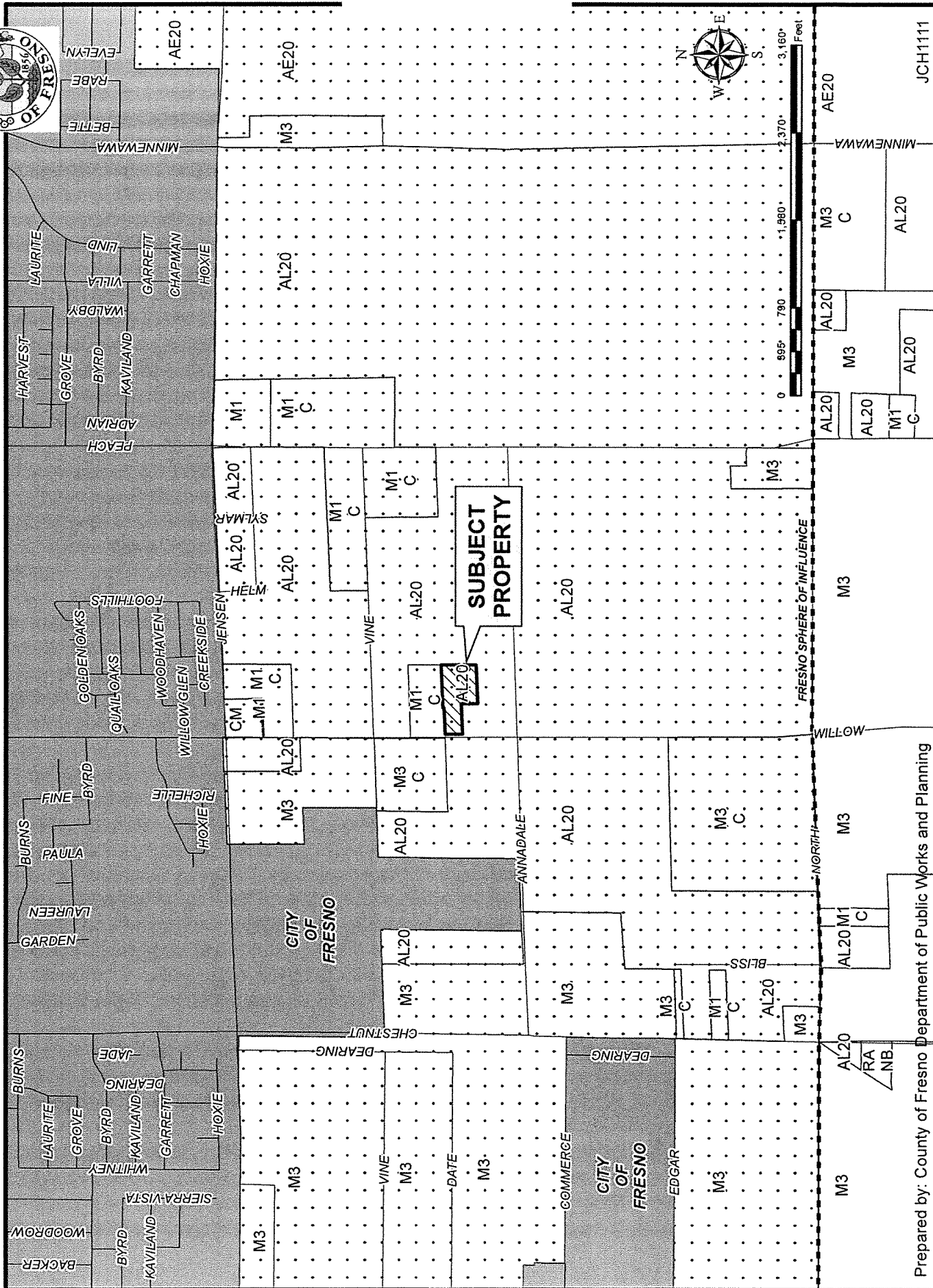
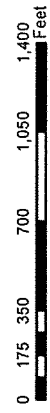
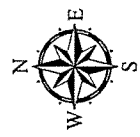
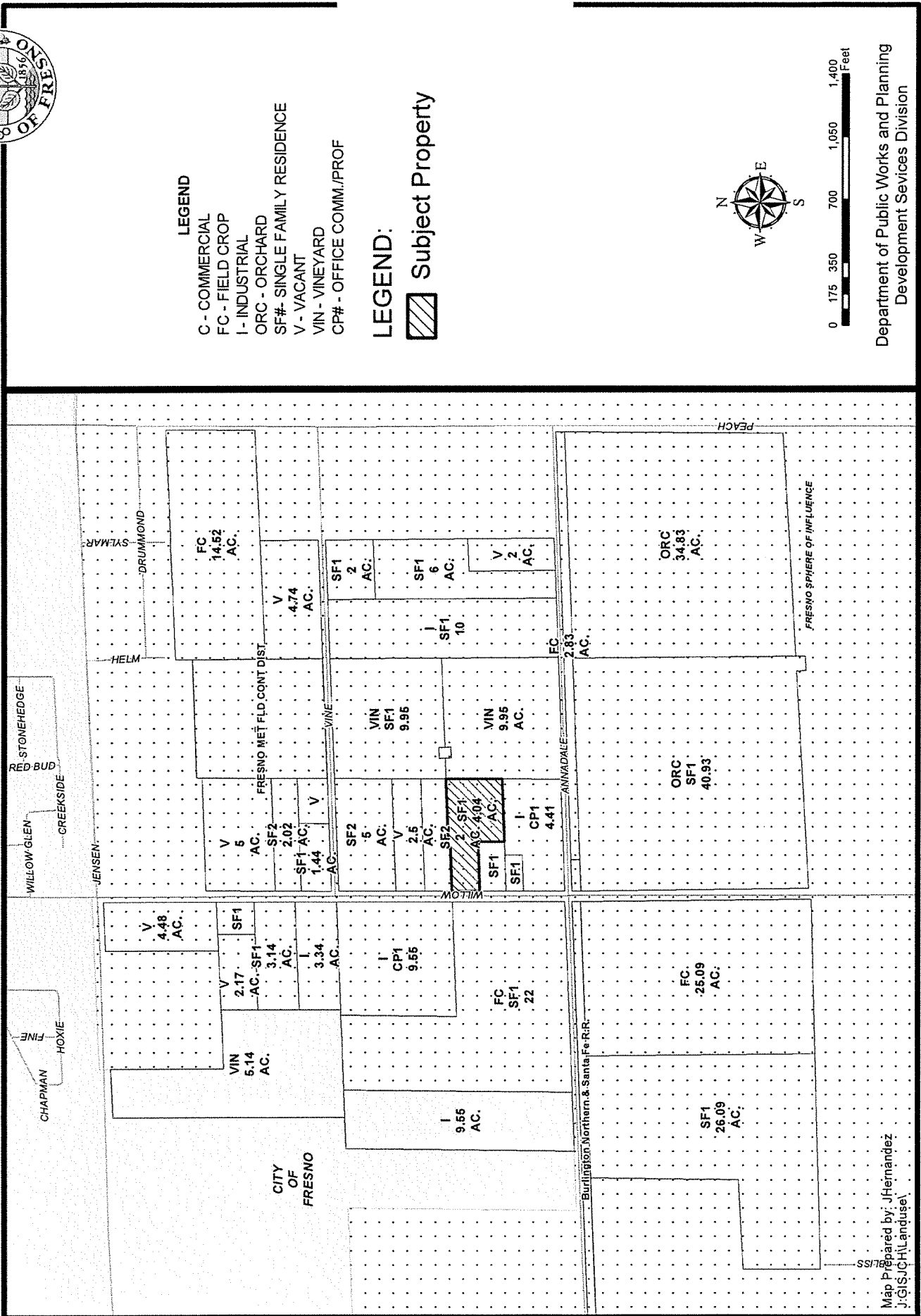


EXHIBIT 4



EXISTING LAND USE MAP

AA 3811 HSR



Department of Public Works and Planning
Development Services Division

Map Prepared by: JHernandez
JGIS@CHLandUse

EXHIBIT 5

Proposed Uses – Amendment Application 3811:

Related Uses:

- Advertising structures
- Automobile re-upholstery
- Caretaker's residence, which may include an office for the permitted industrial use
- Electrical supply
- Frozen food lockers
- Ice and cold storage plants
- Signs, subject to the provisions of 843.5-K
- Truck driver's training schools

Manufacturing:

- Automotive: painting
- Automotive: truck repairing and overhauling
- Boat building and repairs
- Book binding
- Ceramic products using only previously pulverized clay and fired in kilns only using electricity or gas
- Commercial grain elevators
- Novelties
- Planing mills
- Rubber and metal stamps
- Shoes
- Stone monument works
- Storage yards (trucking yard terminal, except freight classifications)

Processing:

- Carpet and rug cleaning plants
- Cleaning and dyeing plants
- Tire rereading, recapping, and rebuilding
- Lumber drying kilns (gas, electric or oil fired only)
- Feather cleaning and storage of cleaned feathers within an enclosed structure

Fabrication:

- Rubber, fabrication of products made from finished rubber
- Assembly of small electric and electronic equipment
- Assembly of plastic items made from finished plastic

Other Uses:

- Agricultural uses
- Communication equipment buildings
- Electric transmission substations
- Public utility service yards with incidental buildings
- Electric distribution substations
- Temporary or permanent telephone booths
- Water pump stations

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.~~

~~42. Manufacturing and maintenance of electric or neon signs.~~

13. Novelties.

14. Planing mills.

~~45. Printing shops, lithographing, publishing.~~

~~46. 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.~~
- e. ~~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.

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 designations 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, 4H, 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)



EXHIBIT 8

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** Baljinder Dosanjh
- APPLICATION NOS.:** Initial Study Application No. 7007 and Amendment Application No. 3811
- DESCRIPTION:** Rezone a 4.04-acre parcel from the AL-20 (Limited Agriculture, 20-acre minimum parcel size) Zone District to the M-1(c) (Light Manufacturing, conditional) Zone District limited to the following uses: Related Uses: advertising structures, caretaker's residence, electrical supply, frozen food lockers, ice and cold storage plants, signs, and truck driver's schools; Manufacturing: automotive painting, truck repairing and overhauling, boat building and repairs, book binding, ceramic products, commercial grain elevators, novelties, planing mills, rubber and metal stamps, shoes, stone monument works, and storage yards (trucking yard terminal); Processing: carpet and rug cleaning plants, cleaning and dyeing plants, tire rereading, recapping, and rebuilding, lumber drying kilns (gas, electric or oil fired only), and feather cleaning and storage of cleaned feathers within an enclosed structure; all Fabrication uses; and Other Uses: agricultural uses, communication equipment buildings, electric transmission substations, public utility service yards with incidental buildings, electric distributions substations, temporary or permanent telephone booths, and water pump stations.
- LOCATION:** The project is located on the east side of South Willow Avenue, approximately 470 feet north of its intersection with East Annadale Avenue. The nearest city limits of the City of Fresno are 900 feet northwest from the parcel. (Sup. Dist 4) (APN 316-090-13)

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 Willow 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 IMPACT:

The parcels to the north and south of the project site are currently improved with truck yards. Two small parcels to the south are improved with single family residences and the parcels to the east and west are in current agricultural production. The allowed uses on the site will be consistent with those parcels north and south, and are consistent with the general plan designation for the area.

- 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. This impact is not expected to be significant because the surrounding area is designated for industrial development. The nearest neighboring residential unit is located thirty feet from the nearest property line of the subject parcel. Potential light and glare impacts will be mitigated to a less than significant level by requiring that all lighting be hooded and directed so as not to shine towards adjacent properties and public streets.

* **Mitigation Measure**

1. *All lighting shall be hooded and directed as to not shine towards adjacent property and public streets.*

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 on the Fresno County Important Farmlands 2012 Map as Urban and Built-up Land and is not under a Williamson Act Contract.

- 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 subject parcel is not zoned for Timberland Production, nor is it near any land so zoned.

- 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 Limited Industrial (Reserve). This designation is intended to reserve and hold certain lands for future urban use by permitting limited agriculture and by regulating those more intensive agricultural uses. The parcel to the north is industrial, while the other adjacent parcels are currently zoned for limited agricultural uses. 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 forest land to non-forest use.

III. AIR QUALITY

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

FINDING: NO IMPACT:

No impacts to any applicable Air Quality Plan were identified during project analysis. Development on the property will be subject to San Joaquin Valley Unified Air Pollution Control District (District) rules and regulations.

- B. Would the project violate any air quality standard or contribute to an existing or projected air quality violation; or
- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject application proposes to change the zoning on the subject property from Limited Agricultural uses to Light Manufacturing uses. A change in the zoning will change the uses which are allowed by-right on the property; however, such developments will be subject to the Air Pollution Control District's rules and regulations to reduce air pollution. The District reviewed the proposal and offered no comments on the project. The impacts to existing or projected air quality violations and increases to criteria pollutants have been determined to be less than significant.

- D. Would the project expose sensitive receptors to substantial pollutant concentrations; or
- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: LESS THEN SIGNIFICANT IMPACT:

The subject parcel is located in an area that has limited agricultural and residential uses to the east, west, and south and industrial uses to the north. Two homes exist near the subject property which may be exposed to pollutant concentrations or objectionable odors, however no such impacts were identified in the analysis.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

While there is the potential for candidate, sensitive, or special-status species on the project site, no impacts were identified as a result of the rezone application. The project was routed to the California Department of Fish and Wildlife and the US Fish and Wildlife Service, and neither agency expressed concerns over the impact of the project on wildlife.

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

FINDING: NO IMPACT:

There are no riparian habitats or other natural communities located on the subject parcel. No wetlands are affected by the proposal and no impacts to resident or migratory fish or nursery sites were identified.

- 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:

No local policies, ordinances, Habitat Conservation Plans, or Natural Community Conservation plans were identified as applicable to the subject property.

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.

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 site 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 approximately 27% Hesperia sandy loam, which typically has a 0-2% slope, and is well-drained. The remaining 73% of the soil is Hesperia fine sandy loam, which similarly has 0-2% slope and is well-drained. Figure 7-2 (FCGPBR) highlights area of concern for steep slopes as greater than 30% slope. 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 THEN SIGNIFICANT IMPACT WITH MITIGATION INCORPORTATED:

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 generally low-water/liquid waste-generating uses. A mitigation measure requiring that the site be developed with only low-water/liquid waste-generating uses has been included:

* **Mitigation Measure**

1. *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 a community sewer and water facilities or adequate information is submitted to the Fresno County Public Health Department, Environmental Health Division, and the County Water-Geology Unit to demonstrate that the property can accommodate higher volumes of liquid wastes. The type and number of uses allowed shall be determined by the Environmental Health Division and the County Water-Geology Unit.*

This mitigation measure will be implemented through mandatory Site Plan Review at the time uses are proposed on the property assuring that wastewater impacts will be reduced to a less than significant level.

VII. GREENHOUSE GAS EMISSIONS

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Would the project conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: NO IMPACT:

Analysis of the project in consideration of the limited uses proposed and the comments received from the Air District expressing no specific project-related concerns supports the determination that the project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Development on the property will be subject to the San Joaquin Valley Unified Air Pollution Control District (District) rules and regulations to reduce the emissions of greenhouse gases.

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 subject property is the Calwa Malaga Learning Center, which is one and a half miles to the south.

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

FINDING: NO IMPACT:

The nearest hazardous materials site to the subject property is one and a half miles to the southwest, located at 3265 South Maple Avenue. The hazardous site was a used oil reprocessing facility which operated from 1934 to 1974. Currently, construction of physical remedies on the site has been completed and Human Exposure status and Contaminated Ground Water status are both considered 'under control' by the Government Performance and Results Act. Given the attainment status of the Superfund site and its distance from the project site, it has been determined that there will be no impact on the project as a result of the site.

- E. 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

- F. 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 within any clear zone or other imaginary surface of a public use airport as described under FAR Part 77 or within an identified airport noise contour. Also, the site is not in the vicinity of a private airstrip. The nearest airport to the subject property is the Fresno-Chandler Downtown Airport, which is more than five miles to the northwest.

- G. 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 implementation of or interfere with any 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 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?

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 sewer and water, 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.

- 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?

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 (Flood District) area and eventual development will be subject to the Flood District's rules and regulations.

- 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; or
- 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. This requirement is included as a mitigation measure listed in Section VI.E.

- 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: LESS THAN SIGNIFICANT IMPACT:

FEMA FIRM Panel 2130, Map Number 06019C2130H shows that the subject parcel is located within zone "X" which is considered to be outside the 100-year (1% chance storm) hazard area.

- 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; or

FINDING: NO IMPACT:

The proposal will not divide an established community. The property is outside the boundaries of the city of Fresno and in an area of limited agricultural and industrial uses.

- 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 Limited Industrial (Reserve) designation of the site in the Edison Community Plan and the project 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
- 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:

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, and the rezone proposal will have no impact on that right.

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 the 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.

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:

Project impacts on local traffic were analyzed by the Fresno County Design Division determined that the restricted uses would not generate enough traffic to conflict with any measures of effectiveness or congestion management systems for the performance of the circulation system.

- C. Would the project result in a change in air traffic patterns?

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. The nearest airport to the subject property is the Fresno-Chandler Downtown Airport, which is more than five miles to the northwest.

- D. Would the project substantially increase traffic hazards due to design features; or
- 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: NO IMPACT:

The project will not increase traffic hazards or result in inadequate emergency access. No aspects of the project will conflict with adopted transportation facilities, or otherwise decrease their performance or safety.

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;
- C. Would the project require or result in the construction or expansion of new storm water drainage facilities?

- 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 recommends that only low water uses that generate small amounts of liquid waste be permitted until the property is served by a community sewer and water system. 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 such impacts were identified in the analysis. The California Department of Fish and Game did not express any concerns with the proposal and no comments were provided by United States Fish and Wildlife Services.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

No cumulatively considerable impacts were identified in the analysis other than aesthetics, hydrology and water quality, and utilities and service systems, impacts that will be addressed with the mitigation measures discussed above in Section I. D. and Section VI.E.

- 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. 3811 HSR, staff has concluded that the project will not/will have a significant effect on the environment. It has been determined that there would be no impacts to Cultural Resources, Greenhouse Gas Emissions, 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, Hazards and Hazardous Materials, Noise, and Transportation/Traffic have been determined to be less than significant. Potential impacts relating to Aesthetics, Geology and Soils, Hydrology and Water Quality, and Utilities and Service Systems have determined to be less than significant with compliance with listed mitigation measures.

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

CMM

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EXHIBIT 9

DRAFT

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7007	LOCAL AGENCY MITIGATED NEGATIVE DECLARATION	County Clerk File No: E-	
Responsible Agency (Name): County of Fresno	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Christina Monfette, Planner	Area Code: (559)	Telephone Number: 600-4245	Extension: N/A
Applicant (Name): Baljinder Dosanjh	Project Title: Amendment Application No. 3811		
Project Description: Rezone a 4.04-acre parcel from the AL-20 (Limited Agriculture, 20-acre minimum parcel size) Zone District to the M-1(c) (Light Manufacturing, conditional) Zone District limited to those by-right uses specified by the applicant.			
Justification for Negative Declaration: Based upon the Initial Study prepared for Amendment Application No. 3811, 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, Greenhouse Gas Emissions, 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, Hazards and Hazardous Materials, Noise, and Transportation/Traffic have been determined to be less than significant. Potential impacts relating to Aesthetics, Geology and Soils, Hydrology and Water Quality, and Utilities and Service Systems have determined to be less than significant with compliance with listed mitigation measures.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – March 4, 2016		Review Date Deadline: Planning Commission- March 24, 2016	
Date:	Type or Print Signature:	Submitted by (Signature):	

State 15083, 15085

County Clerk File No.: _____

LOCAL AGENCY DRAFT MITIGATED NEGATIVE DECLARATION