



EXHIBIT 2

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

Planning Commission Staff Report Agenda Item No. 3 January 14, 2016

SUBJECT: Initial Study Application No. 6991, Amendment Application No. 3810, and Variance Application No. 3979

Rezone 2.06 acres from the M-1 (Light Manufacturing) and R-1 (Single-Family Residential, 6,000 square-foot minimum parcel size) Zone Districts to the C-M (Commercial and Light Manufacturing) Zone District for a proposed retail variety store, and allow a Variance to eliminate the requirement for a six-foot solid masonry wall along the street frontage of Henderson Road and along the northeast and southeast portions of the subject parcel.

LOCATION: The project site is located on the northeast side of Henderson Road between W. Superior Avenue and S. West Avenue in the unincorporated community of Caruthers (13440 S. Henderson Road) (Sup. Dist. 4) (APN 043-170-31S).

OWNER: Carlos Solorio
APPLICANT: Charles Pelletier

STAFF CONTACT: Daniel Brannick, Planner
(559) 600-4297

Eric VonBerg, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 6991; and
- Recommend that the Board of Supervisors approve Amendment Application No. 3810 and Variance Application No. 3979 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution to forward Amendment Application (AA) No. 3810 and Variance Application (VA) No. 3979 to the Board of Supervisors with a recommendation of approval, subject to the Mitigation Monitoring and Reporting Program (MMRP) 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. Assessor's Parcel Map
6. Site Plans and Detail Drawings
7. Applicant's Operational Statement
8. Applicant's Variance Findings
9. Summary of Initial Study Application No. 6991
10. Draft Mitigated Negative Declaration

SITE DEVELOPMENT, OPERATIONAL INFORMATION AND STANDARDS:

Site Development and Operational Information

Criteria	Existing	Proposed
General Plan Designation	Limited Industrial/ Reserve Limited Industrial (Caruthers Community Plan)	No change
Zoning	M-1 (Light Manufacturing); R-1 (Single-Family Residential, 6,000 square-foot minimum parcel size)	C-M (Commercial and Light Manufacturing)
Parcel Size	2.5 acres	2.06 acres (Parcel size proposed to be reduced via a separate mapping procedure)
Project Site	Single-family residence with detached garage; vacant land	9,026 square-foot retail variety store with asphalt parking lot, pylon sign, six-foot concrete masonry wall, and six-foot wood fence. Existing single- family residence and detached garage to be partitioned from subject parcel as part of a separate mapping procedure.

Criteria	Existing	Proposed
Structural Improvements	See Project Site description	See Project Site description
Nearest Residence	Five feet south of the nearest property line	No change (20 feet south of the nearest property line after separate mapping procedure)
Surrounding Development	Single-family residences, lumber and hardware supply facility, shop building and office, vacant land	No change
Operational Features	Single-family residence with vacant land	Retail sales of a variety of consumer goods, including food, toys, apparel, and household products. Operations would also entail 1-3 weekly deliveries from trucks and periodic maintenance activities.
Employees	N/A	6-10 permanent employees
Customers/Supplier	N/A	Approximately 30 customers per day
Traffic trips	Residential traffic	578 one-way trips (239 round trips) daily
Lighting	Residential lighting	Building exteriors, illuminated sign located above entrance to proposed store, interior lighting within proposed store
Hours of Operation	N/A	7:00 AM to 11:00 PM daily

Setback, Separation and Parking

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	<p>M-1 Zone District: Front: 15 feet Side: 15 feet Rear: 15 feet</p> <p>R-1 Zone District: Front: 20 feet Side: 5 feet Rear: 20 feet</p>	C-M Zone District: Front: 15 feet Side: 15 feet Rear: 15 feet	Yes

Parking	M-1 Zone District: One off-street parking space for every two permanent employees, one parking space for each truck operated by the concern R-1 Zone District: At least one parking space in a garage or carport for every dwelling unit	C-M Zone District: One off-street parking space for every two permanent employees, one parking space for each truck operated by the concern	Yes
Lot Coverage	No requirements	No requirements	N/A
Separation between Buildings	No requirements	No requirements	N/A
Wall Requirements	M-1 Zone District: six-foot-high solid masonry wall along any residential district boundary R-1 Zone District: N/A	C-M Zone District: six-foot-high solid masonry wall along any residential district boundary	No (VA 3979 filed to allow wood fence and landscape in lieu of masonry wall)
Septic Replacement Area	N/A	N/A	N/A
Water Well Separation	N/A	N/A	N/A

Circulation and Traffic

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Henderson Road; Excellent condition	No change
Direct Access to Public Road	Yes	Henderson Road	No change
Road ADT		2,200	No significant change
Road Classification		Arterial	No change
Road Width		41.4 feet paved width	No change
Road Surface		Asphalt concrete paved	No change

		Existing Conditions	Proposed Operation
Traffic Impact Study (TIS) Prepared	Yes	N/A	The Traffic Impact Study prepared for the project determined no significant impacts on county roadways.
Road Improvements Required		N/A	N/A

Surrounding Properties

	Size:	Use:	Zoning:	Nearest Residence:
Northwest	0.70 acres	Vacant shop and office	M-1	None
	0.37 acres	Portable toilet storage yard	M-1	None
Northeast	1.21 acres	Lumber and hardware supply facility	M-1	None
Southeast	5.16 acres	Single-family residence, vacant land	R-1	230 feet
Southwest	0.26 acres	Single-family residence	R-1	60 feet
	0.22 acres	Single-family residence	R-1	58 feet
	0.08 acres	Single-family residence	R-2-C	65 feet
	0.08 acres	Single-family residence	R-2-C	65 feet
	0.08 acres	Single-family residence	R-2-C	65 feet

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

ENVIRONMENTAL ANALYSIS:

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 9.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: December 18, 2015

PUBLIC NOTICE:

Notices were sent to 74 property owners within 600 feet of the subject property, satisfying the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

Should the Planning Commission recommend approval, a subsequent hearing date before the Board of Supervisors will be scheduled as close to the Commission's action as practical to make the final decision on the Amendment Application. Information for that hearing will be provided under separate notice.

PROCEDURAL CONSIDERATIONS:

A rezoning is a legislative act requiring action by the Board of Supervisors. A decision by the Planning Commission in support of a rezoning request is an advisory action requiring 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.

A Variance (VA) may be approved only if four Findings specified in Zoning Ordinance Section 877 are made by the Planning Commission. Specifically related to a VA, in order to make Findings 1 and 2, a determination must be made that the property is subject to an exceptional or extraordinary physical circumstance that does not apply to other properties in the same Zone District, and a substantial property right held by other property owners of like-zoned parcels in the area must be identified. The decision of the Planning Commission on a VA is final unless appealed to the Board of Supervisors within 15 days of the Commission's action. In this instance, the Variance will only apply if the rezone is approved by the Board of Supervisors, since it is a request to vary from the requirements of the C-M Zone District.

BACKGROUND INFORMATION:

This proposal entails rezoning 2.06 acres on the parcel identified as APN 043-170-31S from the M-1 (Light Manufacturing) and R-1 (Single Family Residential) Zone Districts to a C-M (Commercial and Light Manufacturing) Zone District in order to allow the construction and operation of a Dollar General retail variety store. Variety stores are a by-right use within the C-M Zone District.

The existing property currently measures 2.5 acres, with approximately 1.9 acres zoned M-1 (Light Manufacturing) and 0.6 acres zoned R-1 (Single-Family Residential, 6,000 square-foot minimum parcel size). A single-family residence with a detached garage is located within the M-1 portion of the property, and the R-1 portion of the property is vacant. The property is currently designated Limited Industrial and Reserve Limited Industrial in the County-adopted Caruthers Community Plan, which was adopted by the Fresno County Board of Supervisors on March 3, 1959.

According to the Applicant's operational statement, the proposed rezone will facilitate development of a Dollar General, a chain variety store with locations nationwide. The proposed building is to be constructed of pre-engineered metal and will measure approximately 9,100 square feet. The building will be painted in a light stone and medium bronze color scheme, and it will feature a pylon sign at the front of the site and an illuminated Dollar General sign over the building's main entrance. No existing buildings will be used for the project, and the existing residence and garage are proposed to be partitioned from the subject parcel via a mapping procedure separate from this application. The rezone will allow the Applicant to build and operate the store as a by-right use, or any other by-right use in the C-M district.

The Applicant's proposal also includes a Variance Application to eliminate the requirement for a six-foot-high concrete masonry wall along the street frontage of Henderson Road and along

sections of the northeast and southeast boundaries where the parcel abuts residential zoning. As proposed by the Applicant, the required masonry wall would be substituted with landscaping along the street frontage of Henderson Road and with six-foot-high wood fencing along the other boundaries. The Variance would only be applicable if the proposed rezone is approved.

AMENDMENT APPLICATION ANALYSIS AND DISCUSSION:

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-F.23: The County shall require community sewer and water services for commercial development in accordance with the provisions of the Fresno County Ordinance Code, or as determined by the State Water Quality Control Board.</p>	<p>The proposed development will utilize community sewer and community water services provided by the Caruthers Community Services District (CSD), as indicated by a "will serve" letter provided by the Caruthers CSD. The Applicant will be responsible for submitting an Application for Water and Sewer Services and paying required hook-up fees. Additionally, the project was reviewed by the California Regional Water Quality Control Board, which expressed no concerns with the project.</p>
<p>General Plan Policy LU-F.24: The County shall require new commercial development to be designed to minimize the visual impact of parking areas on public roadways and maintain compatibility with surrounding land uses.</p>	<p>The project site is located in the center of the unincorporated community of Caruthers, within an urbanized area marked by a mix of commercial, industrial, and residential land uses. There are C-M (Commercial and Light Manufacturing)-, C-4 (Central Trading District)-, and M-1 (Light Manufacturing)-zoned properties to the north and west of the project site, and there are R-1 (Single-Family Residential, 6,000 square-foot minimum parcel size)- and R-2 (Single-Family Residential, Low Density Multiple Family Residential, 6,600 square-foot minimum parcel size)-zoned properties to the south and east of the project site. Considering that the project site is not located along a designated Scenic Highway, that no scenic vistas or scenic resources were identified near the proposal, and the existing commercial and industrial nature of surrounding development, this proposal will not damage any scenic resource or degrade the visual character of the site or its surroundings.</p> <p>The proposed store and lights from vehicles in its parking lot as potential sources of light and glare, and elimination of the six-foot masonry wall along the street frontage of Henderson Road would increase the risk of impacts from light and glare. To address this risk, a Mitigation Measure has been included requiring that landscaping or fencing capable of minimizing light from the store and vehicles utilizing its parking lot from shining directly into adjacent residences shall be required along the street frontage of Henderson Road. With adherence to this Mitigation Measure, the impacts</p>

Relevant Policies:	Consistency/Considerations:
	of any new light or glare will be minimized and will maintain compatibility with surrounding uses.
<p>General Plan Policy LU-F.25: The County shall require that new commercial development be designed to encourage and facilitate pedestrian circulation within and between commercial sites and nearby residential areas rather than being designed primarily to serve vehicular circulation.</p>	<p>The project site is not immediately adjacent to any other retail commercial uses. There is currently no sidewalk along the street frontage of the project site, although there is sidewalk along the opposite side of Henderson Road. To meet the General Plan's pedestrian circulation goal, the Applicant shall provide sidewalks with curbs and gutters along the frontage of the project site on Henderson Road. This requirement has been included as a Condition of Approval.</p>
<p>General Plan Policy LU-G.21: The County shall administer those unincorporated areas identified in the community plan as urban as follows: (a) Maintain zoning consistent with the community plan; (b) A holding zone may be applied to undeveloped or underdeveloped properties; (c) Consider subdivision, rezoning, or discretionary permit proposals on planned non-industrial properties where the proposed use is consistent with the community plan...; (d) Consider rezoning and discretionary permit proposals in planned industrial areas consistent with the community plan.</p>	<p>The subject parcel is designated Limited Industrial in the Caruthers Community Plan, and the proposed C-M zone is compatible with the underlying land use designation. Additionally, since a portion of the subject parcel is currently zoned R-1 (which is not consistent with the Limited Industrial land use designation), the proposed rezone would serve to address an inconsistency between the current zoning and land use designations.</p>

Reviewing Agency/Department Comments:

Building and Safety Section of the Fresno County Department of Public Works and Planning:
No comments

Plan Check and Inspection Section of the Fresno County Department of Public Works and Planning: A masonry fence provides an additional level of protection from the commercial use to the residential use that a wood fence will not provide. Also, masonry walls will last longer than wood fencing.

Zoning Section of the Fresno County Department of Public Works and Planning: There are no permit records for any of the existing structures on the subject parcel. Please provide residential building records from the assessor's office showing that they existed prior to March 1, 1958. If the structures were constructed after March 1, 1958, they were constructed without permits and would need to be demolished prior to permits for the proposed Dollar General variety store. On any street or highway that is a boundary between a "C-M" District and any residential district there shall be a front yard of not less than fifteen (15) feet. This yard shall not be used for parking or loading. An address for the store will be issued the day building permits are issued if the existing home does not need to be demolished.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division. If not already present, 10' x 10' corner cutoffs should be improved for sight distance purposes at the exiting driveway onto Henderson Road. Any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of, per County Standards. A grading permit or voucher is required for grading proposed with this application.

Road Maintenance and Operations Section of the Fresno County Department of Public Works and Planning: The hedge in the right-of-way should be maintained by the owner and be removed at the owner's expense should the County need to use the right-of-way in the future.

Fresno County Sheriff's Office: No objection to or concerns with the project.

Fresno County Fire Protection District: The project is required to comply with California Code of Regulations Title 24 – Fire Code. The project may be subject to joining a Community Facilities District (CFD).

Fresno County Health Department, Environmental Health Division: The potential adverse impacts caused by this project could include (but are not limited to) excessive noise during construction activities. Prior to issuance of building permits, the Applicant shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Prior to operation, the Applicant shall apply for and obtain permits to operate food facilities from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable.

San Joaquin Valley Air Pollution Control District: Based on information provided to the District, project-specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 tons/year ROG, or 15 tons/year PM10. Therefore, the District concludes that project-specific criteria pollutant emissions would have no significant adverse impact on air quality. At full build-out, the proposed project would be equal to or greater than 2,000 square feet of commercial space. Therefore, the District concludes that the proposed project would be subject to District Rule 9510 (Indirect Source Review). Pursuant to District Rule 9510 (ISR) Section 5.0, an applicant subject to the rule shall submit an Air Impact Assessment Application (AIA) to the District no later than applying for final discretionary approval. In addition, starting construction before receiving an approved AIA and paying the required Off-Site Mitigation Fees, if any, is a violation of District regulations and is subject to enforcement action. The District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first grading/building permit, be made a condition of project approval. Additionally, the proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations).

California Regional Water Quality Control Board, Drinking Water Division: No comments, as the water supply is to be provided by Caruthers CSD, a regulated public water system.

Analysis:

The proposal entails rezoning 2.06 acres on the parcel identified as APN 043-170-31S from the M-1 (Light Manufacturing) and R-1 (Single Family Residential) Zone Districts to a C-M (Commercial and Light Manufacturing) Zone District in order to allow the construction of a Dollar General retail variety store. Neither the M-1 district nor the R-1 district permits variety stores as an allowable use.

A fundamental consideration is whether the proposal is consistent with the General Plan. In this instance, the subject parcel is designated Limited Industrial in the Fresno County-adopted Caruthers Community Plan. The Zoning Compatibility Matrix for the Caruthers Community Plan indicates that the proposed C-M Zone District is compatible with the Limited Industrial designation of the Caruthers Community Plan.

The C-M District is described in the Fresno County Zoning Ordinance as being intended to provide for retail and wholesale sales, light manufacturing, distributing and storage operations which do not create nuisances (e.g., smoke, odor, dust, sound, vibration, lighting) which might be obnoxious or offensive to persons residing or conducting business in the vicinity, and further to provide a close relationship between warehousing, distribution, and retail sales.

The proposed rezone would not cause detrimental impacts on surrounding properties. The proposed C-M zoning and uses permitted under it are compatible with the uses allowed on the northerly adjacent M-1 (Light Manufacturing)-zoned properties. Additionally, the rezone from M-1 to C-M would allow for uses, including the proposed retail variety store, that are more complementary to areas of residential land use.

Given the above discussion, 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 Caruthers Community Plan.

Recommended Conditions of Approval:

See Exhibit 1

Conclusion:

Staff believes that the proposed rezone from the AE-20 (Exclusive Agricultural) Zone District to a C-M (Commercial and Light Manufacturing) Zone District is consistent with the Fresno County General Plan, and recommends approval of Amendment Application No. 3810, subject to the Mitigation Measures, Conditions of Approval, and Project Notes in the Staff Report.

VARIANCE APPLICATION ANALYSIS AND DISCUSSION:

In the event that Amendment Application No. 3810 is approved, the Applicant is requesting a Variance to eliminate the requirement for a six-foot solid masonry wall along the street frontage of Henderson and along portions of the northeast and southeast boundaries of the parcel. According to the Applicant's operational statement and site plan, the project would utilize six-foot-high wood fencing along the parcel's side and rear yards, and landscaping would be utilized along the street frontage of Henderson Road.

The Fresno County Zoning Ordinance requires a six-foot-high solid masonry wall to be present along any property line that is a district boundary between the C-M Zone District and any residential zone district. The subject parcel's boundary along Henderson Road is immediately adjacent to three parcels zoned R-2-C, and sections of the parcel's side and rear yards are immediately adjacent to parcels zoned R-1. The masonry wall requirement does not apply to boundaries along non-residential districts.

Finding 1: There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.

Finding 2: Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.

Under Finding 1, the Applicant states that there are no properties in the immediate vicinity that are currently zoned C-M with which to compare the subject property, and that the requirement for a masonry wall would be extraordinary by comparison to the other non-residential properties adjacent to the project site. Under Finding 2, the Applicant states that requiring the block wall along Henderson Road would materially harm the business of the proposed Dollar General store due to its impact on visibility of the store to potential customers.

Regarding Finding 1, staff notes that there is one nearby parcel zoned C-M (the Caruthers Branch Library), but it is not subject to the masonry wall requirement because it does not border any residential zone districts. There are parcels zoned M-1 in the vicinity that also border residentially-zoned parcels, and the M-1 and C-M Zone Districts have identical requirements for concrete masonry walls on boundaries with residential districts. However, while the regulation usually functions to require such walls along the side and rear yard areas, as applied here, the required wall would affect the street visibility of the project site, which staff can find constitutes an exceptional physical circumstance. Further, the sections of the parcel's side and rear yards where a concrete wall would be required are located in a non-business area to be used for on-site water retention, so there is a physical circumstance present that reduces the risk of nuisance for which the wall requirement is intended to mitigate. Regarding Finding 2, staff concurs that the potential impact to business operations constitutes a substantial property right.

A consideration in addressing Findings 1 and 2 is whether there are alternatives available that would avoid the need for the Variance. Here, because of the specificity of the Zoning Ordinance, any alternative to a six-foot concrete masonry wall would require a variance.

Based on the above, Findings 1 and 2 can be made.

Finding 3: The proposal will not be materially detrimental to the public welfare or injurious to property and improvements in the vicinity in which the property is located.

Under Finding 3, the Applicant states that the granting of the variance will not be materially detrimental or injurious to property and improvements in the vicinity, and suggests that the proposed landscaping will be less detrimental than the block wall because it will have a greater aesthetic improvement and will not be subject to graffiti or other vandalism like a block wall.

Regarding Finding 3, staff notes that comments were received from the Development Services Division's Plan Check and Inspection Section stating that a masonry wall provides an additional level of protection from the commercial use to the residential use that a wood fence will not

provide, and that masonry walls will last longer than wood fencing. However, there was no indication in the comments that the impact from eliminating the masonry wall would be materially detrimental. Further, the wood fence and landscaping proposed by the Applicant would be more aesthetically consistent with residential surroundings than a concrete masonry wall and have less of an impact in this regard than a masonry wall.

Staff notes the Applicant's planned retail variety store has the potential of generating light and glare from lighting inside the proposed store and lights from vehicles in its parking lot, and the proposed Variance to eliminate the requirement for a six-foot masonry wall along the street frontage of Henderson Road would increase the risk of impacts from light and glare. To address this risk, a Mitigation Measure has been included requiring that landscaping or fencing capable of minimizing light from the store and vehicles utilizing its parking lot from shining directly into adjacent residences shall be required along the street frontage of Henderson Road. With adherence to the Mitigation Measures included, the impacts of any new light or glare will be less than material.

Based on the above, Finding 3 can be made.

***Finding 4:** Granting of this variance will not be contrary to the objectives of the General Plan Consistency.*

Under Finding 4, the Applicant states that the Variance will not be contrary to the objective of the General Plan because it is in line with the intent of the General Plan Policy Document.

As discussed in the analysis of General Plan Policies under the Amendment Application portion of the Staff Report, the Applicant's proposal to eliminate the masonry wall requirement and substitute wood fencing and landscaping is consistent with the objectives of the General Plan.

Based on the above, Finding 4 can be made.

Recommended Conditions of Approval:

See Exhibit 1

PUBLIC COMMENT:

None.

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the subject Amendment Application and Variance Application can be made. Staff therefore recommends approval of Amendment Application No. 3810 and Variance Application No. 3979, subject to the recommended Mitigation Measures and Conditions of Approval.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 6991; and

- Move to determine that the proposed rezone is consistent with the intent of the Zoning Ordinance and General Plan, and move to recommend approval of Amendment Application No. 3810, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Move to determine that the required Findings can be made and move to recommend approval of Variance Application No. 3979, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution to forward Amendment Application (AA) No. 3810 and Variance Application (VA) No. 3979 to the Board of Supervisors with a recommendation of approval, subject to the Conditions of Approval listed in the Staff Report.

Alternative Motions

Partial Approval Action:

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 6991; and
- Move to determine that the proposed rezone is consistent with the intent of the Zoning Ordinance and General Plan and move to approve Amendment Application No. 3810 subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Move to determine that the required Findings cannot be made and move to deny Variance Application No. 3979 (state basis for not making the Findings); and
- Direct the Secretary to prepare a Resolution to forward Amendment Application (AA) No. 3810 to the Board of Supervisors with a recommendation of approval, subject to the Conditions of Approval listed in the Staff Report.

Denial Action:

- Move to determine that the proposed rezone is not consistent with the intent of the Zoning Ordinance and/or General Plan and move to deny Amendment Application No. 3810 (state basis for not making the Findings); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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EXHIBIT 1

**Mitigation Monitoring and Reporting Program
Initial Study Application No. 6991, Amendment Application No. 3810, and Variance Application No. 3979
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics, Lighting	<p>a. All outdoor lighting shall be hooded and directed downward as to not shine toward adjacent properties and public streets, and shall be of minimum brightness consistent with safety.</p> <p>b. Landscaping or fencing capable of minimizing light generated by the store and vehicles utilizing its parking lot from shining directly into adjacent residences shall be required along the street frontage of Henderson Road.</p>	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing; for duration of project
*2.	Air Quality	The Applicant shall submit an Air Impact Assessment Application (AIA) to the District no later than applying for final discretionary approval, and the Applicant shall not begin construction before receiving an approved AIA and paying any required off-site mitigation fees.	Applicant	Applicant/PW&P	As noted
*3.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activity, all work shall be halted in the area of the find, and an archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	Ongoing during construction
*4.	Noise	All construction equipment shall be maintained according to manufacturers' specifications and shall be equipped with mufflers.	Applicant	Applicant/PW&P	As noted
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Floor Plans, Elevations, and Operational Statement approved by the Commission.				
2.	Prior to occupancy, a Site Plan Review (SPR) shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Items to be addressed under the SPR may include, but are				

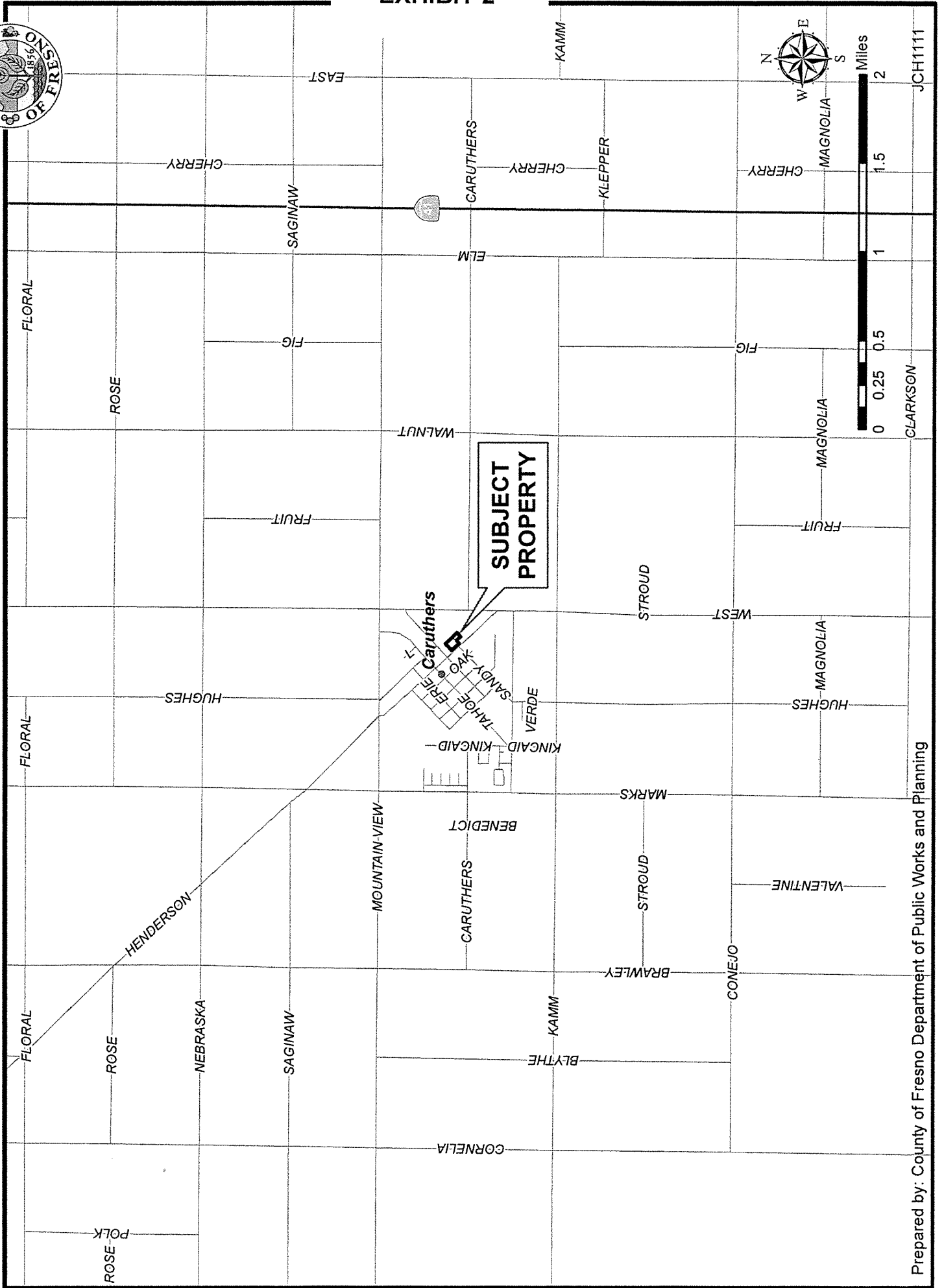
	not limited to, design of parking and circulation, driveway, access, grading and drainage, fire protection and lighting.
3.	Curbs, gutters, and sidewalks shall be installed along the street frontage of Henderson Road.
4.	Any landscape in the right-of-way shall be maintained by the owner and shall be removed at the owner's expense should the County need to use the right-of-way in the future.
5.	Prior to issuance of building permits, the Applicant shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval.
6.	Prior to operation, the Applicant shall apply for and obtain permits to operate food facilities from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable.
*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference recommended Conditions for the project.	
Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.
2.	If not already present, 10' x 10' corner cutoffs should be improved for sight distance purposes at the exiting driveway onto Henderson Road.
3.	Any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of, per County Standards.
4.	A grading permit or voucher is required for grading proposed with this application.
5.	The project shall comply with California Code of Regulations Title 24 – Fire Code.
6.	The proposed project may be subject to San Joaquin Valley Air District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations). Additionally, starting construction before receiving an approved Air Impact Assessment (AIA) and paying required Off-Site Mitigation Fees, if any, is a violation of District regulations and is subject to enforcement action.
7.	On any street or highway that is a boundary between a "C-M" District and any residential district there shall be a front yard of not less than fifteen (15) feet. This yard shall not be used for parking or loading.

LOCATION MAP

AA 3810/VA 3979



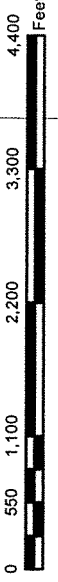
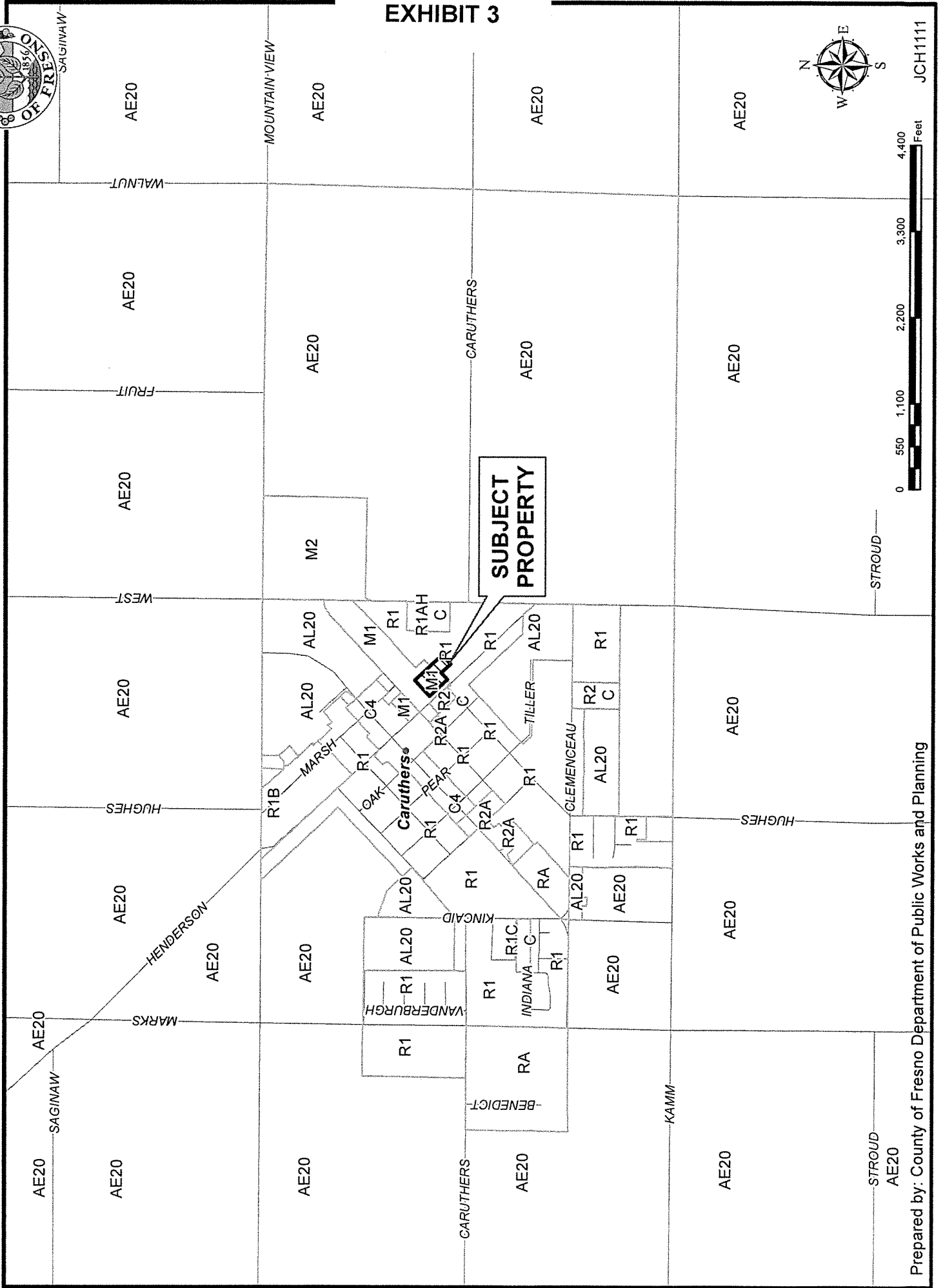
EXHIBIT 2



EXISTING ZONING MAP



EXHIBIT 3



EXISTING LAND USE MAP

AA 3810/VA 3979



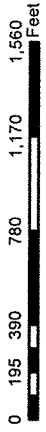
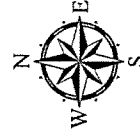
EXHIBIT 4

LEGEND

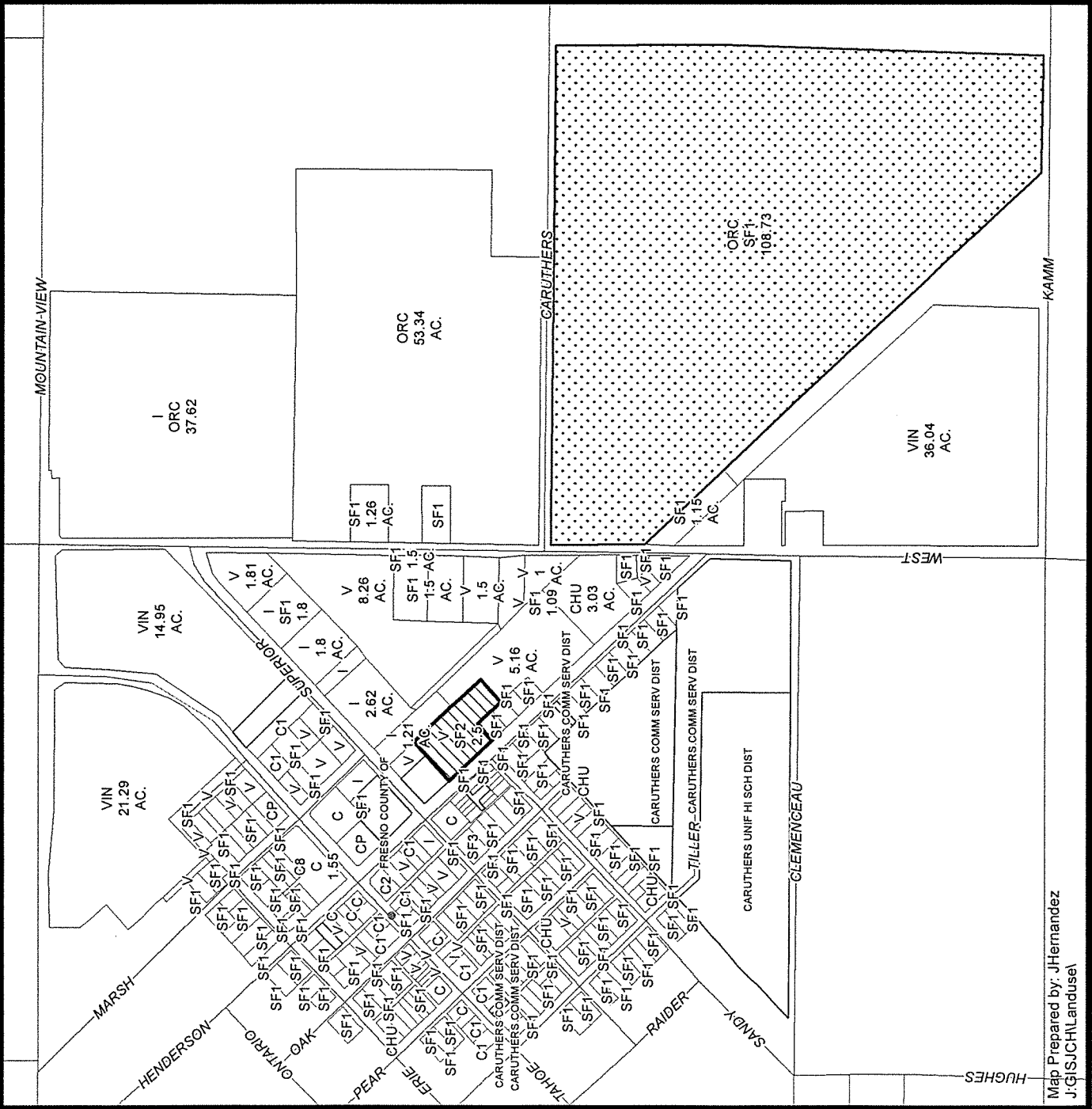
- AP1 - APARTMENT
- C - COMMERCIAL
- C# - COMMERCIAL
- CHU - CHURCH
- CP - OFFICE COMM./PROF.
- CP# - OFFICE COMM./PROF
- I - INDUSTRIAL
- ORC - ORCHARD
- SF# - SINGLE FAMILY RESIDENCE
- V - VACANT
- VIN - VINEYARD

LEGEND:

-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning
Development Services Division



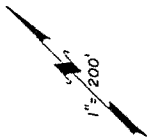
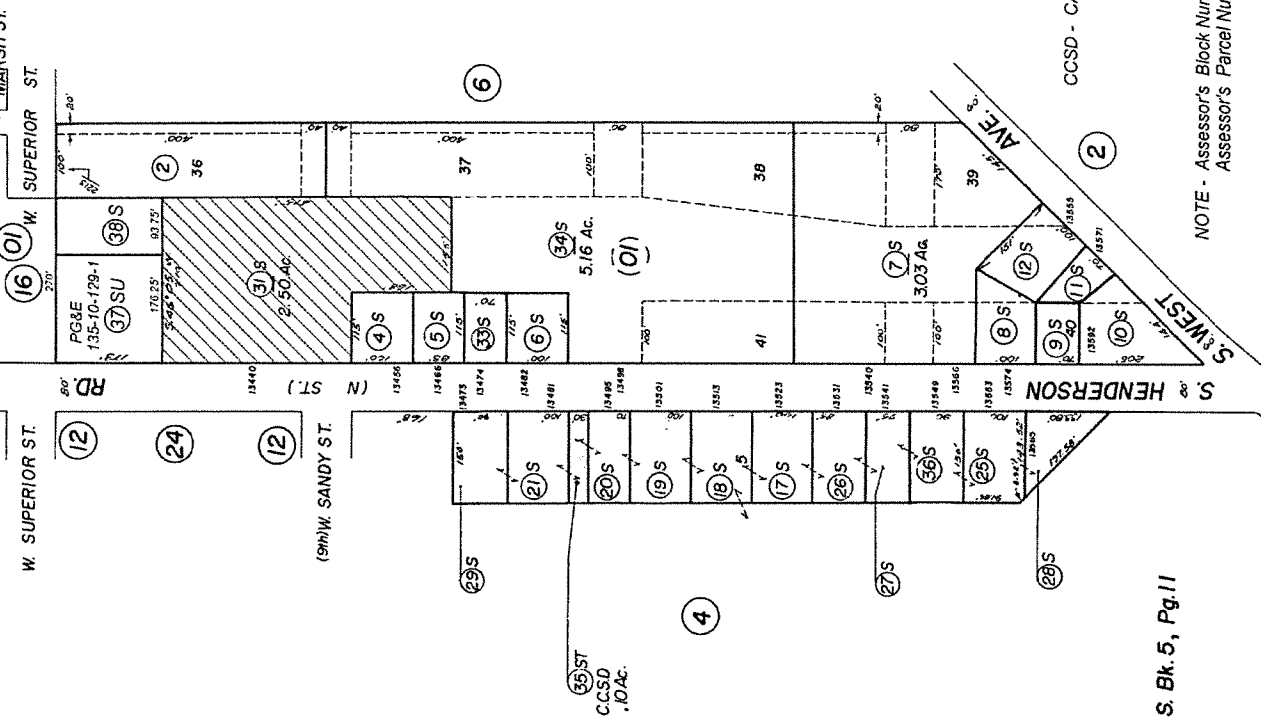


EXHIBIT 5

Tax Area
70-007
70-008

SUBDIVIDED LAND IN POR. SEC. 18, T. 16S., R. 20E., M.D.B.&M.



CCSD - CARUTHERS COMMUNITY SERVICES DISTRICT.

Assessor's Map Bk. 43 - Pg. 17
County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

Agricultural Preserve
Resubdivision of Town of Caruthers - R.S. Bk. 5, Pg. 11

NOTE -
This map is for Assessment purposes only.
It is not to be construed as portraying legal
ownership or divisions of land for purposes
of zoning or subdivision law.

EXHIBIT 6

PRELIMINARY SITE PLAN		CARUT HENDERSON RD. AND SANDY AVE.	
PROTOTYPE: A	DEVELOPER	DESIGNER	DATE:
BLDG/SALES SF: 9,026 / 7,195	COMPANY: EMBREE ASSET GROUP	COMPANY: EMBREE ASSET GROUP	03-05-15
ACREAGE: 2.06	NAME: JOHN SHIELDS	NAME: JOHN SHIELDS	
REQ. PARKING SPACES: 30	PHONE #: 512.876.7155	PHONE #: 512.876.7155	

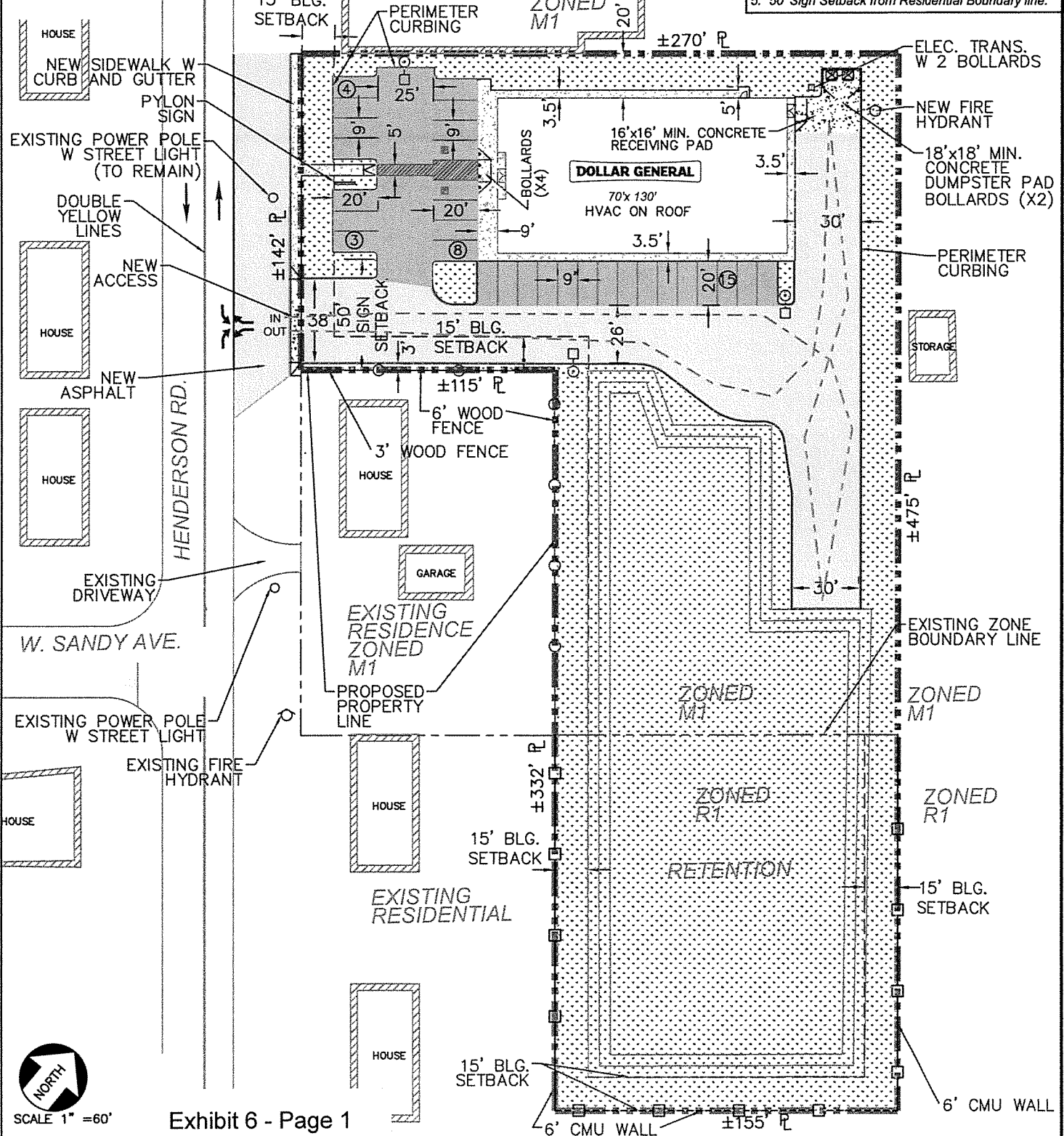
REVIEWED

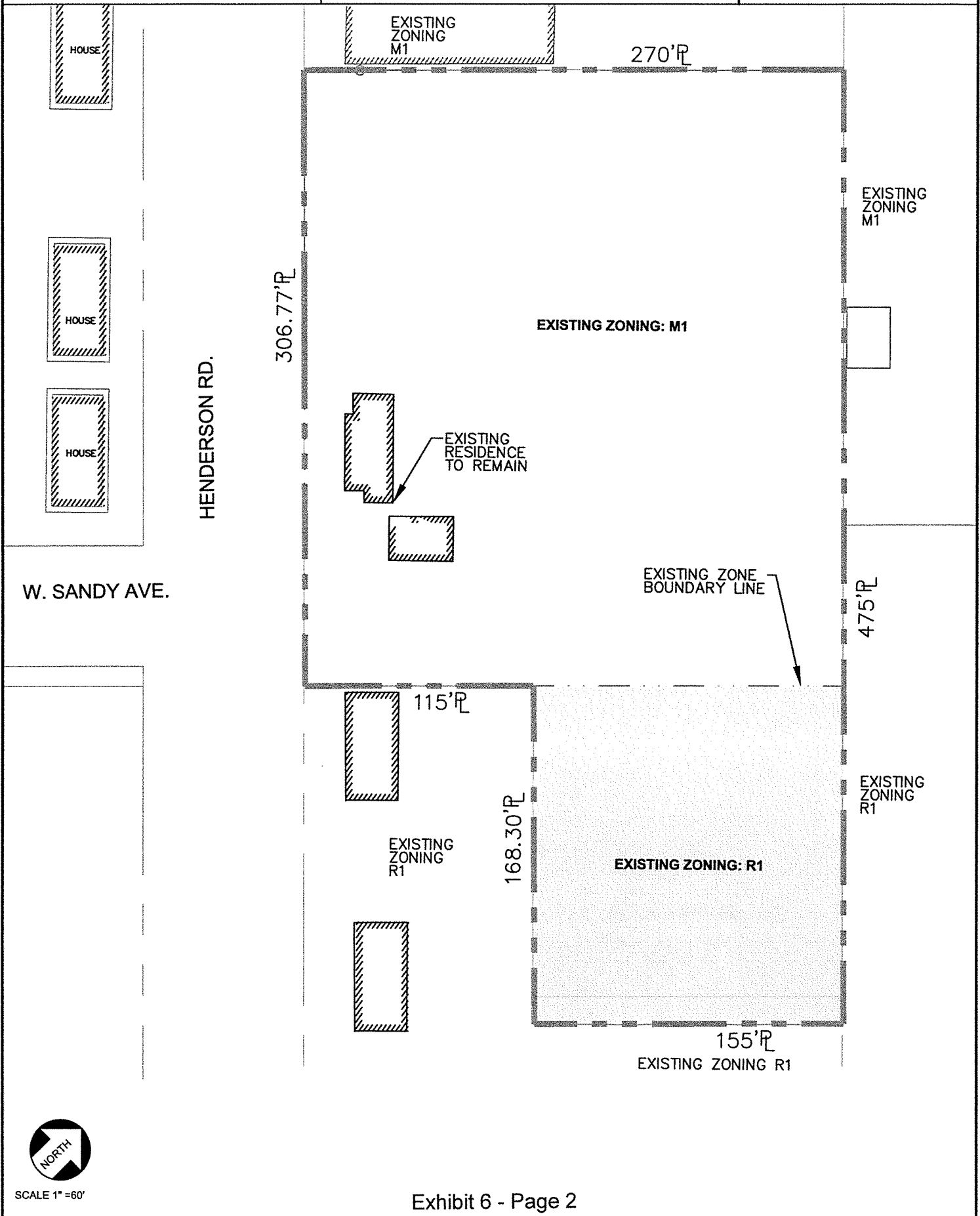
By kriddick at 9:46 am, Mar 07, 2015

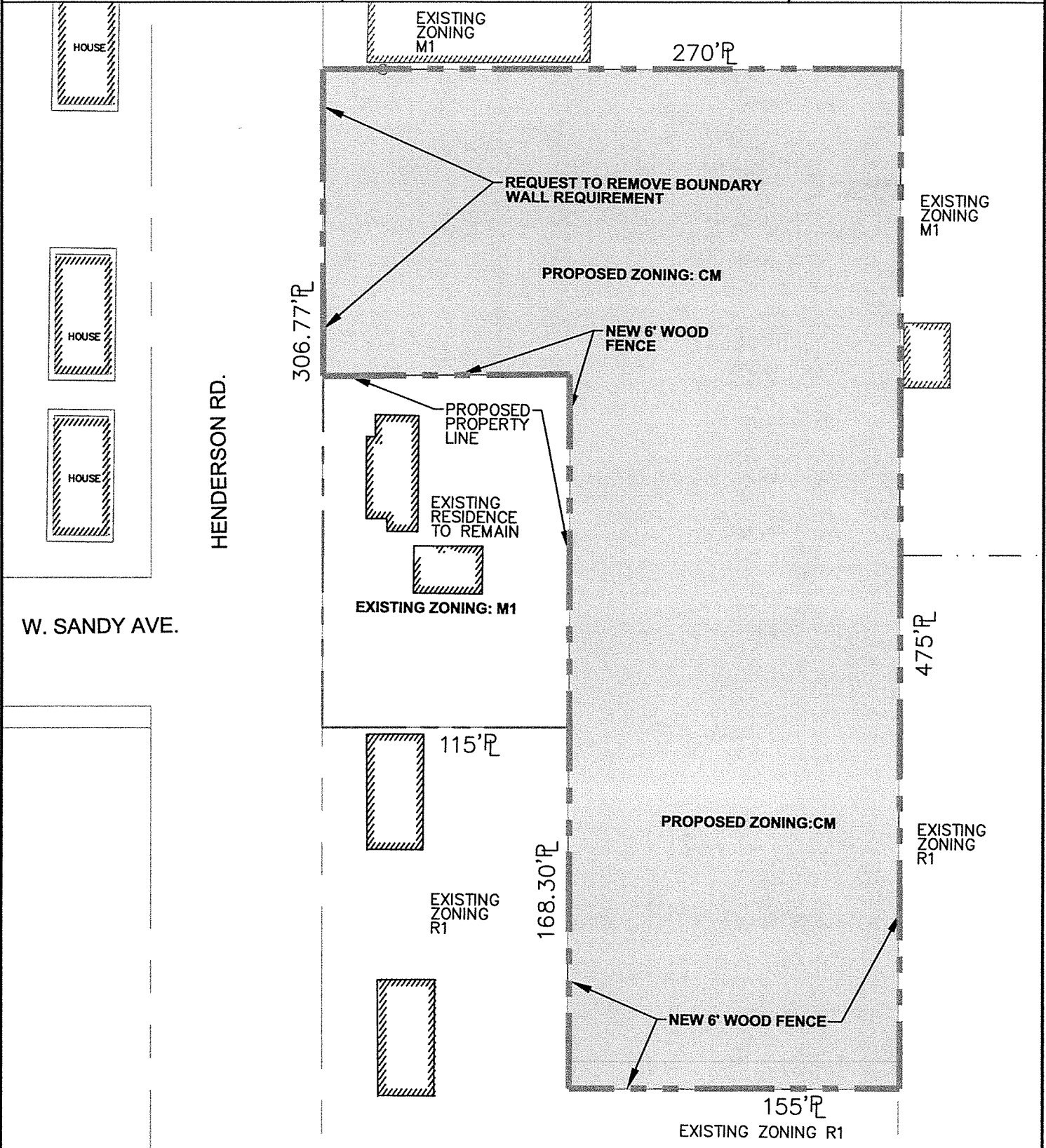
LEGEND:

<p>HEAVY DUTY PCC</p> <p>HEAVY DUTY AC</p> <p>LIGHT DUTY AC</p> <p>LANDSCAPE</p>	<p>BUILDING SETBACKS:</p> <p>FRONT 15', ABUTTING RESIDENTIAL 15'</p> <p>SIDE/REAR 15' ABUTTING RESIDENTIAL</p>	<p>MINIMUM DIMENSIONS:</p> <p>STANDARD SPACE: 9'X20'</p> <p>DRIVE AISLE: 25'</p>	<p>LANDSCAPE BUFFER:</p> <p>REQUIRED: 10' MINIMUM ALONG HENDERSON RD.</p>
	<p>PARKING:</p> <p>COUNTY REQUIRED: (1 SPACE PER EMPLOYEE = 5)</p> <p>PROVIDED: 30</p>	<p>JURISDICTION:</p> <p>FRESNO COUNTY</p>	

- NOTES & ISSUES:**
1. Site layout based on aerial data only. Lot lines and property dimensions need to be verified by ALTA/ACSM survey.
 2. Landscape, utility & drainage have not been reviewed.
 3. Current zoning is: M1 LIGHT MANUFACTURING & R1 RESIDENTIAL. Zone Change Required
 4. Receiving Doors not in prototypical location.
 5. 50' Sign Setback from Residential Boundary line.







SCALE 1" = 60'

ASSET



**Dollar General – Caruthers, CA
Fresno County Operational Statement**

Dollar General is a small-box variety retail store that operates as merchantile in use during all seasons. Their hours of operation on a daily basis are generally 7am to 11pm. Dollar General stores of his size will see approximately 30 customers per day. The number of employees will range from 3-6 depending on the shift. None of them live on site. The number of delivery vihicles ranges from 1-3 weekly and vary in size from small trucks to the maxumum allowed on local roads. Access to the site will be from S Henderson Rd. All access to and within the site will be paved. We are proposing 30 spaces for customer parking and a loading/unloading dock. The noise generated from the store operation is minimal and similar to that of a residential HVAC unit. There is no glare, dust, or odor generated from the store. All lights within the parking lot and on the bill be directed on site and/or will be shielded. The solid waste generated rom the site will be that generated only from two restrooms. Water and sewer service is provided by the Caruthers Community Services District. A pylon sign is being proposed at the front of the site. An illuminated Dollar General sign will be over the main entrance on the building. No existitng buildings will be used for this project. One new building will be constructed. The buidling will be approximately 9100 sf in size. The buidling will be pre-engineered metal. The color will be Dollar General's standard color scheme consisting of light stone and medium bronze colors. Approximately 80 percent of the buidling will be used as sales and the remaining area used for office/break room, restrooms, and back of house/receiving. Landscaping will be utilized for the none-paved areas of the site and will included grass, mulch, shrubs and trees. Irrigation will be installed to keep landscaping alive. Please refer to site plan, elevations floor plan, and landscaping plan attached for further detail of the proposed Dollar General store.

ASSET



Summary of Findings Related to the Request for Variance to Remove Requirement for a Block Wall along Henderson Road and replace with Mature Shrubbery

- 1) There are no properties in the immediate vicinity that are currently zone C-M with which to compare our property. However the requirement for a block wall would be extraordinary by comparison to all of the other non-residential properties adjacent our site. A block wall would create an unusual discontinuity from the fencing surrounding all of the adjacent property regardless of zone classification.

- 2) The requirement of a block wall would materially harm the business of the proposed Dollar General store. Retail stores rely on their visibility to potential customers to attract business. If customers can't see the store clearly it will eliminate a portion of Dollar General's potential clientele.

- 3) The granting of a variance to replace the block wall with mature shrubbery will not be materially detrimental or injurious to property and improvements in the vicinity. On the contrary, a well landscaped new retail space has great potential to improve the aesthetic of the immediate vicinity. And while a block wall could attract graffiti artists shrubbery screening will neither substantially block the store's visibility or create an opportunity for graffiti.

- 4) The granting of a variance will not be contrary to the objectives of the general plan. The granting of this variance may be more in line with the intent of the General Plan Policy Document than the letter of the requirement in this case. While a block screen wall with minimize visibility to the store negatively impacting business, an impact in violation of the idea of Goal ED-A of the General Plan Policy Document i.e. increase job creation etc., allowing the substitution of mature shrubbery may improve the local aesthetic and encourage mixed use pedestrian oriented development (Goal LU-F) within the town of Caruthers.

Thanks,

Jake French, PMP | Construction Manager



Embree Asset Group, Inc.

4747 Williams Drive | Georgetown, TX 78633

Office: 512-819-4795 | Cell: 512-630-9574

www.embreegroup.com | jfrench@embreegroup.com

DEVELOP | DESIGN | BUILD



EMBREE GROUP
of Companies



Embree Asset Group, Inc. | 4747 Williams Dr. | Georgetown, TX 78633

Main: 512.819.4700 | Fax: 512.819.4757

www.embreegroup.com



EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Charles Pelletier

APPLICATION NOS.: Initial Study Application No. 6991, Amendment Application No. 3810, and Variance Application No. 3979

DESCRIPTION: Rezone 2.06 acres from the M-1 (Light Manufacturing) and R-1 (Single Family Residential, 6,000 square-foot minimum parcel size) Zone Districts to the C-M (Commercial and Light Manufacturing) Zone District for a proposed retail variety store, and allow a Variance to eliminate the requirement for a six-foot solid masonry wall along the street frontage of Henderson Road and along the northeast and southeast portions of the parcel.

LOCATION: The project is located on the northeast side of S. Henderson Road between W. Superior Avenue and S. West Avenue addressed as 13440 S. Henderson Road in the community of Caruthers. (APN 043-170-31S)

I. AESTHETICS

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal entails rezoning 2.06 acres on the parcel identified as APN 043-170-31S from the M-1 (Light Manufacturing) and R-1 (Single Family Residential) Zone Districts to the C-M (Commercial and Light Manufacturing) Zone District in order to allow the construction of a Dollar General retail variety store. According to the Applicant's operational statement, a new pre-engineered metal building will be constructed for the project. The proposed building measures approximately 9,100 square feet and will be painted in a light stone and medium bronze color scheme. The building will feature a pylon sign at the front of the site and an illuminated Dollar General sign over the building's main entrance. No existing buildings will be used for the project.

General Plan Policy LU-F.24 states that the County shall require new commercial development to be designed to minimize the visual impact of parking areas on public roadways and maintain compatibility with surrounding land uses. In this instance, the project site is located near the center of the unincorporated community of Caruthers, within an urbanized area marked by various commercial, industrial, and residential land uses. To the north and west of the project site are C-M (Commercial and Light Manufacturing), C-4 (Central Trading District), and M-1 (Light Manufacturing) zoned properties. To the south and east of the project site are R-1 (Single Family Residential, 6,000 square-foot minimum parcel size) and R-2 (Single Family Residential, Low Density Multiple Family Residential, 6,600 square-foot minimum parcel size) zoned properties. Some structures of note in the vicinity include a lumber yard, a tire shop, and the Caruthers Branch Library.

This proposal also calls for a Variance to eliminate the requirement for a six-foot solid masonry wall along the street frontage of Henderson and along the Northeast and Southeast portions of the parcel. According to the Applicant's operational statement and site plan, the project would utilize six-foot-high wood fencing along parts of the parcel's northeast and southeast property lines and landscaping along the street frontage of Henderson Road.

Considering that the project site is not located along a designated Scenic Highway, that no scenic vistas or scenic resources were identified near the proposal, and the existing commercial and industrial nature of surrounding development, this proposal will not damage any scenic resource or degrade the visual character of the site or its surroundings.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

This proposal will utilize outdoor lighting that has the potential of generating light and glare in the area. As such, a Mitigation Measure has been included requiring all outdoor lighting to be hooded and directed as to not shine towards adjacent properties and public streets. Other potential sources of light and glare include lighting inside the proposed store and lights from vehicles in its parking lot, and the proposed Variance to eliminate the requirement for a six-foot masonry wall along the street frontage of Henderson Road would increase the risk of impacts from light and glare. To address this risk, a Mitigation Measure has been included requiring that landscaping or fencing capable of minimizing light from the store and vehicles utilizing its parking lot from shining directly into adjacent residences shall be required along the street frontage of Henderson Road. With adherence to the Mitigation Measures included, the impacts of any new light or glare will be less than significant.

* **Mitigation Measure(s)**

1. *All outdoor lighting shall be hooded and directed downward as to not shine toward adjacent properties and public streets, and shall be of minimum brightness consistent with safety.*

2. *Landscaping or fencing capable of minimizing light generated by the store and vehicles utilizing its parking lot from shining directly into adjacent residences shall be required along the street frontage of Henderson Road.*

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

FINDING: NO IMPACT:

The project site is located in an urbanized area marked by various commercial, industrial, and residential land uses. Further, the project site is not located on forest land, is classified as Urban and Built-Up Land on the Fresno County Important Farmland Map (2010), and is not under a Williamson Act contract. As such, staff believes that this proposal will not result in any environmental impact to agricultural resources.

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project isolate 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; or
- D. Would the project expose sensitive receptors to substantial pollutant concentrations; or
- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The San Joaquin Valley Air Pollution Control District (Air District) reviewed this proposal and commented that the project specific emissions of criteria pollutants are not expected to exceed District significance thresholds and subsequently would have no significant adverse impact on air quality. The project is subject to District Rule 9510 (Indirect Source Review) as it meets the applicability threshold within District Rule 9510 (Indirect Source Review) of 2,000 square feet of new commercial space. Additionally, the Air District requires submittal of an Air Impact Assessment (AIA) Application no later than applying for final discretionary approval, and payment of any applicable off-site mitigation fees prior to issuance of the first Grading/Building Permit. Further, this project may be subject to the following District Rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

* **Mitigation Measure(s)**

1. *The Applicant shall submit an Air Impact Assessment Application (AIA) to the District no later than applying for final discretionary approval, and the applicant shall not begin construction before receiving an approved AIA and paying any required off-site mitigation fees.*

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); or
- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or
- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or
- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Would the project Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local regional, or state habitat conservation plan?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located near the center of the unincorporated community of Caruthers in an area marked by various commercial, industrial, and residential land uses. Neighboring properties to the north and west of the project site have been previously disturbed as those properties are currently being utilized for various commercial uses. Neighboring properties to the south and east have also been previously disturbed as those properties are currently being utilized for residential uses.

This proposal was referred to the United States Fish and Wildlife Service (USFWS), which did not express any concerns related to the project. This proposal was also referred to the California Department of Fish and Wildlife (CDFW), which also did not express any concerns. Therefore, no impacts were identified in regard to: 1) Any candidate, sensitive, or special-status species; 2) Any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS; 3) Federally protected wetlands as defined by Section 404 of the Clean Water Act; and 4) 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. This proposal will not conflict with any local policies or ordinances protecting biological resources or any provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan.

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: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project site is not located within an area designated to be sensitive for archeological resources. Although the project site is currently vacant, it is located in the center of the unincorporated community of Caruthers within an urbanized area marked by various existing commercial, industrial, and residential land uses. If previously unidentified cultural

materials are unearthed during construction, all work shall be halted in the area of the find, and an archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition of the remains. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours. A Mitigation Measure reflecting this requirement has been incorporated into the project. The Mitigation Measure will reduce potential impacts to cultural resources to a less than significant level.

* **Mitigation Measure(s)**

1. *In the event that cultural resources are unearthed during grading activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.*

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 within a fault zone or area of known landslides.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Changes in topography and erosion could result from grading activities associated with this proposal. According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, an Engineered Grading and Drainage Plan demonstrating how additional storm water run-off generated by the project will be handled without adversely impacting adjacent properties shall be provided to Development Engineering for review and approval. Additionally, Development Engineering indicated that a grading permit or voucher is required for grading proposed with this application. These

requirements will be included as Project Notes. With adherence to these requirements, potential erosion impacts will be reduced to a less than significant level.

- 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 subject parcel is not located within an area of known risk of landslides, lateral spreading, subsidence, liquefaction, collapse, or within an area of known expansive soils.

- 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: NO IMPACT:

The proposed development will utilize community sewer and community water services provided by the Caruthers Public Utility District.

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: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (Air District) has reviewed this proposal and expressed no specific project-related concerns supporting the determination that the project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. The project will adhere to Air District Rules discussed in Section III.E of this analysis.

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 proposed variety store may utilize or sell potentially hazardous materials. Therefore, there is a potential for accidental release of said materials. This proposal was reviewed by the Fresno County Department of Public Health, Environmental Health Division, whose comments stated that the Applicant shall be required to submit a Hazardous Materials Business Plan to the Fresno County Department of Public Health, Environmental Health Division, for review and approval prior to occupancy, and all hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5, which discusses proper labeling, storage and handling of hazardous wastes. With adherence to these requirements, this proposal will have a less than significant impact in regard to the handling and accidental release of hazardous materials.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located approximately 1,200 feet from Caruthers Elementary School. However, with adherence to the aforementioned requirements concerning the handling of hazardous materials, potential impacts to these schools resultant from hazardous materials will be reduced to a level that is less than significant.

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

FINDING: NO IMPACT:

No hazardous materials sites were identified in the project analysis.

- 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 located within an Airport Land Use Plan or in the vicinity of a public or private use airport.

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

FINDING: NO IMPACT:

This proposal will not impair the implementation of, or physically interfere with an adopted Emergency Response 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 located within a wildland area.

IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality?
- 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:

General Plan Policy PF-C.25 states that the County shall require all new development within the County use water conservation technologies, methods, and practices as established by the County. This proposal was reviewed by the Water/Geology/and Natural Resources Section of the Fresno County Department of Public Works and Planning as well as the California Regional Water Quality Control Board, and neither department expressed concerns with the project as it relates to water quality or quantity, as the project site is not located in a water short area and will utilize community water services provided by the Caruthers Community Service District.

- 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: LESS THAN SIGNIFICANT IMPACT:

No streams or rivers are located near the subject parcel. As discussed in Section VI.B, an Engineered Grading and Drainage Plan demonstrating how additional storm water run-off generated by the project will be handled without adversely impacting adjacent properties shall be provided to Development Engineering for review and approval, and a grading permit or voucher is required for grading proposed with this application.

- 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:

See discussion in Section VI.B Geology and Soils. No additional water quality impacts were identified in the project analysis.

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

FINDING: NO IMPACT:

No new housing is proposed with this project.

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

FINDING: NO IMPACT

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, the subject area is in Flood Zone X which is outside the 0.2% annual chance floodplain.

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:

No such impacts were identified in the project analysis.

X. LAND USE AND PLANNING

A. Will the project physically divide an established community?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal will not physically divide a community. The project site is located near the center of the unincorporated community of Caruthers in an urbanized area marked by various commercial, industrial, and residential land uses. The proposal will be consistent with the existing pattern of development in the area.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject proposal entails rezoning 2.06 acres from the M-1 (Light Manufacturing) and R-1 (Single Family Residential, 6,000 square-foot minimum parcel size) Zone Districts to the

C-M (Commercial and Light Manufacturing) Zone District. The M-1 portion of the property currently contains a single-family residence, and the R-1 portion of the property is currently vacant. The existing residence is proposed to remain on the subject lot and be partitioned from the parcel through a separate mapping procedure. The property is designated as Limited Industrial and Reserve Limited Industrial in the Caruthers Community Plan.

General Plan Policy LU-G.21 states that the County shall administer unincorporated areas identified in the community plan as follows: a) Maintain zoning consistent with the community plan;... c) Consider subdivision, rezoning, or discretionary permit proposals on planned non-industrial properties where the proposed use is consistent with the community plan...; and d) Consider rezoning and discretionary permit proposals in planned industrial areas consistent with the community plan. According to the Policy Planning Section of the Fresno County Department of Public Works and Planning, the proposed C-M zoning will be consistent with the underlying Limited Industrial designation in the Caruthers Community Plan. The Policy Planning Section also commented that Section 843.4 of the Zoning Ordinance would allow the single-family residence that currently exists on the parcel to remain in the M-1 Zone District as long as the residence is not converted to a more intensive residential use, and the existing M-1 District is a compatible Zone District with the Limited Industrial designation. A future project would create a separate lot for the residence.

Additionally, the proposal will adhere to several General Plan Policies that are discussed in Sections I (Aesthetics), IX (Hydrology and Water Quality), XVI (Transportation/Traffic), and XVII (Utilities and Service Systems) of this analysis.

Based on these considerations, staff believes that this proposal is consistent with the land use plans, policies and regulations of Fresno County.

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

FINDING: NO IMPACT:

This proposal will not conflict with any Habitat Conservation Plan or Natural Community Conservation Plan. No such Plans were identified in the project analysis.

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:

No mineral resource impacts were identified in the project analysis.

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 WITH MITIGATION INCORPORATED:

The proposal was reviewed by the Fresno County Health Department's Environmental Health Division, which commented that the proposal's potential adverse impacts may include excessive noise during construction activities that could subsequently occur upon approval of the proposed rezone. However, any development resulting from the proposal will be subject to conformance with the Fresno County Noise Ordinance related to construction noise, limiting noise-generating construction activities to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday. This requirement will be included as a Project Note. Additionally, a Mitigation Measure requiring equipment to be maintained according to manufacturers' specifications and be equipped with mufflers has been included to reduce any impacts from noise to a less than significant level.

* **Mitigation Measure(s)**

1. *All construction equipment shall be maintained according to manufacturers' specifications and shall be equipped with mufflers.*
- 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.

XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposal is intended to facilitate development of a new retail business, which will serve the existing population. No significant population growth is expected to be induced as a result of the project.

- 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:

No housing is proposed to be displaced as part of the proposal.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Fresno County Fire Protection District, the project shall comply with the latest California Code of Regulations Title 24 – Fire Code and County-approved site plans shall be approved by the Fire District prior to issuance of building permits by the County.

- 2. Police protection?

FINDING: NO IMPACT:

The Fresno County Sheriff's Office reviewed the proposal and expressed no concerns with the project as it relates to policing services.

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

FINDING: NO IMPACT:

No impacts on the provision of other services were identified in the project 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:

No such impacts were identified in the project analysis.

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:

General Plan Policy LU-F.25 states that the County shall require new commercial development be designed to encourage and facilitate pedestrian circulation within and between commercial sites and nearby residential areas rather than being designed primarily to serve vehicular circulation.

Comments from the Development Engineering Section of the Fresno County Department of Public Works and Planning indicate that Henderson Road is classified as a collector road with an existing 40-foot right-of-way northeast of the centerline along the southwesterly parcel frontage, and that the section of Henderson Road from Superior Avenue to Sandy Avenue has an ADT of 2200, pavement width of 41.4 feet, and structural section of 0.25-AC and is in excellent condition. Development Engineering also commented that any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division, and if not already present 10' x 10' corner cutoffs should be improved for sight distance purposes at the exiting driveway onto Henderson Road.

Upon review of this proposal by the Design Division of the Fresno County Department of Public Works and Planning, said agency determined that a Traffic Impact Study (TIS) was needed in order to effectively evaluate the potential traffic-related impacts resultant of the project. In accordance with this determination, a TIS was prepared for the project by Peters Engineering Group. Upon review of the TIS by the Design Division, said agency commented that no mitigation fees are necessary. However, the Design Division indicated that certain high-traffic-generating uses beyond the proposed dollar store should be conditionally excluded from approval. The Design Division and the Applicant agreed that the following uses would be excluded: department stores, sporting goods stores, banks, delicatessens, grocery stores, restaurants, and automotive service stations. The conditional zoning will be reflected as a Condition of Approval.

The Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning expressed no concerns regarding the TIS. The Road Maintenance and Operations Division's comments noted that access to Henderson Road will be subject to a County encroachment permit.

Based on the comments provided regarding the project and the TIS, the transportation and traffic impacts will be less than significant.

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

FINDING: NO IMPACT:

The project site is not in the vicinity of any air strips and will not result in a change in air traffic patterns.

- D. Would the project substantially increase traffic hazards due to design features?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion under Section XVI.A and B.

- 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:

No such impacts were identified in the project analysis.

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:

General Plan Policy LU-F.23 states that the County shall require community sewer and water services for commercial development in accordance with the provisions of the Fresno County Ordinance Code, or as determined by the State Water Quality Control Board. The proposed development will utilize community sewer and community water services provided by the Caruthers Community Service District (Caruthers CSD). Caruthers CSD reviewed the proposal and provided a "Will Serve" letter indicating it has water and sewer capacity to accommodate the project. This proposal was also referred to the California Regional Water Quality Control Board and the California Department of Public Health, Drinking Water Field Operations Branch, neither of which expressed any concerns related to the project.

- 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 such impacts were identified in the project 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: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Pursuant to discussion in Section IV Biological Resources, no such impacts on biological resources were identified in the project analysis. Construction of the project may impact cultural resources. The included Mitigation Measure in Section V.D will minimize such impacts to a level that is less than significant.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

No cumulatively considerable impacts were identified in the analysis other than Aesthetics, Cultural Resources, and Noise, which will be addressed with the Mitigation Measures discussed in Section I.D, Section III.E, Section V.D, and Section XII.D.

- 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 project analysis.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Amendment Application No. 3810 and Variance Application No. 3979, 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 Mineral Resources and Recreation.

Potential impacts related to Agricultural Resources, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use Planning, Population and Housing, Public Services, Transportation/Traffic, and Utilities and Service Systems have been determined to be less than significant. Potential impacts relating to Aesthetics, Air Quality, Cultural Resources, and Noise have determined to be insignificant with compliance with the identified Mitigation Measures.

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

DB

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EXHIBIT 10

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. <div style="text-align: center; font-size: small;">CLK-2046.00 E04-73 R00-00</div>		
Agency File No:	IS 6991	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION	County Clerk File No: E-	
Responsible Agency (Name):	Address (Street and P.O. Box):		City:	Zip Code:
Fresno County	2220 Tulare St. Sixth Floor		Fresno	93721
Agency Contact Person (Name and Title):		Area Code:	Telephone Number:	Extension:
Daniel Brannick, Planner		559	600-4297	N/A
Applicant (Name): Charles Pelletier		Project Title: Amendment Application No. 3810, Variance Application No. 3979		
Project Description: Rezone 2.06 acres from the M-1 (Light Manufacturing) and R-1 (Single Family Residential, 6,000 square-foot minimum parcel size) Zone Districts to the C-M (Commercial and Light Manufacturing) Zone District for a proposed retail variety store, and allow a Variance to eliminate the requirement for a six-foot solid masonry wall along the street frontage of Henderson Road and along the northeast and southeast portions of the subject parcel.				
Justification for Negative Declaration: Based upon the Initial Study prepared for Amendment Application No. 3810 and Variance Application No. 3979, 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 Mineral Resources or Recreation. Potential impacts related to Agricultural and Forestry Resources, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Waste, Hydrology and Water Quality, Land Use and Planning, Population and Housing, Public Services, Transportation and Traffic, and Utilities and Services have been determined to be less than significant. Potential impacts to Aesthetics, Air Quality, Cultural Resources, and Noise have been determined to be less than significant with the identified Mitigation Measures.				
FINDING: The proposed project will not have a significant impact on the environment.				
Newspaper and Date of Publication:			Review Date Deadline:	
Fresno Business Journal – December 18, 2015			Planning Commission – January 14, 2015	
Date:	Type or Print Signature:		Submitted by (Signature):	
12/11/2015	Eric VonBerg Senior Planner		Daniel Brannick Planner	

State 15083, 15085

County Clerk File No.: _____

LOCAL AGENCY MITIGATED NEGATIVE DECLARATION