



EXHIBIT 2

Inter Office Memo

ATTENTION: FOR FINAL ACTION OR MODIFICATION TO OR ADDITION OF CONDITIONS, SEE FINAL BOARD OF SUPERVISOR'S ACTION SUMMARY MINUTES.

DATE: January 14, 2016

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12553 – INITIAL STUDY APPLICATION NO. 6991, AMENDMENT APPLICATION NO. 3810, AND VARIANCE APPLICATION NO. 3979

APPLICANT: Charles Pelletier
OWNER: Carlos Solorio

REQUEST: 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-high 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).

PLANNING COMMISSION ACTION:

At its hearing of January 14, 2016, the Commission considered the Staff Report and testimony (summarized in Exhibit "A").

A motion was made by Commissioner Abrahamian and seconded by Commissioner Zadourian to recommend adoption of the Mitigated Negative Declaration prepared for Initial Study Application No. 6991; recommend that the Board of Supervisors approve Amendment Application No. 3810 and Variance Application No. 3979 subject to the recommended Findings and Conditions listed in the Staff Report; and direct the Secretary to prepare a Resolution forwarding the Commission's action to the Board of Supervisors subject to the Mitigation Monitoring and Reporting Program (MMRP) listed in the Staff Report and attached as Exhibit B.

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Abrahamian, Zadourian, Borba, Chatha, Egan, Lawson, Mendes, Rocca, and Woolf
	No:	None
	Absent:	None
	Recused:	None

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

By: 
William M. Kettler, Manager
Development Services Division

Attachments

DB:jem
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EXHIBIT "A"

Initial Study Application No. 6991
Amendment Application No. 3810
Variance Application No. 3979

Staff: The Fresno County Planning Commission considered the Staff Report dated September 10, 2015, and heard a summary presentation by staff. Following the summary presentation, staff clarified to the Commission that the proposed rezoning must be approved before a separate mapping procedure associated with the proposal to partition the site of the existing single-family residence can be approved.

Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. The following information was offered to clarify the intent of the proposed rezoning and variance:

- The normally-required concrete wall is aesthetically unpleasing and has more potential for nuisance than good, and there are few if any other concrete walls present in the surrounding area.
- The southeast portion of the subject parcel will be used for on-site water retention.
- The Applicant intends to purchase the property contingent upon the approval of the rezoning.

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

Correspondence: No letters were presented in support of or in opposition to the proposal.

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 (AA 3810)					
1.	Curbs, gutters, and sidewalks shall be installed along the street frontage of Henderson Road.				
2.	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.				

EXHIBIT "B"

RESOLUTION NO. 12553

3.	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.
4.	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.
Conditions of Approval (VA 3979)	
1.	Elimination of the solid wall requirements per Variance Application No. 3979 shall only apply to development of the property in accordance with the Site Plan, Floor Plans, and Elevations approved by the Commission for a retail variety store.

*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.	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.
2.	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.
3.	If not already present, 10' x 10' corner cutoffs should be improved for sight distance purposes at the exiting driveway onto Henderson Road.
4.	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.
5.	A grading permit or voucher is required for grading proposed with this application.
6.	The project shall comply with California Code of Regulations Title 24 – Fire Code.
7.	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.
8.	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.

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EXHIBIT "C"

FISCAL IMPACT STATEMENT

Initial Study Application No. 6991
Amendment Application No. 3810
Variance Application No. 3976

Listed below are the fees collected for the land use applications involved in this Agenda Item:

Amendment Application:	6,214.00 ¹
Variance Application:	6,049.00 ¹
Initial Study Application – Class II:	3,901.00 ²
Public Health Environmental Review:	<u>721.00</u>
Total Fees Collected	\$ <u>16,885.00</u>

¹ Includes project routing, coordination with reviewing agencies, preparation and incorporate analysis into Staff Report.
² Review proposal to provide appropriate CEQA (California Environmental Quality Act) analysis and include documentation for project file.



County of Fresno
Board of Supervisors
Minute Order

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March 15, 2016

Present: 5 - Supervisor Andreas Borgeas, Chairman Buddy Mendes, Vice Chairman Brian Pacheco, Supervisor Henry Perea, and Supervisor Deborah A. Poochigian

Agenda No. 17.

Public Works & Planning

File ID: 16-0189

Re: Consider and adopt Mitigated Negative Declaration prepared for Initial Study Application No. 6991; and approve Ordinance pertaining to Amendment Application No. 3810 rezoning 2.06 acres from M-1 and R-1 Zone Districts to C-M(c) Zone District; and approve Variance Application No. 3979 to eliminate requirement for six-foot-high solid masonry wall along street frontage of Henderson Road and along northeast and southeast portions of subject parcel; project site is located on northeast side of Henderson Road between W. Superior and S. West Avenues within unincorporated community of Caruthers

A MOTION WAS MADE BY CHAIRMAN MENDES, SECONDED BY SUPERVISOR PEREA, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 4 - Mendes, Pacheco, Perea, and Poochigian

Absent: 1 - Borgeas

Ordinance No. R-468-3810