

BEFORE THE BOARD OF SUPERVISORS
OF THE
COUNTY OF FRESNO, STATE OF CALIFORNIA

ADOPTION OF A MITIGATED NEGATIVE DECLARATION, AND)
APPROVAL OF UNCLASSIFIED CONDITIONAL USE PERMIT) RESOLUTION
NO. 3751 WITH FINDING AND CONDITIONS OF APPROVAL)

WHEREAS, C.V. Alliance, LLC made an application to the Fresno County Planning Commission (Planning Commission) for adoption of a Mitigated Negative Declaration based on Initial Study No. 8286, and approval of Unclassified Conditional Use Permit No. 3751 proposing to allow a high intensity park with related improvement for weddings, receptions, birthdays, anniversaries, and similar special outdoor events appropriate and incidental to parks on an approximately 3.3-acre portion of a 17.65-acre parcel in the RR (Rural Residential) Zone District; and

WHEREAS, the site is located on the north side of Shields Avenue, approximately 642 feet east of N. Bryan Avenue, and 1,322 feet west of the City of Fresno, and

WHEREAS, on December 14, 2023, the Planning Commission denied the Application for Unclassified Conditional Use Permit No. 3751; and

WHEREAS, an Appeal was made of the Planning Commission's decision to deny Unclassified Conditional Use Permit No. 3751 on December 22, 2023; and

WHEREAS, County Zoning Ordinance Section 873(G) requires that an appeal of the Planning Commission's decision be heard by the Board of Supervisors (Board); and

WHEREAS, Pursuant to County Zoning Ordinance Section 873(F), in order for the Board to approve Unclassified CUP No. 3751, the Board must make the following findings:

1. That the Site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this Division to adjust said use with land and uses in the neighborhood.
2. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

- 1 3. That the proposed use will have no adverse impact on abutting property and surrounding
- 2 neighborhood or permitted use thereof.
- 3 4. That the proposed development is consistent with the General Plan.
- 4 5. That the conditions stated in the resolution are deemed necessary to protect the public
- 5 health, safety, and general welfare; and

6 WHEREAS, on April 23, 2024, after duly giving all required public notices, and an opportunity for
7 the public to speak and present evidence for and against the proposed high intensity park development,
8 and considering a request by the Applicant's representative to continue the hearing, the Board voted
9 unanimously (5 – 0) to continue the matter to a date uncertain.

10 WHEREAS, the matter was subsequently rescheduled for the June 18, 2024, Board of
11 Supervisors Hearing.

12 WHEREAS, on June 18, 2024, after duly giving all required public notices, and an opportunity for
13 the public to speak and present evidence for and against the proposed high intensity park development
14 and having complied with all applicable requirements of the law, including the County Zoning Ordinance,
15 the Board hereby resolves and takes the following actions, including making the following findings.

16 NOW, THEREFORE Section 873(F) of the County Zoning Ordinance requires that the Site for the
17 proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and
18 fences, parking, loading, landscaping and other features required by this Division, to adjust said use with
19 land and uses in the neighborhood (Finding 1), and, in light of such requirement, the Board hereby makes
20 the following findings:

- 21 • The proposed development is compliant with the applicable development standards of
22 Section 816 of the Zoning Ordinance pertaining to the Rural Residential Zone District, and
23 applicable off-street parking requirements.
- 24 • Based on the foregoing facts, which this Board has found, the Application satisfies
25 required Finding No. 1.

26 NOW, THEREFORE, Section 873(F) of the County Zoning Ordinance requires that the Site for
27 the proposed use relates to streets and highways adequate in width and pavement type to carry the
28 quantity and kind of traffic generated by the proposed use (Finding 2), and, in light of such requirement,

1 the Board hereby makes the following findings:

- 2 • With the proposed mitigation measures and conditions of approval for the project, the
3 County-maintained roadways that serve the parcel are adequate to support the proposed
4 use; and
- 5 • W. Shields Avenue (a County maintained road) is adequate in width and pavement
6 condition to serve the proposed use.
- 7 • Based on the foregoing facts, which this Board has found, the Application satisfies
8 required Finding No. 2.

9 NOW, THEREFORE, Section 873(F) of the County Zoning Ordinance requires that the proposed
10 use will have no adverse impact on abutting property and surrounding neighborhood or permitted use
11 thereof (Finding 3), and, in light of such requirement, the Board hereby makes the following findings:

- 12 • The proposed project is consistent with uses allowed in an a rural residential area with
13 approval of a Conditional Use Permit, and would therefore have no adverse effect on the
14 adjacent or surrounding property.
- 15 • Based the foregoing fact, which this Board has found, the Application satisfies required
16 Finding No. 3.

17 NOW, THEREFORE, Section 873(F) of the County Zoning Ordinance requires that the proposed
18 development is consistent with the General Plan (Finding 4), and, in light of such requirement, the Board
19 hereby makes the following findings:

- 20 • The section of Shields Avenue serving the subject parcel has adequate right-of-way to
21 satisfy General Plan requirements.
 - 22 • With compliance with the proposed Mitigation Measures, the project will not result in an
23 unacceptable level of service on the County roadway.
 - 24 • That the proposed use is consistent with the requirements of the General Plan and Zoning
25 Ordinance.
 - 26 • Based the foregoing fact, which this Board has found, the Application satisfies required
27 Finding No.4.
- 28

1 NOW, THEREFORE, Section 873(F) of the County Zoning Ordinance requires that the conditions
2 stated in the resolution are deemed necessary to protect the public health, safety and general welfare
3 (required Finding No. 5), and, in light of such requirement, the Board hereby finds that the following
4 conditions are deemed necessary to protect the public health, safety, and general welfare:

- 5 • The proposed Mitigation Measures and Conditions of Approval were developed based on
6 studies and consultation with specifically qualified staff, consultants, and outside
7 agencies, in order to address the specific impacts of the proposed project and were
8 designed to address the public health, safety and welfare.

9 NOW, THEREFORE, IT IS ORDERED AND RESOLVED that the Mitigated Negative Declaration
10 Attached as EXHIBIT A, based on Initial Study No. 8286 is hereby adopted and Unclassified Conditional
11 Use Permit No. 3751 to allow for the development and operation of high intensity park with related
12 improvement for weddings, receptions, birthdays, anniversaries, and similar special outdoor events
13 appropriate and incidental to parks, is hereby approved subject to the conditions of approval in the
14 Attached EXHIBIT B.

15 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption
16 by the Board.

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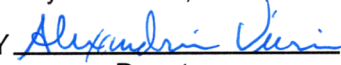
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1 THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors
2 of the County of Fresno this 18th day of June, 2024, to wit:

- 3 AYES: Supervisors Brandau, Magsig, Mendes, Pacheco
- 4 NOES: None
- 5 ABSENT: None
- 6 ABSTAINED: None
- 7 RECUSED: Supervisor Quintero

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9 BY 
10 Nathan Magsig, Chairman of the
11 Board of Supervisors of the County of Fresno

12 **ATTEST:**
13 Bernice E. Seidel
14 Clerk of the Board of Supervisors
15 County of Fresno, State of California
16 BY 
17 Deputy

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EXHIBIT A

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below for County Clerk Only. CLK-2046.00 E04-73 R00-00		
Agency File No: Initial Study (IS) No. 8286	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-	
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721	
Agency Contact Person (Name and Title): Ejaz Ahmad, Planner		Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): CV Alliance, LLC		Project Title: Unclassified Conditional Use Permit Application No. 3751		
Project Description: Allow a high intensity park with related improvement for weddings, receptions, birthdays, anniversaries, and similar special outdoor events appropriate and incidental to parks on an approximately 3.3-acre portion of a 16.75-acre parcel in the RR (Rural Residential) Zone District. The subject parcel is located on the north side of Shields Avenue, approximately 642 feet east of N. Bryan Avenue, and 1,322 feet west of the City of Fresno (APN: 512-160-20) (6338 W. Shields Avenue, Fresno) (SUP. DIST. 1).				
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 8286) prepared for Unclassified Conditional Use Permit Application No. 3751, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related biological resources, energy, mineral resources, population and housing, recreation, or wildfire. Potential impacts related to, agriculture and forestry resources, air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, public services, tribal cultural resources, and utilities and service systems have been determined to be less than significant. Potential impacts related to Aesthetics, Cultural Resources, Noise, and Transportation have been determined to be less than significant with the included Mitigation Measures. The Initial Study and Mitigated Negative Declaration (MND) is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.				
FINDING: The proposed project will not have a significant impact on the environment.				
Newspaper and Date of Publication: Fresno Business Journal – November 3, 2023			Review Date Deadline: Board of Supervisors – June 18, 2024	
Date:	Type or Print Name: David Randall, Senior Planner	Submitted by (Signature):		

State 15083, 15085

County Clerk File No. _____

**LOCAL AGENCY
 MITIGATED NEGATIVE DECLARATION**

EXHIBIT B

**Mitigation Monitoring and Reporting Program
Initial Study No. 8286/Unclassified Conditional Use Permit Application No. 3751
(Including Mitigation Measures, Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	During the project life
2.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PWP	During ground disturbing activities
3.	Noise	A Noise Control Plan (Noise Monitoring Requirements) contained in the Acoustical Analysis prepared by WJV Acoustics and dated April 12, 2022, must be implemented to ensure compliance with the applicable County of Fresno daytime (7:00 a.m. to 10:00 p.m.) noise level standards. Additionally, no amplified speech or music shall occur during the nighttime hours (10:00 p.m. to 7:00 a.m.) and all amplified speech and music shall conclude by 10:00 p.m.	Applicant	Applicant/Fresno County Dept. of Public Health, Environmental Health Division (FCDPH)	As noted
4.	Noise	The project operator(s) shall verify noise levels from amplified outdoor activities at both the east and the west property lines as noted in the Acoustical Analysis. If maximum noise levels are measured to be higher than 62 dB (decibels) at west property line	Applicant	FCDPH	As noted

EXHIBIT B

		and 64 decibels at east property line, noise levels must be reduced until compliance is met.			
5.	Noise	The project operator(s) shall provide additional mitigation measures than those noted above (Item 3 and 4) to the Fresno County Department of Public Health, Environmental Health Division to meet the requirements of the Fresno County Noise Ordinance.	Applicant	FCDPH	As noted
6.	Transportation	Prior to the issuance of building permits, the project shall pay City of Fresno Traffic Signal Mitigation Impact (TSMI) Fee in the amount of \$4,437.72 to satisfy the fair share requirement for traffic signals as identified in the Traffic Impact Study prepared for the project, dated August 16, 2023, and provide a proof of payment to the County.	Applicant	Applicant/PW&P	As noted
Conditions of Approval					
1.	Development of the property shall be in substantial compliance with the Site Plan(s) and Operational Statement approved by the Planning Commission.				
2.	Prior to the issuance of building permits, a Site Plan Review 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. Conditions of the Site Plan Review may include design of parking and circulation areas, access, onsite grading and drainage, fire protection, landscaping, signage, and lighting.				
3.	Prior to occupancy granted for the use, to prevent vehicular headlight shining on the neighboring properties during events, a cyclone fence with privacy slats or any other appropriate fencing type as approved by Fresno County Department of Public Works and Planning shall be erected and maintained along the entire west property line of the project site.				
4.	<p>Shields Avenue fronting the project site has a total existing right-of-way of 30 feet north of section line. Shields Avenue is classified as an Arterial Road requiring an ultimate road right of way of 53 feet north of the section line. Prior to occupancy granted for the use, the owner of the property shall record a document irrevocably offering the 23 feet as future right-of-way from south side of the subject parcel abutting Shields Avenue.</p> <p>Note: A Preliminary Title Report or Lot Book Guarantee is required before the irrevocable offer of dedication can be processed. The owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial re-conveyance, or any other document required to clear title to the property, shall be borne by the owner or developer.</p>				
5.	Prior to the issuance of building permits and prior to the first event of operation, a Traffic Management Plan (TMP) shall be prepared and approved for the project by the Fresno County Road Maintenance and Operations Division. The TMP shall include details on the usage of flaggers, temporary warning signs and warning beacons, installation of street lighting and signage, and shall limit traffic to right-in and right-out movements during events.				

6.	As part of Site Plan Review process, the Fresno County Development Engineering and Road Maintenance and Operations Division shall be consulted to ensure that gravel/aggregate is an acceptable surface for access aisles, circulation, and parking areas for the project.
7.	As part of Site Plan Review process, a dust palliative must be applied on all unpaved parking and circulation areas prior to events during dry weathers.
8.	A 10-foot by 10-foot corner cut-off shall be improved for sight distance purposes at any existing or proposed driveway accessing Shields Avenue.

*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.	This Use Permit will become void unless there has been substantial development within two years of the effective date of this approval, or there has been a cessation of the use for a period more than two years.
2.	Plans, permits and inspections are required for all onsite proposed improvements. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.
3.	To address site development impacts resulting from the project, the Fresno County Site Plan Review Unit requires the following: <ul style="list-style-type: none"> • All parking spaces shall be constructed in compliance with the county and the state standards. • Internal access roads shall comply with required widths by the Fire District for emergency apparatus. • All proposed signs require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. • A four (4) feet path of travel for disabled persons shall be constructed and stripped in accordance with state standards throughout event area.
4.	To address site development impacts resulting from the project, the Fresno County Road Maintenance and Operations (RMO) Division requires the following: <ul style="list-style-type: none"> • An encroachment permit shall be obtained for any work performed within the county road right-of-way. • Shields Avenue is classified as an Arterial Road. As such, the subject parcel is only allowed one (1) drive approach, at a maximum width of 28 feet per the Fresno County Improvement Standard D-2. • Any proposed event signage shall be installed outside of the ultimate County Road right-of-way. • Lighting shall be in such a way as to not provide a nuisance for vehicles traveling on Shields Avenue.

Notes

	<ul style="list-style-type: none">• Any access gates shall be set back a minimum of 20 feet from the ultimate road right-of-way, or the length of the longest vehicle entering the site, to prevent vehicles from idling in the road when stopped to open the gate.• Gates shall be set back far enough to minimize the queue length of vehicles on Shields Avenue waiting to enter the site during events.• Any permanent drainage improvements shall be in accordance with Fresno Metropolitan Flood Control District (FMFCD) master plan. Road drainage improvements such as curb and gutter are required but may be deferred until FMFCD facilities are available.• Setbacks for new construction shall be based on the ultimate road right-of-way for Shields Avenue.• Drive approaches shall be paved for the first 100 feet to prevent tracking of dust onto County maintained roads.
5.	<p>To address site development impacts resulting from the project, the Fresno Metropolitan Flood Control District (FMFCD) requires the following:</p> <ul style="list-style-type: none">• Provide temporary on-site storm water storage facility until permanent FMFCD facilities become available and drainage can be directed to the street;• Obtain drainage and grading plan approval by the FMFCD prior to approval by the County.• Pay drainage fees at the time of development based on the fee rates in effect at that time.
6.	<p>To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none">• An Engineered Grading and Drainage Plan shall be prepared to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.• Any additional storm water runoff generated by the proposed development of this site cannot be drained across property lines or into the county road right-of-way, and must be retained on-site, per County Standards unless FMFCD specifies otherwise.• A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) are required to be filed with State Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area. Copies of completed NOI and SWPPP shall be provided to the Development Engineering.• If not already present, a 10-foot by 10-foot corner cut-off should be improved for sight distance purposes at any existing or proposed driveway accessing Shields Avenue.
7.	<p>To address public health impacts resulting from the project, Fresno County Department of Public Health, Environmental Health Division (Health Department) requires the following:</p> <ul style="list-style-type: none">• The existing septic system capacity shall be verified.• New sewage disposal system shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section.• Leach fields shall not be paved over to allow for treatment of effluent.

Notes	
	<ul style="list-style-type: none"> • Facilities that use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5; • Handling of any hazardous materials and/or hazardous waste shall require submittal of a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. • To protect groundwater, all abandoned water wells and septic systems on the property shall be destroyed by a licensed contractor. • Any underground storage tank(s) found during construction, shall be removed by securing an Underground Storage Tank Removal Permit from the Health Department. Caterer shall complete the operational statement for a catering operation. • Prior to any alcohol sales, license to sell alcoholic beverages shall be obtained from the California Alcoholic Beverage Control Department.
8.	Any proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23, Division 2 Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO) and require submittal of Landscape and Irrigation plans per the Governor's Drought Executive Order of 2015. The Landscape and Irrigation plans shall be submitted to the Department of Public Works and Planning, Site Plan Review Unit for review and approval prior to the issuance of Building Permits.
9.	The project shall comply with California Code of Regulations Title 24 – Fire Code and California Code of Regulations Title 19 and shall submit construction plans to the County prior to receiving NCFPD conditions of approval for the project. It is the Applicant's responsibility to deliver two sets of plans to NCFPD.

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