



Inter Office Memo

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

DATE: June 18, 2024

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: Resolution No. 13042 – Initial Study No. 8337, Amendment Application No. 3852, Variance Application No. 4170, Site Plan review Application No. 8299

APPLICANT Khushpal Singh

OWNER: Khushpal Singh and Jaswinder Kaur

REQUEST: Allow the rezoning of a one-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to the M-1 (c) (Light Manufacturing; Conditional) Zone District with limited industrial uses; allow a five-foot side yard setback (15-foot required) to accommodate a grocery store on the parcel; and approve a Site Plan Review for the proposed store.

LOCATION: The subject parcel is located on the southwest corner of East North Avenue and South Chestnut Avenue approximately 1,285 feet south of the nearest City of Fresno boundary (APN: 330-050-03) (3035 S. Chestnut Avenue) (Sup. Dist. 3).

PLANNING COMMISSION ACTION:


At its hearing of June 13, 2024, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Abrahamian and seconded by Commissioner Zante to adopt the Mitigated Negative Declaration for the project, based on the Initial Study No. 8337, adopt the recommended Findings as described in the staff report, and approve Amendment Application No. 3852, Variance Application No. 4170, and Site Plan Review Application No. 8299 subject to the Conditions listed in Exhibit B.

The motion passed on the following vote:

VOTING: Yes: Commissioners Abrahamian, Zante, Arabian, Carver, Hill, Whelan
 No: None
 Absent: Commissioners Borchardt, Chatha, Quist
 Abstain: None

STEVEN E. WHITE, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: 
Chris W. Motta, Manager
Development Services and Capital Projects Division

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Notes: The approval of Variance Application No. 4170 will expire one year from the date of approval unless a determination is made that substantial development has occurred. When circumstances beyond the control of the applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Variance.

Attachments

EXHIBIT A

Initial Study No. 8337
Amendment Application No. 3852,
Variance Application No. 4170,
Site Plan Review Application No. 8299

Staff: The Fresno County Planning Commission considered the Staff Report dated June 13, 2024, and heard a summary presentation by staff.

Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:

- The applicant has been in the grocery business for 25 years and has not been involved in an ABC alcohol license violation or zoning violation.
- The project site is in an industrial area of high demand for a grocery store and the project findings are consistent with the Roosevelt Community Plan.
- The applicant has worked closely with the Fresno Irrigation District (FID) on the project and layout of the proposed onsite improvements works the best for property; approximately 20 percent of the property is dedicated for access to FID facilities.
- The Traffic Impact Study prepared for the project requires that the applicant shall pay \$65,000 in project-related off-site improvements.
- The applicant will have the ABC alcohol license transferred over to the project site from his other business location; ABC will issue license after the project has been approved.

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

Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

EXHIBIT B

**Mitigation Monitoring and Reporting Program
Initial Study No. 8337; Amendment Application No. 3852;
Variance Application No. 4170; Site Plan Review Application No. 8299**

IS 8337 Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	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 shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/ Fresno County Sheriff-Coroner	During construction
*2.	Transportation	<ol style="list-style-type: none"> 1. Prior to the issuance of building permits for the uses allowed on M-1 (c) zoned property, the applicant shall enter into an agreement with the County of Fresno agreeing to participate on a pro-rata basis per acreage developed in the funding of future off-site traffic improvement defined in item 'a' below. The traffic improvements and the project's maximum pro-rata share based on 2.5 percent of the construction cost is as follows. <ol style="list-style-type: none"> a. North Avenue and Chestnut Avenue intersection shall be widened. The project's percent fair share for the 2045 weekday peak hour traffic scenario is 2.5 % construction cost or \$46,250, 15% 	Applicant	Applicant/PWP	As noted

EXHIBIT B

		<p>preliminary engineering or \$6,937.50, 15% construction engineering or \$6,937.50, and 3% administrative fee or \$1,803.75, totaling \$61,928.75.</p> <p>The County shall update cost estimates for the above specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall annually adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.</p> <p>2. Sidewalk, curb, and gutter shall be constructed from the subject property to the FID (Fresno Irrigation District) canal at the intersection of Chestnut and North Avenues, as depicted on approved site plan for the project.</p> <p>3. The minimum U-Turn clearance (37 feet) from northbound approach to southbound lanes on Chestnut Avenue at the intersection of North Avenue shall be maintained as noted in Traffic Impact Study, dated January 17, 2024</p>			
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Mitigation Measure – Measure specifically applies to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference recommended conditions for the project.

<p align="center">Conditions of Approval – Amendment Application No. 3852</p>	
<p>1.</p>	<p>Development of a grocery store shall be in accordance with the Site Plan, Floor Plan, and Operational Statement approved by the Board of Supervisors.</p>
<p>2.</p>	<p>The uses allowed on the property shall be limited to the following by-right uses listed in Chapter 816.2, Table 2-8 of Fresno County Zoning Ordinance, dated February 2024:</p> <ul style="list-style-type: none"> • Grocery Store • Electric Equipment Manufacturing

	<ul style="list-style-type: none"> • Plastics and Rubber Products • Printing and Publishing • Electric Supply Houses • Fireworks Stands • Advertising structures • Delicatessens • Offices, Business • Communication Equipment Structures/Buildings • Public Utility Facilities
3.	At the time of development of the proposed grocery store, the applicant shall consult with Malaga County Water District (District) for the site to connect and utilize sewer and water services from the District, construct water and sewer services appropriate to the proposed development and destroy any existing on-site water system (well) or sewer (septic) system in accordance with the Fresno County Health Department. Requirements.
4.	<p>An additional twenty-four (24) feet of right of way shall be irrevocably offered to the County of Fresno as additional right-of-way for North Avenue south of section line. A description of the property to be dedicated shall be prepared by a licensed land surveyor or registered civil engineer. A current Preliminary Title Report along with the description shall be submitted to this Department before the above Irrevocable Offer of Dedication can be processed. The developer is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial reconveyance of any other document required to clear title to the property shall be borne by the owner or developer.</p> <p>Note: The County will prepare the document. A processing fee in the amount of \$258.33 will be required at the time of submittal.</p>
5.	Items 6 from Project Notes shall be completed prior to the granting of occupancy for the use.
6.	The project shall adhere to Mitigation Measures, Conditions of Approval and Project Notes prepared for Amendment Application No. 3852 and Site Plan Review Application No. 8299.
Project Notes – Amendment Application No. 3852, Site Plan Review Application No. 8299	
1.	<p>To address impact on public health resulting from permitted uses on the property, the Fresno County Department of Public Health, Environmental Health Division (Health Department) requires the following:</p> <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.

	<ul style="list-style-type: none"> • The proposed business will handle hazardous materials and/or hazardous waste and shall be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 (http://cers.calepa.ca.gov/). • As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area shall be properly destroyed by an appropriately licensed contractor. • If any underground storage tank(s) are found during construction, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. • Prior to issuance of building permits, the applicant shall submit complete food facility plans and specifications and obtain permits to operate a food facility from the health Department. A permit, once issued, is nontransferable. • Prior to alcohol sales, the applicant shall first obtain a license to sell alcoholic beverages from the California Alcoholic Beverage Control Department. • Should any structures have an active rodent or insect infestation, the infestation shall be abated prior to demolition of the structures to prevent the spread of vectors to adjacent properties. • If asbestos containing materials and materials coated with lead-based paints are encountered, the contractor shall contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000. • If the structures were constructed prior to 1979 or if lead-based paint is suspected to have been used in these structures, then prior to demolition work the contractor shall contact the California Department of Public Health, Childhood Lead Poisoning Prevention Branch at (510) 620-5600, United States Environmental Protection Agency, Region 9, at (415) 947-8000, and State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service at (559) 454-5302.
2.	<p>To address impacts on the Fresno Irrigation District (FID) facilities resulting from permitted uses on the property, FID requires the following:</p> <ul style="list-style-type: none"> • Within the limits of the proposed project [and its remainder], the landowner shall grant an exclusive easement for the land underlying the canal and associated area along the canal required for maintenance pursuant to Water Code Section 22425 and FID policy. • The Fresno Irrigation District's (FID) active Central No. 23 runs southerly along the west side of Chestnut Avenue and crosses North Avenue north of the subject property and traverses the west side of the subject property. To maintain integrity of the canal, all improvement plans including Grading and Drainage Plan shall require FID's review and approval.

	<ul style="list-style-type: none"> • FID's active Fresno Colony No. 24 runs westerly along the north side of North Avenue approximately 100 feet north of the subject property. All improvement plans for street and/or utility improvements along North Avenue, or in the vicinity of the project shall require FID's review and approval. • For informational purposes, FID's active Wilder No. 289 runs westerly and crosses Chestnut Avenue approximately 1,800 feet north of the subject property. Any street and/or utility improvements along Chestnut Avenue, or in the vicinity of this facility, shall require FID's review and approve of all plans. • FID shall review and approve grading and drainage plan to ensure that the proposed development will not endanger the structural integrity of the Canal or result in drainage patterns that could adversely affect FID. • FID shall review and approve all improvement plans which affect its property/easements and canal/pipeline facilities including but not limited to Sewer, Water, Fresno Metropolitan Flood Control District (FMFCD), Street, Landscaping, Dry Utilities, and all other utilities.
3.	<p>To address impacts on the county roadway system, the Road Maintenance & Operations (RMO) Division requires the following:</p> <ul style="list-style-type: none"> • Concrete improvements including curb, gutter, and sidewalk including a curb return at the intersection of North and Chestnut shall be installed. • Proposed drive approach shall be limited to a maximum width of 35 feet per Fresno County Improvement Standard D-3. • Any future work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the RMO Division.
4.	<p>According to FEMA FIRM Panel 2130H, the western portion of the area of the subject property is found to be under Flood Zone AE, subject to flooding from the 100-year storm. Any future development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas. Any future structure and associated electrical equipment/electrical system components (e.g., service panels, meters, switches, outlets, electrical wiring, walk-in equipment cabinets, generators, bottom of the lowest edge of the solar array, pool-associated motors and water heater, receptacles, junction boxes, inverter, transformers, etc.) must comply with the FEMA flood elevation requirements. All electrical wiring below the flood elevation shall be in a watertight conduit or approved direct burial cable. Grading import is not allowed within the flood zone. Any dirt material used for grading must be obtained within the designated flood area as to not cause an impact to the determined area of flooding. FEMA Elevation Certificate is required for every future structure to be constructed within the Special Flood Hazard Area. If the future building/structure is near the Special Flood Hazard Area; a certified Map of Survey/Map of Flood Hazard Area (MOS), stamped and signed by a Professional Land Surveyor delineating the distances from proposed structure(s) to the flood zone boundary and at least two property lines will be required. The MOS must show spot elevations within the perimeter of the proposed structure and the flood zone for verification purposes.</p>

5.	The project shall adhere to the requirements of the California Code of Regulations title 24 – Fire Code when building permit or certificate of occupancy is sought and shall annex to Community Facilities District No. 2010-01 of California Fire Protection District.
6.	As required by Article 2, Chapter 818.2-H.3. a. of the Zoning Ordinance, a solid masonry wall of earthen color tone not less than five (5) feet nor more than six (6) feet in height shall be erected along the south property line adjacent to the parking area of the subject property. The wall shall not exceed three (3) in height within the property's 15-foot front yard setback along Chestnut Avenue.
7.	Site Plan Review (SPR 8299) approval shall expire in two years from the date of approval unless substantial development has commenced.
8.	All conditions of approval for AA 3852 shall remain in full force and effect.
9.	An Engineered Grading and Drainage Plan shall be prepared by a Registered Civil Engineer and submitted to the Department of Public Works and Planning in accordance with Section 6731 of the California Business and Professions Code. The Plan shall have an Engineer's Certificate indicating that the grading and drainage will have no adverse effect on the adjoining properties. Contact the Grading Engineer for Grading and Drainage Plan requirements at (559) 600-4022. A grading permit or voucher shall be required for any grading proposed with this application.
10.	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 with WDID # and SWPPP shall be provided to Development Engineering prior to any grading work.
11.	Prior to issuance of building permits, the applicant shall obtain a will-serve letter for water services from the Malaga County Water District.
12.	Prior to issuance of building permits, the applicant shall obtain a will-serve letter for sewer services from Malaga County Water District.
13.	Prior to issuance of building permits, the applicant will be required to submit complete food facility plans and specifications the Fresno County Department of Public Health, Environmental Health Division, for review and approval. The applicant shall apply for and obtain permits to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
14.	Any driveways and parking areas to be used by motor vehicles shall be designed by an architect or civil engineer in accordance with Fresno County Standards. Engineered plans for construction, including a complete listing of materials, costs and quantities

	<p>in place, shall be submitted to this Department for approval. A fee, based upon construction costs, will be assessed in accordance with Section 879 of the Fresno County Zoning Ordinance and must be collected with the submittal of the Grading and Drainage Plan.</p>
15.	<p>The subject property is located within Fresno Metropolitan Flood Control District (FMFCD) boundary Drainage Zones AZ. The (FMFCD) Drainage Fee is based on the rate in effect at the time the building permit is issued as required by Section 17.64.030 of the Fresno County Ordinance Code. The Owner shall connect to existing FMFCD Master Plan Facilities available to the subject site. Prior to issuance of a Building Permit, the Owner shall pay applicable drainage fee of \$7,116.00 and Review fees of \$194.00 to FMFCD. Evidence of payment shall be submitted to the County of Fresno.</p> <p>Drainage from the site shall be directed to Chestnut Avenue.</p> <p>FMFCD shall approve grading plans for the project prior to county's approval.</p>
16.	<p>Owner shall design and install fire protection measures as required by the Fresno County Fire Protection District, which may include but are not limited to water flow requirements, water storage, fire pumps, fire hydrants, fire sprinkler systems, fire alarm systems and road access. All structures and other applicable facilities shall comply with California Code of Regulations Title 24 – Fire Code. Comments by Fresno County Fire Protection District are attached. The project/development shall annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. The project/development also will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. Prior to plan submittal to the FCFPD please visit the District's website at www.fresnocountyfire.org and fill out the Fire Permit Application to submit with your plans. It will be the responsibility of the Owner to contact the Fire Protection District for required fire protection improvements. Contact the District at (559) 319-0400 for information.</p>
17.	<p>Fire protection improvements shall be in place and inspected by the Fresno County Fire Protection District prior to occupancy. Contact the District at (559) 319-0400 to arrange for an inspection. Allow 14 to 21 days for the District to complete the inspection.</p>
18.	<p>The project is subject to the following rules of the San Joaquin Valley Air Pollution Control District (District): District Rule 2010 requires to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District, and District Rule 2201 (requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology. Prior to construction, the Project proponent shall submit to the District an application for an ATC.</p> <p>The Project is also subject to District Rule 9510 and shall submit an Air Impact Assessment (AIA) application to the District no later than applying for project-level approval from a public agency.</p> <p>The Project may be subject to District Rule 4002; District Rule 4601 (Architectural coatings). District Rule 4601 and may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities. Should the project result in at least 1-acre in size, the project proponent shall provide</p>

	written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities).
19.	The design of the required landscaping shall be reviewed for approval prior to the issuance of building permits. The amount of landscaping will exceed 500 square feet; therefore, the developer shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWEL0). For more information on MWEL0 requirements visit: https://water.ca.gov/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/Model-Water-Efficient-Landscape-Ordinance and for Water Use Classification of Landscape Species (WUCOLS IV): https://ucanr.edu/sites/WUCOLS/Plant_Search/
20.	A Landscape and Irrigation Audit Report shall be submitted to the Department of Public Works and Planning for review and approval prior to occupancy.
21.	The Fowler Unified School District, in which you are proposing construction, has adopted a resolution requiring the payment of a Development Impact Fee. The County, in accordance with State law, which authorizes the fee, will not issue a building permit without certification from the school district that the fee has been paid. An official certification form will be provided by the County when application is made for a building permit.
22.	The necessary permits for off-site improvements shall be obtained from the Fresno County Department of Public Works and Planning, Road Maintenance and Operations Division, and shall be installed in accordance with Fresno City Improvement Standards. For more information, please contact Road Maintenance and Operations Division at 559-600-4240.
23.	The end of curbed/taper edge of any existing or proposed access driveway approach should be set back a minimum of 5 feet from the property line.
24.	Any encroachment or access over S.P.R.R. (Southern Pacific Railroad Right-of-Way) should require approval from the owner.
25.	Setbacks for new construction must be based on the ultimate road right-of-way for Chestnut and North.
26.	The developer is responsible for relocating those utilities within the road right-of-way to the correct alignment and grade affected by the developer's improvements.
27.	The parking and circulation areas shall be graded, asphalt concrete surfaced, and striped. Off-street parking spaces shall be provided as shown on the approved plan.
28.	ADA stall(s) shall be provided for the physically disabled and shall be served by an access aisle 96 inches wide, minimum, and shall be designated van accessible. ADA stalls shall be concrete, or asphalt concrete paved and must be located on the shortest possible route to the main entrance, so the disabled person does not cross the driveway into the parking lot.

29.	Any existing or proposed parking areas should comply with the Fresno County Off-Street Parking Design Standards. Stalls should be 18-foot x 9-foot, and backing distance must be a minimum of 29' for 90-degree parking stalls. Also five-foot should be provided beyond the last stall in any row to provide for backing. Any proposed handicap accessible parking stalls and curb ramps shall be in compliance with ADA standards and the maximum surface slope within the disabled parking space(s) and adjacent access aisle(s) shall not exceed 2% in any direction.
30.	Any gate that provides initial access to this site shall be setback from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater.
31.	For unpaved or gravel surface access roads, the first 100 feet off of the edge of the road right-of-way must be graded and asphalt concrete paved or treated with dust palliative.
32.	A 45-degree (45°) corner cut-off of 10-foot by 10-foot shall be maintained to allow clear visual view of vehicular traffic from the driveway within the County right-of-way.
33.	Any outdoor lighting shall be hooded and directed so as not to shine toward public roads or the surrounding properties.
34.	Fire protection improvements shall be in place and inspected by the Fresno County Fire Protection District prior to occupancy. Contact the District at (559) 319-0400 to arrange for an inspection. Allow 14 to 21 days for the District to complete the inspection.
35.	A Regional Transportation Mitigation Fee (RTMF) shall be paid to the RTMF Joint Powers Agency prior to occupancy. The required form will be supplied during the building plan check process. Contact the RTMF Joint Powers Agency at (559) 233-4148 for more information.
36.	The Civil Engineer who prepares the on-site improvement plans shall inspect construction of the facilities and shall certify to the Department of Public Works and Planning that the work conforms to approved plans and specifications. The Fresno County Grading Engineering Section requires the submittal of an As-Built Grading and Drainage Plan. Contact Grading Engineering at (559) 600-4022 for more information.
37.	Permits for structural, electrical, and plumbing work shall be obtained from the Department of Public Works and Planning, Permits Counter, prior to any construction.
38.	All proposed signs shall be submitted to the Department of Public Works and Planning, Permits Counter to verify compliance with the Zoning Ordinance.
39.	If the use of this property should ever change, it is important that the owner or operator verify that the new use would be allowed by all applicable building codes and ordinances of Fresno County. Contact the Fresno County Department of Public Works and Planning, Permits Counter at (559) 600-4540 for information on applicable codes and ordinances.

40.	Required site improvements may be bonded in accordance with the provisions of Section 854.5 of the Fresno County Zoning Ordinance.
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EA:
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EXHIBIT C

**ATTACHMENT
TO
AGENDA ITEM**

FISCAL IMPACT STATEMENT

Initial Study No. 8337
Amendment Application No. 3852
Variance Application No. 4170
Site Plan Review application No. 8299

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

Initial Study Application	\$ 5,151.00 ¹
Amendment Application	\$ 6,214.00 ²
Variance Application – Class II	\$ 3,204.00 ²
Ag. Commissioner (Variance)	\$ 42.00 ²
Public Health Department Review	<u>\$ 721.00³</u>
Total Fees Collected	<u>\$ 15,332.00</u>

¹ Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report.
² Review and research, engaging with reviewing departments and multiple agencies, staff's analysis, Staff Report and Board Agenda Item preparation, public hearings before County Planning Commission and County Board of Supervisors.
³ Review of proposal and associated environmental documents by the Department of Public Health, Environmental Health Division.



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 4 June 13, 2024

SUBJECT: Amendment Application No. 3852, Variance Application No. 4170, Site Plan Review Application No. 8299, Initial Study No. 8337

Allow the rezoning of a one-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to the M-1 (c) (Light Manufacturing; Conditional) Zone District with limited industrial uses; allow a five-foot side yard setback (15-foot required) to accommodate a grocery store on the parcel; and approve a Site Plan Review for the proposed store.

LOCATION: The subject parcel is located on the southwest corner of East North Avenue and South Chestnut Avenue approximately 1,285 feet south of the nearest City of Fresno boundary (APN: 330-050-03) (3035 S. Chestnut Avenue) (Sup. Dist. 3).

OWNER: Khushpal Singh and Jaswinder Kaur

APPLICANT: Khushpal Singh

STAFF CONTACT: Ejaz Ahmad, Planner
(559) 600-4204

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Recommend the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) No. 8337;
- Recommend the Board of Supervisors approve Amendment Application (AA) No. 3852; approve Variance application (VA) No. 4170 based on the recommended findings in the Staff Report; and approve Site Plan Review (SPR) Application No. 8299 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval, and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. List of Allowed Uses (By-right) in the AL-20 (Limited Agriculture) Zone District
6. List of Uses (By-right) to be Allowed in the M-1 Zone District
7. Variance Findings provided by the Applicant
8. Surrounding Variance Map
9. Site Plan, Floor Plan and Elevations for Site Plan Review (SPR) Application No. 8299
10. Operational Statement for SPR No. 8299
11. Summary of Initial Study No. 8337
12. Proposed Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan	General Industrial in the County-adopted Roosevelt Community Plan.	No change
Zoning	AL-20 (Exclusive Agricultural, 20-acre minimum parcel size)	M-1 (c)(Light Manufacturing, Conditional) Zone District
Parcel Size	One acre	No change
Project Site	Single family residence with related improvements.	3,000 square-foot grocery store with related improvements.
Structural Improvements	SFR	<ul style="list-style-type: none"> • 3,000 square-foot grocery store with 1,000 square-foot mezzanine floor • 341 Square-foot front patio
Nearest Residence	100 feet to the south of the project boundary.	No change
Surrounding Development	Industrial and residential	No change
Operational Features	N/A	The proposed grocery store will sell fruits, vegetables, beer & wine and other consumables to surrounding properties.

Criteria	Existing	Proposed
Employees	N/A	Two (2) full-time and two part-time.
Customers/Supplier	N/A	10 deliveries per week.
Traffic Trips	Residential	Per the Traffic Impact Study, anticipated traffic trips generated by the grocery store are: <ul style="list-style-type: none"> • 250 AM Peak Hour trips (125 in and 125 out) • 197 PM Peak Hour trips (100 in and 97 out)
Lighting	Residential	Outdoor lighting for grocery store and within parking lot will be shielded to prevent glare offsite.
Hours of Operation	N/A	5:00 am to midnight, year-round.

Setback, Separation and Parking

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	AL-20 Zone District: Front: 35 feet Side: 20 feet Rear: 20 feet	M-1 Zone District: Front: None Side: 15-foot between M-1 District and R-A (Single-Family Residential Agricultural District) District Rear: None	No. VA No. 4170 is required to allow the proposed five-foot side yard setback where 15 feet is required between M-1 zone district and any adjacent residential zone district.
Parking	No requirement	One parking stall per two employees and one parking stall per company-owned truck.	Yes
Lot Coverage	No requirement	No requirement	N/A
Separation Between Buildings	6-foot (40 feet when related to animals)	No requirement in the M-1 Zone District.	N/A
Wall Requirements	Per Section 822.3.050 of the	Per county standards.	Yes

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
	County Ordinance Code		
Septic Replacement Area	100 percent for the existing system.	The grocery store will connect to Malaga County Water District's sanitary sewer system.	N/A
Water Well Separation	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	The grocery store will connect to Malaga County Water District community water system.	N/A

Circulation and Traffic

		Existing Conditions	Proposed Operation
Public Road Frontage	Yes	Chestnut Avenue: Poor Condition North Avenue: Good condition	No changes
Direct Access to Public Road	Yes	Chestnut Avenue	No change
Road ADT (Average Daily Traffic)		4500 (Chestnut Avenue) 5100 (North Avenue)	No changes
Road Classification		Arterial (Chestnut Avenue) Arterial (North Avenue)	No changes
Road Width		106 feet (Chestnut Ave.) 60 feet (North Ave.) (30 feet north of section line and 30 feet south of section line)	No additional right-of-way is required for Chestnut Avenue. An additional right-of-way of 24 feet south of section line is required for North Avenue.
Road Surface		Chestnut Avenue (Asphalt concrete; pavement width: 32 feet) North Avenue (Asphalt concrete; pavement width: 43.7 feet)	No changes

		Existing Conditions	Proposed Operation
Traffic Trips		Residential	Per the Traffic Impact Study, anticipated traffic trips generated by the grocery store are: <ul style="list-style-type: none"> • 250 AM Peak Hour trips (125 in and 125 out) • 197 PM Peak Hour trips (100 in and 97 out)
Traffic Impact Study (TIS) Prepared	Yes	N/A	Per the Traffic Impact Study (TIS) the project will have no adverse traffic impacts with the construction of off-site improvements by paying its equitable share of offsite improvements as determined by TIS (See MMRP; Exhibit 1)
Road Improvements Required		Poor (Chestnut Avenue) Good (North Avenue)	The North Avenue and Chestnut Avenue intersection will be required to be widened and sidewalk, curb, and gutter will be constructed.

Surrounding Properties

	Size:	Use:	Zoning:	Nearest Residence:
North	57.9 acres	Industrial	M-3	None
South	1.88 acres	Residential	RA	100 feet
East	8.55 acres	Industrial	M-3 (c)	None
West	5.06 acres	Industrial	M-3 (c)	none

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

ENVIRONMENTAL ANALYSIS:

Initial Study No. 8337 was prepared for the subject application by County staff in conformance with the provisions of the California Environmental Quality Act. Based on the Initial Study, staff has determined that a Mitigated Negative Declaration (MND) is appropriate. A summary of the Initial Study and a proposed MND is attached as Exhibit 11 and Exhibit 12 respectively.

Pursuant to Assembly Bill (AB) 52, the project was routed to the Native American Tribes in the area. No tribe requested consultation or expressed any concerns with the project. However, in the unlikely event that cultural resources are identified on the property, the impact will be

minimized with the Mitigation Measure included in the CULTURAL ANALYSIS section of the Initial Study No 8337 (Exhibit 11).

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: May 3, 2024.

PUBLIC NOTICE:

Notices were sent to 39 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PUBLIC COMMENTS:

None

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's decision to deny a rezoning, however, is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.

A Variance may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission. The decision of the Planning Commission on a Variance Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

A Site Plan Review (SPR) is a ministerial act and does not require action by the Planning Commission and/or Board of Supervisors. However, the Board of Supervisors has requested, that applications to rezone property to industrial zoning be accompanied by a development proposal for a specific use, such as a Site Plan Review so that operational issues can be considered separately from land use designation issues. Hence, Site Plan Review Application No. 8299 was filed concurrently with rezoning Amendment Application No. 3852 for consideration by the Planning Commission and the Board of Supervisors.

BACKGROUND INFORMATION:

On December 17, 1979, the Fresno County Board of Supervisors adopted the Roosevelt Community Plan and initiated a rezoning process to ensure that the zoning be consistent with the adopted community plan. Amendment Application No. 3148 is a County-initiated rezone to ensure consistent zoning with the newly adopted Roosevelt Community Plan. The subject parcel and parcels in proximity of the project site were rezoned from AE-20 (exclusive Agricultural) to AL-20 (Limited Agricultural) to prevent the establishment of incompatible land uses in areas designated for industrial use. This rezone was approved by the Board of Supervisors on September 29, 1980.

The subject Amendment Application No 3852 proposes to rezone a one-acre parcel from the AL-20 Zone District to the M-1 (c) (Light Manufacturing; Conditional) Zone District with limited industrial uses and allow a five-foot side yard setback (15 foot required) between the subject parcel and an adjacent residentially zoned parcel.

The subject parcel is adjacent to but outside of the City of Fresno Sphere of Influence boundary. The project did not warrant a formal referral to the City for consideration of annexation but was routed to the City for comments during initial project routing review and the Traffic Impact Study review. No concerns with the proposed rezone and the proposed grocery store were expressed by the City.

AMENDMENT APPLICATION NO. 3852

General Plan Consistency

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-F.29: <i>The County may approve rezoning requests and discretionary permits for new industrial development subject to conditions concerning the following criteria:</i></p> <p><i>Criteria “a”:</i> Operational measures or specialized equipment to protect public health, safety, and welfare, and to reduce adverse impacts of noise, odor, vibration, smoke, noxious gases, heat and glare, dust and dirt, combustibles, and other pollutants on abutting properties.</p> <p><i>Criteria “b”:</i> Provisions for adequate off-street parking to handle maximum number of company vehicles, salespersons, and customers/visitors.</p> <p><i>Criteria “c”:</i> Mandatory maintenance of non-objectionable use areas adjacent to or surrounding the use to isolate the use from abutting properties.</p> <p><i>Criteria “d”:</i> Limitations on the industry’s size, time of operation, or length of permit.</p>	<p>Criteria “a”: Potential adverse impacts of noise, odor, glare, and other pollutants were addressed by Initial Study No. 8337 prepared for the project. To protect public health, safety, and welfare, the proposed Rezone, Variance, and Site Plan Review will adhere to necessary mitigation measures/conditions of approval and regulatory requirements prepared for the project and are included in Exhibit 1 of this report.</p> <p>Criteria “b”. The Site Plan Review Application No. 8299 being processed concurrently with the Amendment Application No. 3852 verifies that the proposed grocery store is provided with adequate off-street parking required in M-1 Zone District.</p> <p>Criteria “c”: The subject parcel with the proposed M-1 zoning is surrounded by developed industrially uses on the north, south and east. As such, there is no need to isolate the proposed use (grocery store) from abutting land uses. However, there is a residentially zoned parcel with a dwelling unit to the south which will be isolated from the subject parcel with the construction of a six-foot-tall block masonry wall.</p> <p>Criteria “d”: Processing of Site Plan Review Application for a grocery store will ensure that the impact of the development on surrounding properties remain less than significant through the implementation of applicable Ordinance Codes and other standards in place. The project meets this policy.</p>
<p>General Plan Policy LU-F.30:</p>	<p>The project is consistent with the policy as the proposed grocery store and other</p>

Relevant Policies:	Consistency/Considerations:
<i>The County shall generally require community sewer and water services for industrial development. Such services shall be provided in accordance with the provisions of the Fresno County Ordinance, or as determined by the State Water Quality Control Board.</i>	development proposal allowed by this rezone application are required to connect to the Malaga County Water District's public sanitary sewer system and public water system.
General Plan Policy LU-G.7: <i>Within the spheres of influence and two (2) miles beyond, the County shall promote consultation between the cities and the County at the staff level in the early stages of preparing general plan amendments and other policy changes that may impact growth or the provision of urban services. Staff consultations, particularly concerning community plans, shall provide for meaningful participation in the policy formulation process and shall seek resolution of issues prior to presentation to the decision-making bodies.</i>	The project site is outside of the City of Fresno Sphere of Influence boundary and was not referred to the City for potential annexation. The project was routed to the City for comments during initial project routing review and the Traffic Impact Study review. The City expressed no concerns with the proposed rezone/grocery store. The project meets this policy.

Reviewing Agency/Department Comments:

The project was routed to all relevant Agencies and County Departments for review and comments. Below is a summary of substantive responses/comments.

The San Joaquin Valley Air Pollution Control District: The District required project-related construction and operational emissions and required the project compliance with District Rules and Regulations. Per the *Air Quality/Greenhouse Gas Assessment (AQ/GHGA)* prepared for the project by *JK consulting Group, Inc*, and provided to the District, the project-related impacts were determined by District to be less than significant.

Transportation Planning Unit (TPU) and Road Maintenance and Operations (RMO) Division: A traffic Impact Study was prepared in consultation with the California Department of Transportation, and the City of Fresno. Mitigation Measures and conditions of approval were made by TPU and RMO Division and the project will pay its fair share in the amount of \$61,928.75 for offsite improvements.

Malaga Water District: The District indicated that the subject property is within its boundary. The sewer and water system are adjacent to the property and can connect to the project.

The Development Engineering Unit, the Site Plan Review Unit, the Fresno County Fire Protection District, Fresno Irrigation District (FID), Fresno Metropolitan Flood Control District, San Joaquin Valley Air Pollution Control District, and Fresno County Health Department reviewed the proposal, and their comments mostly relate to the regulatory issues the applicant should be aware of and are included as Project Notes (Exhibit 1).

Analysis:

The proposed rezone is consistent with the Fresno County General Plan. Review of applicable documents and information indicate that the subject property is located within the County-

adopted Roosevelt Community Plan. Per the Roosevelt Community Plan, the property is designated for General Industrial and per the Roosevelt Community Plan Zoning Compatibility Matrix, the proposed M-1 Zone District is compatible with the General Industrial land-use designation.

The surrounding properties are also designated for General Industrial, zoned for M-3 (Heavy Industrial), and are developed with industrial uses. However, the abutting parcel to the south is zoned for R-A (Single Family Residential Agricultural) District and is developed with a single-family residence.

The proposed conditional M-1 Zone District would allow specific by-right uses requested by the applicant (See Exhibit 6), including the proposed grocery store which is subject to a reduced side yard setback (VA 4170). These uses could be established on the property with the approval of Site Plan Review prior to issuance of building permits.

The Initial Study (IS) prepared for this proposal included a Traffic Impact Study with VMT (Vehicle Miles Travelled) evaluation, and an Air Quality/Greenhouse Gas Impact Analysis Report. These studies and other analysis in the IS have identified potential impacts that have been determined to be less than significant with identified Mitigation Measures in the areas of:

- Cultural Resources (in unlikely event of a finding)
- Transportation (fair share of local improvements)

These Mitigation Measures are typical for any new development. The specific mitigations are articulated in the Mitigation Monitoring Report Program (MMRP) along with project Conditions and Notes/Regulatory comments (See Exhibit 1).

Recommended Conditions:

See Mitigation Measures and Allowed Uses

Amendment Application Conclusion:

The Application should be approved based on the analysis above that identified the proposed zoning is consistent with the General Plan, has adequate water and sewer services, and appropriate street capacity for the proposed allowed uses.

VARIANCE APPLICATION NO. 4170:

The subject Variance Application No. 4170 is being considered in conjunction with Amendment Application No. 3852 to allow for a five-foot side yard setback (15-foot required) for the proposed M-1 Zoning due to the subject parcel abutting a R-A zoned parcel.

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.**

Reviewing Agency/Department Comments:

No comments specific to the subject Finding were received from reviewing agencies or County Departments.

Finding 1 Analysis

In support of Finding No. 1, the Applicant's Finding states that the subject parcel is irregularly shaped and is bordered by FID's canal on the west and Chestnut Avenue on the east. Furthermore, the building location on the parcel was chosen in consultation with FID due to internal circulation and adequate access depth required to ensure safe traffic movements on and off the site.

Staff concurs with the Applicant's assessment that the subject parcel is irregular in shape. The FID canal running northeast and crossing Chestnut Avenue running north has made the parcel triangular. As shown on the Site Plan (Exhibit 9), the most northerly portion of the parcel will be utilized by FID's access easement. This leaves the south portion of the parcel as the only limited developable area to accommodate the proposed grocery store with reduced side yard setback and parking and circulation.

Finding 1 Conclusion:

Based on the above analysis, Finding No. 1 can be made.

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.**

Reviewing Agency/Department Comments:

No comments specific to the subject Finding were received from reviewing agencies or County Departments.

Finding 2 Analysis

In support of Finding No. 2, the Applicant's Finding states that the applicant has the right to develop the subject parcel in accordance with by right uses within the M-1 Zone District. Furthermore, if no residence existed on the adjacent parcel, the rear yard setback would be zero feet to property line on the subject parcel with the closest residence sitting at 100-feet south of the proposed grocery store building.

Staff does not concur with the applicant's statement that if there were no residence on the adjacent parcel, the rear yard setback would be zero feet to property line on the subject parcel. The 15-foot side yard setback is required because the subject parcel with the proposed M-1 Zoning would abut a residentially zoned parcel R-A (Single-family Residential Agricultural District). The zero-foot side yard setback would only apply if the adjacent parcel was also zoned industrial with or without a residence. The potential that the adjacent parcel may be rezoned to industrial in the future is not relevant. Development standards must be applied as

they are at the time of approval of development, not based on what may occur in the future after uncertain legislative action is taken to change zoning and land use designations.

However, the triangular shape and small size of the parcel makes routine development of the property with standard setbacks difficult to preserve the property right to be able to reasonably develop the property for the intended use of the proposed zoning. A variance to allow the reduced setback would preserve the same right other parcels in the area have to be able to develop.

Finding 2 Conclusion:

Based on the above analysis, Finding No. 2 can be made.

Finding 3: *The granting of a variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.*

Reviewing Agency/Department Comments:

No comments specific to the subject Finding were received from reviewing agencies or County Departments.

Finding 3 Analysis

In support of Finding No. 3, the Applicant's Finding states that reduced side yard setback will have no detrimental impacts on neighboring property as the setback will not be used for loading, parking, or other activities. Additionally, a six-foot block wall will be constructed on the south property line, outdoor lighting will be hooded and directed away from the adjacent property to the south, and the proposed grocery store building will act as a functional buffer from traffic noise emanating from adjacent roadways.

Staff concurs with the Applicant that the waiver of the side yard setback from 15 feet to 5 feet will not materially impact the adjacent properties or public at large.

Finding 3 Conclusion:

Based on the above analysis, Finding No. 3 can be made.

Finding 4: *The granting of such a variance will not be contrary to the objectives of the General Plan.*

Reviewing Agency/Department Comments:

No comments specific to the subject Finding were received from reviewing agencies or County Departments.

Finding 4 Analysis

In support of Finding No. 4, the Applicant's Finding states that no precise general plan criteria apply to the proposed variance. Both the subject parcel and neighboring parcel is designated industrial in the Roosevelt Community Plan and the proposed rezone is consistent with the intent of the general plan.

Staff notes that there are no General Plan policies specifically pertinent to the proposed

reduction in setback requirements. Therefore, approval of the subject Variance request to deviate from the 15-foot side yard setback requirement to 5 feet as proposed, would not conflict with the policies of the General Plan.

Finding 4 Conclusion:

Finding No. 4 can be made as reduced side yard is not contrary to General Plan Policy LU-4.

Variance Conclusion:

The four required findings can be made for the proposed Variance to allow for a reduced side yard setback in the M-1 Zone District.

The Summary Project Conclusion:

The proposed rezone from AL-20 Zone District to M-1(c) is consistent with the County general plan and County-adopted Roosevelt Community Plan; and the required Variance findings to allow for a reduced side yard setback in the M-1 Zone District can also be made.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Recommend adoption of the Mitigated Negative Declaration prepared based on Initial Study No. 8337;
- Recommend that the Board of Supervisors determine that the proposed rezone is consistent with the General Plan and the County-adopted Roosevelt Community Plan and approve Amendment Application No. 3852; and
- Recommend approval of Variance Application No. 4170; and
- Recommend approval of Site Plan Review Application No. 8299; and
- Direct the Secretary to prepare a Resolution to forward Amendment Application No. 3852, Variance Application No. 4170, and Site Plan Review Application No. 8299 to the Board of Supervisors with a recommendation for approval, subject to the Mitigation Measures, Conditions of Approval, and Project Notes listed in the Staff Report.

Alternative Motion (Denial Action)

- Determine that the proposed M-1(c) (Light Manufacturing) zoning is not consistent with the General Plan and County-adopted Roosevelt Community Plan, and deny Amendment Application No. 3852, Variance Application No. 4170 and Site Plan Review Application No. 8299 (state basis for denial); 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 No. 8337; Amendment Application No. 3852;
Variance Application No. 4170; Site Plan Review Application No. 8299**

IS 8337 Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	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 shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/ Fresno County Sheriff-Coroner	During construction
*2.	Transportation	<ol style="list-style-type: none"> 1. Prior to the issuance of building permits for the uses allowed on M-1 (c) zoned property, the applicant shall enter into an agreement with the County of Fresno agreeing to participate on a pro-rata basis per acreage developed in the funding of future off-site traffic improvement defined in item 'a' below. The traffic improvements and the project's maximum pro-rata share based on 2.5 percent of the construction cost is as follows. <ol style="list-style-type: none"> a. North Avenue and Chestnut Avenue intersection shall be widened. The project's percent fair share for the 2045 weekday peak hour traffic scenario is 2.5 % construction cost or \$46,250, 15% 	Applicant	Applicant/PWP	As noted

		<p>preliminary engineering or \$6,937.50, 15% construction engineering or \$6,937.50, and 3% administrative fee or \$1,803.75, totaling \$61,928.75.</p> <p>The County shall update cost estimates for the above specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall annually adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.</p> <p>2. Sidewalk, curb, and gutter shall be constructed from the subject property to the FID (Fresno Irrigation District) canal at the intersection of Chestnut and North Avenues, as depicted on approved site plan for the project.</p> <p>3. The minimum U-Turn clearance (37 feet) from northbound approach to southbound lanes on Chestnut Avenue at the intersection of North Avenue shall be maintained as noted in Traffic Impact Study, dated January 17, 2024</p>			
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Mitigation Measure – Measure specifically applies to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference recommended conditions for the project.

Conditions of Approval – Amendment Application No. 3852	
1.	Development of a grocery store shall be in accordance with the Site Plan, Floor Plan, and Operational Statement approved by the Board of Supervisors.
2.	<p>The uses allowed on the property shall be limited to the following by-right uses listed in Chapter 816.2, Table 2-8 of Fresno County Zoning Ordinance, dated February 2024:</p> <ul style="list-style-type: none"> • Grocery Store • Electric Equipment Manufacturing

	<ul style="list-style-type: none"> • Plastics and Rubber Products • Printing and Publishing • Electric Supply Houses • Fireworks Stands • Advertising structures • Delicatessens • Offices, Business • Communication Equipment Structures/Buildings • Public Utility Facilities
3.	At the time of development of the proposed grocery store, the applicant shall consult with Malaga County Water District (District) for the site to connect and utilize sewer and water services from the District, construct water and sewer services appropriate to the proposed development and destroy any existing on-site water system (well) or sewer (septic) system in accordance with the Fresno County Health Department. Requirements.
4.	<p>An additional twenty-four (24) feet of right of way shall be irrevocably offered to the County of Fresno as additional right-of-way for North Avenue south of section line. A description of the property to be dedicated shall be prepared by a licensed land surveyor or registered civil engineer. A current Preliminary Title Report along with the description shall be submitted to this Department before the above Irrevocable Offer of Dedication can be processed. The developer is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial reconveyance of any other document required to clear title to the property shall be borne by the owner or developer.</p> <p>Note: The County will prepare the document. A processing fee in the amount of \$258.33 will be required at the time of submittal.</p>
5.	Items 6 from Project Notes shall be completed prior to the granting of occupancy for the use.
6.	The project shall adhere to Mitigation Measures, Conditions of Approval and Project Notes prepared for Amendment Application No. 3852 and Site Plan Review Application No. 8299.
Project Notes – Amendment Application No. 3852, Site Plan Review Application No. 8299	
1.	<p>To address impact on public health resulting from permitted uses on the property, the Fresno County Department of Public Health, Environmental Health Division (Health Department) requires the following:</p> <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.

	<ul style="list-style-type: none"> • The proposed business will handle hazardous materials and/or hazardous waste and shall be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 (http://cers.calepa.ca.gov/). • As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area shall be properly destroyed by an appropriately licensed contractor. • If any underground storage tank(s) are found during construction, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. • Prior to issuance of building permits, the applicant shall submit complete food facility plans and specifications and obtain permits to operate a food facility from the health Department. A permit, once issued, is nontransferable. • Prior to alcohol sales, the applicant shall first obtain a license to sell alcoholic beverages from the California Alcoholic Beverage Control Department. • Should any structures have an active rodent or insect infestation, the infestation shall be abated prior to demolition of the structures to prevent the spread of vectors to adjacent properties. • If asbestos containing materials and materials coated with lead-based paints are encountered, the contractor shall contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000. • If the structures were constructed prior to 1979 or if lead-based paint is suspected to have been used in these structures, then prior to demolition work the contractor shall contact the California Department of Public Health, Childhood Lead Poisoning Prevention Branch at (510) 620-5600, United States Environmental Protection Agency, Region 9, at (415) 947-8000, and State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service at (559) 454-5302.
<p>2.</p>	<p>To address impacts on the Fresno Irrigation District (FID) facilities resulting from permitted uses on the property, FID requires the following:</p> <ul style="list-style-type: none"> • Within the limits of the proposed project [and its remainder], the landowner shall grant an exclusive easement for the land underlying the canal and associated area along the canal required for maintenance pursuant to Water Code Section 22425 and FID policy. • The Fresno Irrigation District's (FID) active Central No. 23 runs southerly along the west side of Chestnut Avenue and crosses North Avenue north of the subject property and traverses the west side of the subject property. To maintain integrity of the canal, all improvement plans including Grading and Drainage Plan shall require FID's review and approval.

	<ul style="list-style-type: none"> • FID's active Fresno Colony No. 24 runs westerly along the north side of North Avenue approximately 100 feet north of the subject property. All improvement plans for street and/or utility improvements along North Avenue, or in the vicinity of the project shall require FID's review and approval. • For informational purposes, FID's active Wilder No. 289 runs westerly and crosses Chestnut Avenue approximately 1,800 feet north of the subject property. Any street and/or utility improvements along Chestnut Avenue, or in the vicinity of this facility, shall require FID's review and approve of all plans. • FID shall review and approve grading and drainage plan to ensure that the proposed development will not endanger the structural integrity of the Canal or result in drainage patterns that could adversely affect FID. • FID shall review and approve all improvement plans which affect its property/easements and canal/pipeline facilities including but not limited to Sewer, Water, Fresno Metropolitan Flood Control District (FMFCD), Street, Landscaping, Dry Utilities, and all other utilities.
3.	<p>To address impacts on the county roadway system, the Road Maintenance & Operations (RMO) Division requires the following:</p> <ul style="list-style-type: none"> • Concrete improvements including curb, gutter, and sidewalk including a curb return at the intersection of North and Chestnut shall be installed. • Proposed drive approach shall be limited to a maximum width of 35 feet per Fresno County Improvement Standard D-3. • Any future work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the RMO Division.
4.	<p>According to FEMA FIRM Panel 2130H, the western portion of the area of the subject property is found to be under Flood Zone AE, subject to flooding from the 100-year storm. Any future development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas. Any future structure and associated electrical equipment/electrical system components (e.g., service panels, meters, switches, outlets, electrical wiring, walk-in equipment cabinets, generators, bottom of the lowest edge of the solar array, pool-associated motors and water heater, receptacles, junction boxes, inverter, transformers, etc.) must comply with the FEMA flood elevation requirements. All electrical wiring below the flood elevation shall be in a watertight conduit or approved direct burial cable. Grading import is not allowed within the flood zone. Any dirt material used for grading must be obtained within the designated flood area as to not cause an impact to the determined area of flooding. FEMA Elevation Certificate is required for every future structure to be constructed within the Special Flood Hazard Area. If the future building/structure is near the Special Flood Hazard Area; a certified Map of Survey/Map of Flood Hazard Area (MOS), stamped and signed by a Professional Land Surveyor delineating the distances from proposed structure(s) to the flood zone boundary and at least two property lines will be required. The MOS must show spot elevations within the perimeter of the proposed structure and the flood zone for verification purposes.</p>

5.	The project shall adhere to the requirements of the California Code of Regulations title 24 – Fire Code when building permit or certificate of occupancy is sought and shall annex to Community Facilities District No. 2010-01 of California Fire Protection District.
6.	As required by Article 2, Chapter 818.2-H.3. a. of the Zoning Ordinance, a solid masonry wall of earthen color tone not less than five (5) feet nor more than six (6) feet in height shall be erected along the south property line adjacent to the parking area of the subject property. The wall shall not exceed three (3) in height within the property's 15-foot front yard setback along Chestnut Avenue.
7.	Site Plan Review (SPR 8299) approval shall expire in two years from the date of approval unless substantial development has commenced.
8.	All conditions of approval for AA 3852 shall remain in full force and effect.
9.	An Engineered Grading and Drainage Plan shall be prepared by a Registered Civil Engineer and submitted to the Department of Public Works and Planning in accordance with Section 6731 of the California Business and Professions Code. The Plan shall have an Engineer's Certificate indicating that the grading and drainage will have no adverse effect on the adjoining properties. Contact the Grading Engineer for Grading and Drainage Plan requirements at (559) 600-4022. A grading permit or voucher shall be required for any grading proposed with this application.
10.	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 with WDID # and SWPPP shall be provided to Development Engineering prior to any grading work.
11.	Prior to issuance of building permits, the applicant shall obtain a will-serve letter for water services from the Malaga County Water District.
12.	Prior to issuance of building permits, the applicant shall obtain a will-serve letter for sewer services from Malaga County Water District.
13.	Prior to issuance of building permits, the applicant will be required to submit complete food facility plans and specifications the Fresno County Department of Public Health, Environmental Health Division, for review and approval. The applicant shall apply for and obtain permits to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
14.	Any driveways and parking areas to be used by motor vehicles shall be designed by an architect or civil engineer in accordance with Fresno County Standards. Engineered plans for construction, including a complete listing of materials, costs and quantities

	<p>in place, shall be submitted to this Department for approval. A fee, based upon construction costs, will be assessed in accordance with Section 879 of the Fresno County Zoning Ordinance and must be collected with the submittal of the Grading and Drainage Plan.</p>
15.	<p>The subject property is located within Fresno Metropolitan Flood Control District (FMFCD) boundary Drainage Zones AZ. The (FMFCD) Drainage Fee is based on the rate in effect at the time the building permit is issued as required by Section 17.64.030 of the Fresno County Ordinance Code. The Owner shall connect to existing FMFCD Master Plan Facilities available to the subject site. Prior to issuance of a Building Permit, the Owner shall pay applicable drainage fee of \$7,116.00 and Review fees of \$194.00 to FMFCD. Evidence of payment shall be submitted to the County of Fresno.</p> <p>Drainage from the site shall be directed to Chestnut Avenue.</p> <p>FMFCD shall approve grading plans for the project prior to county's approval.</p>
16.	<p>Owner shall design and install fire protection measures as required by the Fresno County Fire Protection District, which may include but are not limited to water flow requirements, water storage, fire pumps, fire hydrants, fire sprinkler systems, fire alarm systems and road access. All structures and other applicable facilities shall comply with California Code of Regulations Title 24 – Fire Code. Comments by Fresno County Fire Protection District are attached. The project/development shall annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. The project/development also will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. Prior to plan submittal to the FCFPD please visit the District's website at www.fresnocountyfire.org and fill out the Fire Permit Application to submit with your plans. It will be the responsibility of the Owner to contact the Fire Protection District for required fire protection improvements. Contact the District at (559) 319-0400 for information.</p>
17.	<p>Fire protection improvements shall be in place and inspected by the Fresno County Fire Protection District prior to occupancy. Contact the District at (559) 319-0400 to arrange for an inspection. Allow 14 to 21 days for the District to complete the inspection.</p>
18.	<p>The project is subject to the following rules of the San Joaquin Valley Air Pollution Control District (District): District Rule 2010 requires to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District, and District Rule 2201 (requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology. Prior to construction, the Project proponent shall submit to the District an application for an ATC.</p> <p>The Project is also subject to District Rule 9510 and shall submit an Air Impact Assessment (AIA) application to the District no later than applying for project-level approval from a public agency.</p> <p>The Project may be subject to District Rule 4002; District Rule 4601 (Architectural coatings). District Rule 4601 and may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities. Should the project result in at least 1-acre in size, the project proponent shall provide</p>

	written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities).
19.	The design of the required landscaping shall be reviewed for approval prior to the issuance of building permits. The amount of landscaping will exceed 500 square feet; therefore, the developer shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWEL0). For more information on MWEL0 requirements visit: https://water.ca.gov/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/Model-Water-Efficient-Landscape-Ordinance and for Water Use Classification of Landscape Species (WUCOLS IV): https://ucanr.edu/sites/WUCOLS/Plant_Search/
20.	A Landscape and Irrigation Audit Report shall be submitted to the Department of Public Works and Planning for review and approval prior to occupancy.
21.	The Fowler Unified School District, in which you are proposing construction, has adopted a resolution requiring the payment of a Development Impact Fee. The County, in accordance with State law, which authorizes the fee, will not issue a building permit without certification from the school district that the fee has been paid. An official certification form will be provided by the County when application is made for a building permit.
22.	The necessary permits for off-site improvements shall be obtained from the Fresno County Department of Public Works and Planning, Road Maintenance and Operations Division, and shall be installed in accordance with Fresno City Improvement Standards. For more information, please contact Road Maintenance and Operations Division at 559-600-4240.
23.	The end of curbed/taper edge of any existing or proposed access driveway approach should be set back a minimum of 5 feet from the property line.
24.	Any encroachment or access over S.P.R.R. (Southern Pacific Railroad Right-of-Way) should require approval from the owner.
25.	Setbacks for new construction must be based on the ultimate road right-of-way for Chestnut and North.
26.	The developer is responsible for relocating those utilities within the road right-of-way to the correct alignment and grade affected by the developer's improvements.
27.	The parking and circulation areas shall be graded, asphalt concrete surfaced, and striped. Off-street parking spaces shall be provided as shown on the approved plan.
28.	ADA stall(s) shall be provided for the physically disabled and shall be served by an access aisle 96 inches wide, minimum, and shall be designated van accessible. ADA stalls shall be concrete, or asphalt concrete paved and must be located on the shortest possible route to the main entrance, so the disabled person does not cross the driveway into the parking lot.

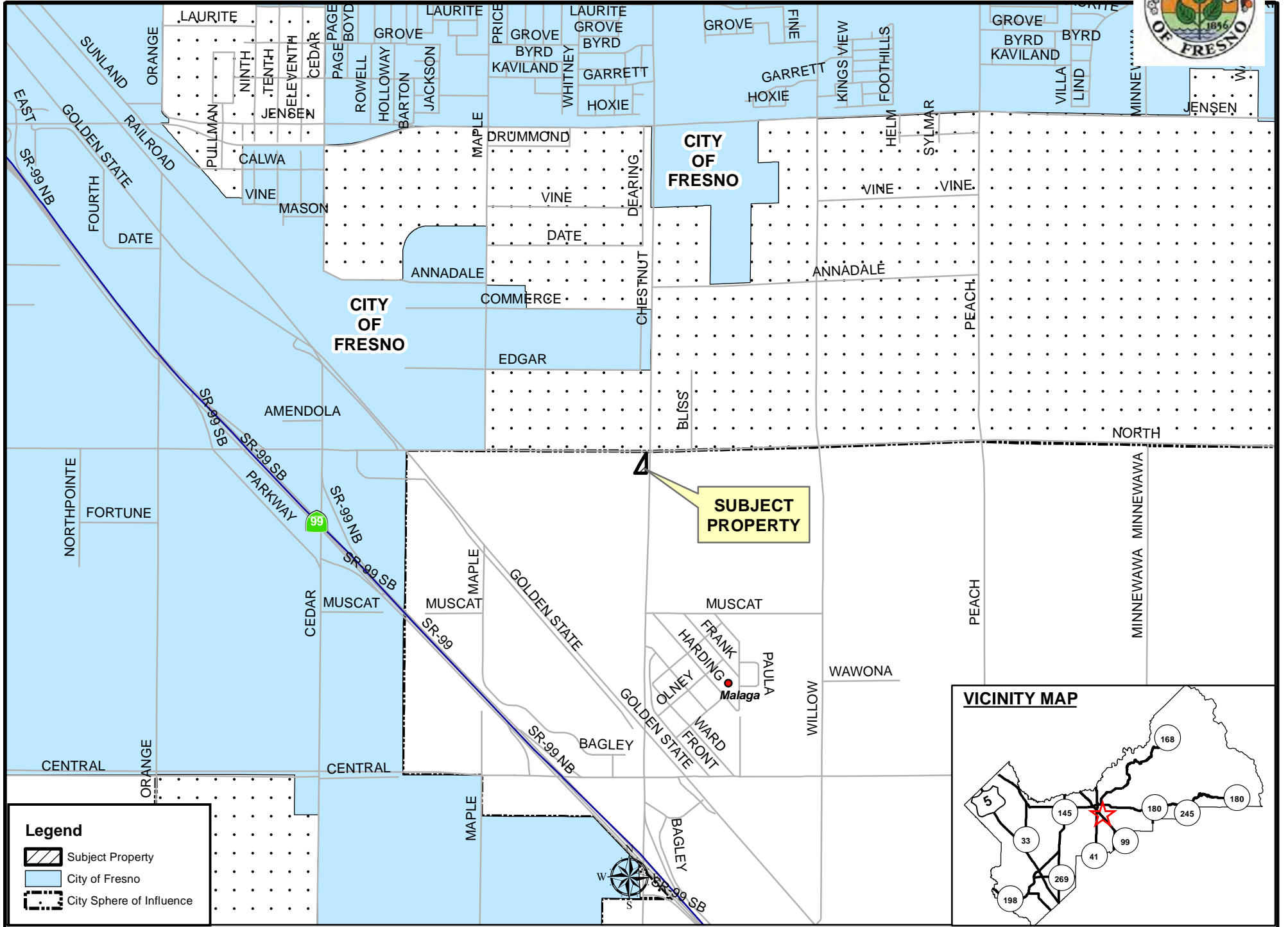
29.	Any existing or proposed parking areas should comply with the Fresno County Off-Street Parking Design Standards. Stalls should be 18-foot x 9-foot, and backing distance must be a minimum of 29' for 90-degree parking stalls. Also five-foot should be provided beyond the last stall in any row to provide for backing. Any proposed handicap accessible parking stalls and curb ramps shall be in compliance with ADA standards and the maximum surface slope within the disabled parking space(s) and adjacent access aisle(s) shall not exceed 2% in any direction.
30.	Any gate that provides initial access to this site shall be setback from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater.
31.	For unpaved or gravel surface access roads, the first 100 feet off of the edge of the road right-of-way must be graded and asphalt concrete paved or treated with dust palliative.
32.	A 45-degree (45°) corner cut-off of 10-foot by 10-foot shall be maintained to allow clear visual view of vehicular traffic from the driveway within the County right-of-way.
33.	Any outdoor lighting shall be hooded and directed so as not to shine toward public roads or the surrounding properties.
34.	Fire protection improvements shall be in place and inspected by the Fresno County Fire Protection District prior to occupancy. Contact the District at (559) 319-0400 to arrange for an inspection. Allow 14 to 21 days for the District to complete the inspection.
35.	A Regional Transportation Mitigation Fee (RTMF) shall be paid to the RTMF Joint Powers Agency prior to occupancy. The required form will be supplied during the building plan check process. Contact the RTMF Joint Powers Agency at (559) 233-4148 for more information.
36.	The Civil Engineer who prepares the on-site improvement plans shall inspect construction of the facilities and shall certify to the Department of Public Works and Planning that the work conforms to approved plans and specifications. The Fresno County Grading Engineering Section requires the submittal of an As-Built Grading and Drainage Plan. Contact Grading Engineering at (559) 600-4022 for more information.
37.	Permits for structural, electrical, and plumbing work shall be obtained from the Department of Public Works and Planning, Permits Counter, prior to any construction.
38.	All proposed signs shall be submitted to the Department of Public Works and Planning, Permits Counter to verify compliance with the Zoning Ordinance.
39.	If the use of this property should ever change, it is important that the owner or operator verify that the new use would be allowed by all applicable building codes and ordinances of Fresno County. Contact the Fresno County Department of Public Works and Planning, Permits Counter at (559) 600-4540 for information on applicable codes and ordinances.

40.	Required site improvements may be bonded in accordance with the provisions of Section 854.5 of the Fresno County Zoning Ordinance.
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

EA:
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LOCATION MAP

AA 3852



Legend

-  Subject Property
-  City of Fresno
-  City Sphere of Influence

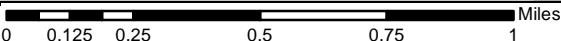
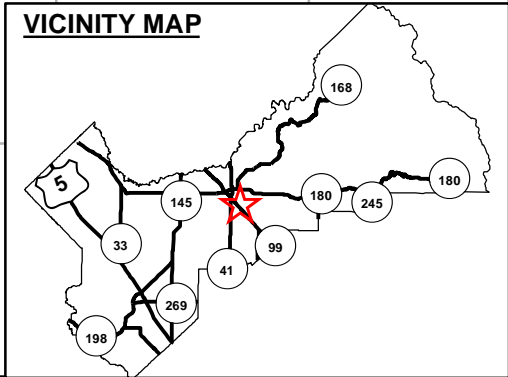


EXHIBIT 2

EXHIBIT 3 EXISTING ZONING MAP

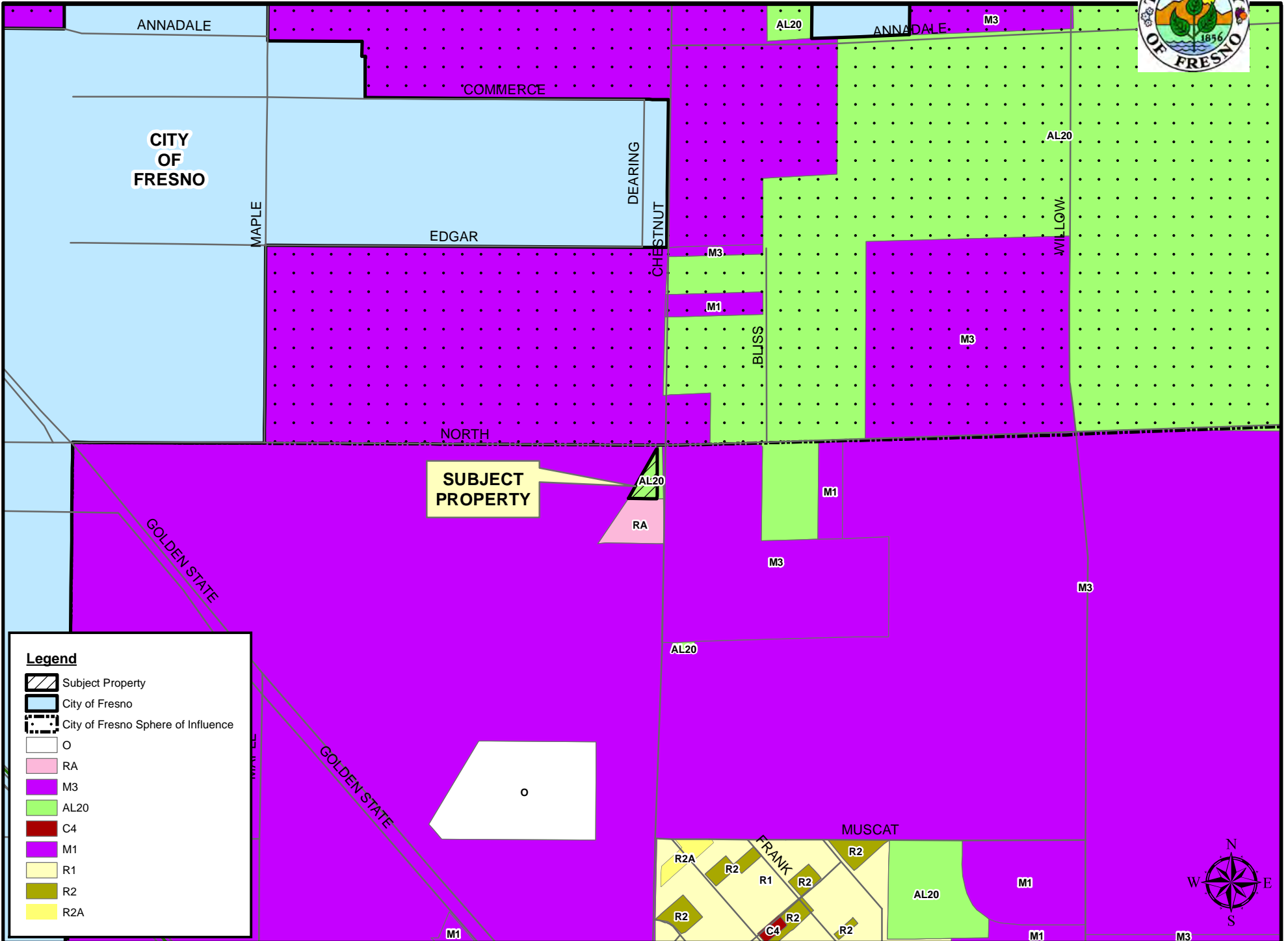
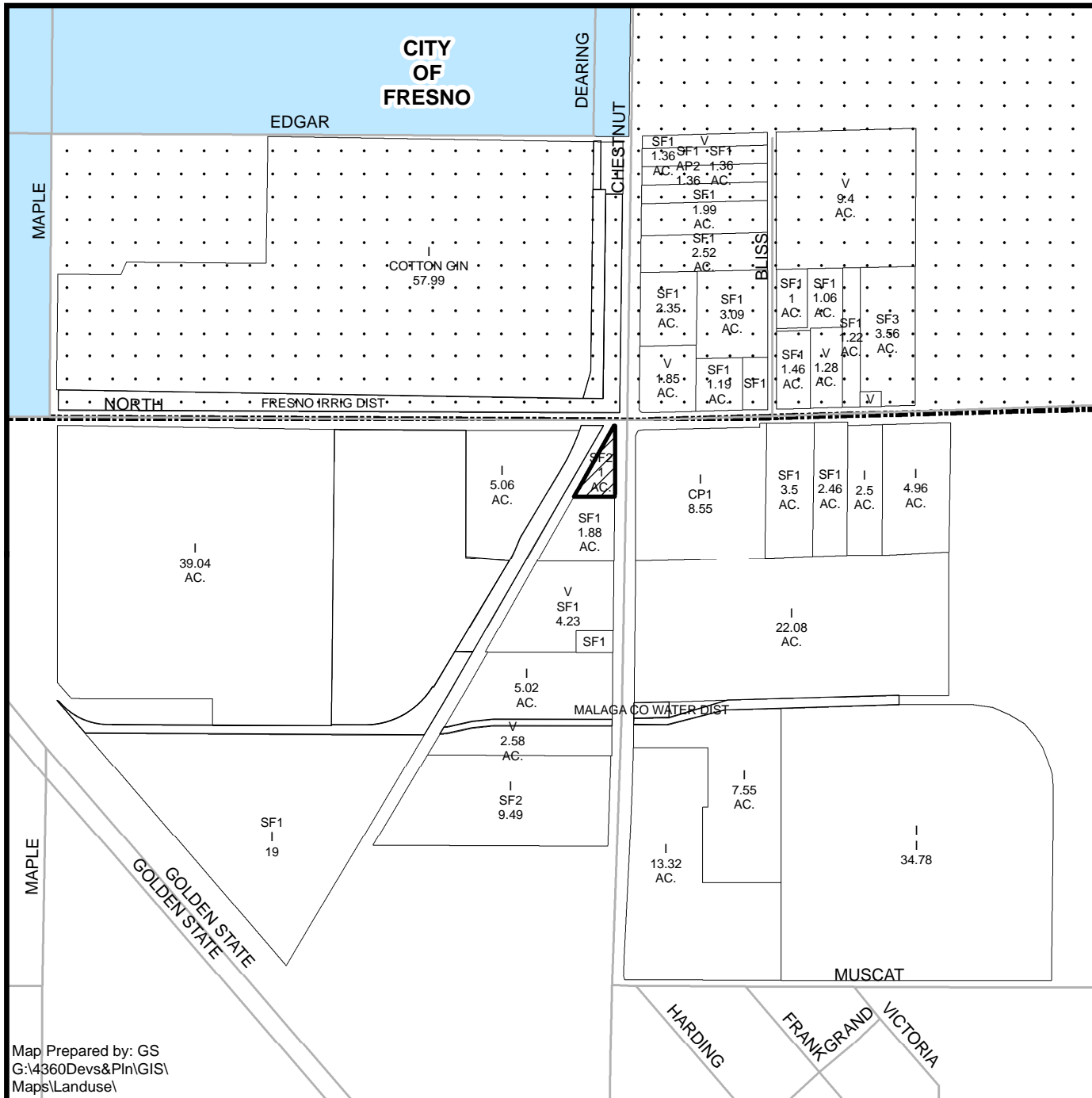


EXHIBIT 3



EXISTING LAND USE MAP

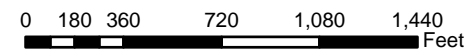
AA 3852



LEGEND	
AP1	- APARTMENT
CP#	- OFFICE COMM./PROF
I	- INDUSTRIAL
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

Legend

-  Subject Property
-  City of Fresno
-  City of Fresno Sphere of Influence



Department of Public Works and Planning
Development Services Division

**TABLE 2-2
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR AGRICULTURAL ZONES**

Land Use ¹	Permit Requirement by Zone ²				
	AE	AL	A-1 ³	A-2 ³	See Section
Agricultural Uses					
Agricultural Accessory Storage, Structures, and Uses	P	P	P	P	
Agricultural Commercial Center	C		C		834.4.040
Agricultural Processing, Area Products, including Cooperatives	C		C		
Agricultural harvesting, curing, processing, packaging, packing, sales, shipping for products produced on-site (i.e., not subject to Section 834.4.390).	P	P			
Agricultural processing, packaging, sales, shipping, etc. (products may be from on- or off-site holdings when owned by the same entity as the facility).	P	P			834.4.390
Animal Raising, Specialty Commercial	D		D	D	834.4.050
Animal Uses (includes fish and fur bearing in the A-2)	P	P	P	P	834.4.050
Aquaculture (includes Fish Farms, Commercial)	D	D	D	D	
Cattle Dairies and Feedlot Facilities (Does NOT exceed a capacity of 500 cattle)	D		D		834.4.110
Cattle Dairies and Feedlot Facilities (Does exceed a capacity of 500 cattle)	C		C		834.4.110
Crop Production	P	P	P	P	
Grain Elevators, Commercial	C		C		

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

- 1 See Article 7 for definitions of the land uses listed.
- 2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit may be required for construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).
- 3 See Section 806.2.030.C for Obsolete and Deleted Zones.

**TABLE 2-2
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR AGRICULTURAL ZONES (Continued)**

Land Use ¹	Permit Requirement by Zone ²				
	AE	AL	A-1 ³	A-2 ³	See Section
Agricultural Uses (Continued)					
Hog/Swine Personal Use (4 max.)	P				834.4.050
Hog/Swine, Sheep, or Goat Feed Lots	C		C		
Hog/Swine Ranches	C		C		834.4.050
Horticulture/Greenhouses	P	D	P	D	
Meat Processing, Commercial	C		C		834.4.230
Mushroom Growing	C	C	C		
Mushroom Growing, Incidental	C	C	C		
Poultry Raising, Large	D		D	D	834.4.290
Poultry Raising, Small	P		P	P	834.4.290
Poultry/Rabbit Processing	C		C		
Stock Yards/Feed Lots	C		C	C	
Value-added agricultural uses in addition to agricultural harvesting, curing, processing, packaging, packing, sales, and shipping for products produced on-site.	P				834.4.390
Commercial establishments for the processing of agricultural products and value-added uses not authorized under the by-right value-added uses above.	C				834.4.390
Wineries/Distilleries, Large	C		C	C	
Wineries/Distilleries, Small	D		D	D	834.4.410
Wholesale Limited Winery Distillery and Brewery	P	P			834.4.415
Micro Winery, Distillery and Brewery	P	P			834.4.415
Minor Winery, Distillery and Brewery	P	P			834.4.415
Agricultural Sales and Service Uses					
Agricultural Chemicals, Sales and Service	C		C		
Agricultural Auction /Sales Yards	C		C	C	
Building Materials Sales	C		C		
Commercial Dehydration Operations	C		C		
Contactors Storage Yard, Agricultural Services	D		D		
Dog Grooming (in conjunction with single-family residence)	D	D	D	D	

Farm Equipment and Machinery Sales, Rental, Storage and Maintenance	C		C		
Farm Labor Contractor Services	D		D		

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
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TUP	Temporary Use Permit required	858.5
<i>Blank</i>	Use not allowed	

Notes:

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- 2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit may be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).
- 3 See Section 806.2.030.C for Obsolete and Deleted Zones.

**TABLE 2-2
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR AGRICULTURAL ZONES (Continued)**

Land Use ¹	Permit Requirement by Zone ²				
	AE	AL	A-1 ³	A-2 ³	See Section
Agricultural Sales and Service Uses (Continued)					
Feed and Farm Supplies Sales	C		C		
Horticultural Services	D	C	C	C	
Horticultural Services, Accessory	P	D	P		
Liquefied Petroleum Gas Distribution Sales, and Storage	C	C	C		
Plant Nurseries	D				834.4.180
Plant Nurseries, Private	P				834.4.180
Roadside Agricultural Stands, Permanent	D	D	D	D	834.4.370
Roadside Agricultural Stands, Temporary	P	P	P	P	834.4.370
Stables, Commercial	D	D	D	D	834.4.050
Stables, Private	P	P	P	P	834.4.050
Veterinary Clinics and Animal Hospitals	D	D	D	D	
Water Well Drilling/Pump Installation	P	P	P	P	
Welding and Blacksmith (as part of farm equipment sales and service).	P		P		
Residential Uses					
Accessory Structures	P	P	P	P	834.4.020
Additional On-Site Dwellings					
Accessory Dwelling Units	P	P	P	P	834.4.030.B
Second Dwelling Units	D	D	D	D	834.4.030.C
Child Day Care Home, (up to 14 children)	P	P	P	P	834.4.100
Employee Housing (six or fewer residents)	P	P	P	P	

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
<i>Blank</i>	Use not allowed	

Notes:

- 1 See Article 7 for definitions of the land uses listed.

- 2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit may be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).
3. See Section 806.2.030.C for Obsolete and Deleted Zones.

**TABLE 2-2
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR AGRICULTURAL ZONES (Continued)**

Land Use ¹	Permit Requirement by Zone ²				
	AE	AL	A-1	A-2	See Section
Residential Uses (Continued)					
Farmworker Housing, Complexes	P	P	P	P	834.4.160
Farmworker Housing, Temporary	P	P	P	P	834.4.150
Home Occupations, Class I	P	P	P	P	834.4.190
Home Occupations, Class II	D	D	D	D	834.4.190
Household Pets	P	P	P	P	
Kennels, Private	P	D	P	D	
Manufactured/Factory Built Housing	P	P	P	P	
Mobile Home, Temporary (If 2 nd Residence)	D	D	D	D	
Low Barrier Navigation Center					
Single-Family Dwelling	P	P	P	P	
<u>Supportive Housing (GC 65650)</u>	P	P	P	P	
Swimming Lessons	C		C		834.4.360
Temporary Uses	TUP	TUP			858.5
Transitional Housing	P	P	P	P	
Nonresidential Uses					
Observatories	C	C	C	C	
Public Facilities	D	D	D	D	
Public Utility Facilities	C	C	C	C	

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
<i>Blank</i>	Use not allowed	

Notes:

- 1 See Article 7 for definitions of the land uses listed.
- 2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit may be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

**TABLE 2-2
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR AGRICULTURAL ZONES (Continued)**

Land Use ¹	Permit Requirement by Zone ²				
	AE	AL	A-1	A-2	See Section
Communication Facilities					
Microwave Relay Structures	D	D	D	D	834.4.420
Satellite Dish Antenna	P	P	P	P	834.4.420
Education, Public Assembly, and Recreation Uses					
Agritourism	P	P			
Assembly/Meeting Facilities	D	D	D	D	
Golf Courses	C	C			
Guest Ranches	C	C			
Historic and Monument Sites	P	P	P	P	
Off Road Vehicles	C	C			
Philanthropic/Charitable, Agricultural Institutions	D	D	D		
Racetracks	C	C			
Schools, Private	D	D	D	D	
Schools, Public	D	D	D	D	
Stables, Commercial	D	D	D	D	
Stables, Private	P	P	P	P	
Other					
Airports, Small/Private	C	C	C	C	
Antique Sales	D	D	D		
Interstate Interchange Commercial Centers	C		C		
Interstate Interchange Impact Areas	D		D		
Kennels, Boarding and Training	C				
Kennels, Breeding and Personal, on sites with up to five acres.	C				
Kennels, Breeding and Personal, on sites with five or more acres.	D				
Kennels, Commercial	C	C	C	C	
Personal/RV Storage		C			834.4.270
Solar Energy System, Private	P	P	P	P	
Surface Mining Operations	C	C	C	C	
Temporary Mill/Chipping Facilities	P				834.4.380

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
<i>Blank</i>	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

EXHIBIT 6

FRESNO COUNTY ORDINANCE CODE - DIVISION 6, ZONING ORDINANCE

**TABLE 2-8
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR INDUSTRIAL ZONES**

Land Use ¹	Permit Requirement by Zone ²				
	C-M	M-1	M-2	M-3	See Section
Education, Public Assembly, and Recreation					
Adult Businesses (Only when in compliance with Ordinance Code Chapter 6.33)		P	P	P	Ordinance Code Chapter 6.33
Libraries	P				
Reading Rooms	P				
Schools, Specialized Education and Training	P	P	P	P	
Sports and Recreational Facilities	C	E			

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
<i>Blank</i>	Use not allowed	

Notes:

- 1 See Article 7 for definitions of the land uses listed.
- 2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

**TABLE 2-8
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR INDUSTRIAL ZONES (Continued)**

Land Use ¹	Permit Requirement by Zone ²				
	C-M	(M-1)	M-2	M-3	See Section
Manufacturing and Assembly					
Blacksmith			P		
Boat-Building-and-Repairing	P	P	P	P	834.4.450
Electrical Equipment Manufacturing	P	(P)	P	P	834.4.450
Jewelry-Manufacturing	P	P	P	P	834.4.450
Leather-Products-Manufacturing		P	P	P	834.4.450
Motor-Vehicle-Manufacturing		C	C	C	834.4.450
Paint Manufacturing			C	D	834.4.450
Textile-Products-Manufacturing	P	P	P	P	834.4.450
Tire-Recapping,-Retreading,-and-Rebuilding	P	P	P	P	834.4.450
Transportation-Product-Assembly		C	C	C	
Warehousing-and-Wholesaling-(up-to-10,000-square-feet-in-gross-floor-area)	P	P	P	P	834.4.450
Warehousing-and-Wholesaling-(greater-than-10,001-square-feet-in-gross-floor-area)	D	D	D	D	834.4.450
Welding	P	P	P	P	

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
(P)	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

- 1 See Article 7 for definitions of the land uses listed.
- 2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

**TABLE 2-8
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR INDUSTRIAL ZONES (Continued)**

Land Use ¹	Permit Requirement by Zone ²				
	C-M	M-1	M-2	M-3	See Section
Manufacturing and Processing					
Beverage Production	P	P	P	P	834.4.450
Canning and Kindred Food Products Manufacturing				C	834.4.450
Chemical Products Manufacturing				C	834.4.450
Clothing Products Manufacturing		P	P	P	834.4.450
Concrete and Cement Products Manufacturing		C	D	D	834.4.450
Concrete, Gypsum, and Plaster Product Manufacturing				C	834.4.450
Cosmetic Products Manufacturing	P	P	P	P	834.4.450
Dairy Products Manufacturing	D	P	P	P	834.4.450
Electronic Motor Rebuilding	D	P	P		
Explosives, Fireworks, and Ordinance Manufacturing				C	834.4.450
Fabric Product Manufacturing	P	P	P	D	834.4.450
Food and Beverage Manufacturing	P	P	P	D	834.4.450
Furniture/Fixture/Cabinet Shops	P	P	P	P	
Glass Products Manufacturing		P	P	D	834.4.450
Grain Elevators		P	P	P	

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

- 1 See Article 7 for definitions of the land uses listed.
- 2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

**TABLE 2-8
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR INDUSTRIAL ZONES (Continued)**

Land Use ¹	Permit Requirement by Zone ²				
	C-M	M-1	M-2	M-3	See Section
Manufacturing and Processing (Continued)					
Handcraft Industries, Small-Scale Manufacturing-		P	P	P	
Laboratories	P	P	P	P	
Laundries and Dry-Cleaning Plants	P	P	P	P	
Lumber and Wood Products	P	P	P	P	834.4.450
Lumber and Wood Products, Including Planing Mill		P	P	P	834.4.450
Machinery Manufacturing, General (No Punch Presses and/or Drop Hammers greater than 20 tons)	D	P	P	P	834.4.450
Machinery Manufacturing, Heavy (With Punch Presses and/or Drop Hammers greater than 20 tons)		C	C	C	834.4.450
Medical marijuana cultivation facilities		P	P	P	Chapter 6.60
Metal Industries			C	D	
Meat packing and processing (No On-Site Animal Slaughtering)	C	D	P	P	834.4.450
Meat processing, commercial (With On-Site Animal Slaughtering)				C	834.4.450
Monument and Tombstone Works		P	P	P	
Paper Products Manufacturing		P	P	P	834.4.450

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

- 1 See Article 7 for definitions of the land uses listed.

FRESNO COUNTY ORDINANCE CODE - DIVISION 6, ZONING ORDINANCE

Notes (continued):

- 2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

**TABLE 2-8
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR INDUSTRIAL ZONES (Continued)**

Land Use ¹	Permit Requirement by Zone ²				
	C-M	(M-1)	M-2	M-3	See Section
Manufacturing and Processing (Continued)					
Paving and Roofing Materials Manufacturing				C	834.4.450
Petroleum Bulk Plants	C	E	C	C	834.4.450
Petroleum Refining and Related Industries				C	834.4.450
Pharmaceutical Manufacturing	P	P	P	P	834.4.450
→ Plastics and Rubber Products	C	(P)	P	P	834.4.450
Plastics, Other Synthetics, and Rubber Product Manufacturing				C	834.4.450
→ Printing and Publishing	P	(P)	P	P	
Recycling Facilities—Large Collection Facility		P	P	P	834.4.300, 834.4.450
Recycling Facilities—Small Collection Facility		P	P	P	834.4.300
Recycling Facilities – Heavy Processing Facility				C	834.4.300, 834.4.450
Recycling Facilities – Light Processing Facility			P	P	834.4.300
Recycling Facilities—Reverse Vending Machines		P	P	P	834.4.300
Structural Clay and Pottery Products Manufacturing	P	P	P	P	834.4.450

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
(P)	Permitted use	
C	Conditional Use Permit required	842.5
D	Director’s Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

- 1 See Article 7 for definitions of the land uses listed.
- 2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

**TABLE 2-8
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR INDUSTRIAL ZONES (Continued)**

Land Use ¹	Permit Requirement by Zone ²				
	C-M	M-1	M-2	M-3	See Section
Motor Vehicle Retail Trade and Services					
Motor Vehicle Parts and Sales	P	P	P	P	
Motor Vehicle Repair and Maintenance (Only Within an Enclosed Structure)	P	P	P	P	
Motor Vehicle Sales	P	P	P		
Motor Vehicle Service Stations	P	P	P	P	
Motor Vehicle Washes, All	P	P	P	P	
Motorcycle Shops	P	Ø			
Truck Repairing and Overhauling (Only Within Completely Enclosed Structure)	P	P	P	P	834.4.450

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
<i>Blank</i>	Use not allowed	

Notes:

- 1 See Article 7 for definitions of the land uses listed.
- 2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

**TABLE 2-8
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR INDUSTRIAL ZONES (Continued)**

Land Use ¹	Permit Requirement by Zone ²				
	C-M	(M-1)	M-2	M-3	See Section
Retail Trade					
Accessory Retail Uses (Only Ancillary to an Industrial Use)	P	P	P	P	See Article 7
Bakeries, Retail	P				
Building Material Stores	P	P	P	P	834.4.450
Cleaning and Dyeing Shops, (Retail Only, Dry Cleaning Clothes In Enclosed Machines, Using Non-Flammable Cleaning Compounds)	P				
Convenience Stores					
Department Stores	P				
→ Electric Supply Houses	P	(P)	P	P	
Equipment Rental/Sales Establishment	P	P	P	P	

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
(P)	Permitted use	
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D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

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- 2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

**TABLE 2-8
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR INDUSTRIAL ZONES (Continued)**

Land Use ¹	Permit Requirement by Zone ²				
	C-M	(M-1)	M-2	M-3	See Section
Retail Trade (Continued)					
Farm Equipment and Supply Sales, with Incidental Repairs	P	P	P	P	834.4.450
Flea Markets	C	∅			
Frozen Food Lockers	P	P	P	P	834.4.450
Grocery Stores	P	(P)	P	P	
Ice Storage	P	P	P	P	834.4.450
Leather Goods and Luggage	P				
Music Stores	P				
Pawn Shops	P				
Plumbing Supplies (Only Within a Completely Enclosed Structure or Sound Wall)	P				834.4.450
Radio and Television Sales and Service	P				

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
(P)	Permitted use	
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D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
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Notes:

- 1 See Article 7 for definitions of the land uses listed.
- 2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

**TABLE 2-8
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR INDUSTRIAL ZONES (Continued)**

Land Use ¹	Permit Requirement by Zone ²				
	C-M	(M-1)	M-2	M-3	See Section
Retail Trade (Continued)					
Retail Stores, General Merchandise (under 5,000-sf.)	P	P	P		
Secondhand Stores (Only Within Completely Enclosed Structure)	P				
Sporting Goods	P				
Temporary Uses	TUP	TUP	TUP	TUP	858.5
→ Fireworks Stands	P	(P)	P	P	834.4.175
Toy Stores	P				
Variety and Notion Shops	P				
Vending Machines, Food and Dairy Products (Walk In, Reach In), On Premise Sales (Located Inside of a Structure)	P				
Vending Machines, Food and Dairy Products (Walk In, Reach In), On Premise Sales (Located Outside of a Structure)	P	P	P		
Video Stores	P				

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
(P)	Permitted use	
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**TABLE 2-8
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR INDUSTRIAL ZONES (Continued)**

Land Use ¹	Permit Requirement by Zone ²				
	C-M	(M-1)	M-2	M-3	See Section
Services					
Advertising Structures	P	P	P	P	
Animal Hospitals/Veterinary Clinics	C	P	P	P	
Auction Houses	P	∅			
Automated Teller Machines (ATM's), Drive-Up	P	P	P	P	
Automated Teller Machines (ATM's), Walk-Up	P	P	P	P	
Banks and Financial Services	P	P	P	P	
Bars and Alcoholic Beverage Drinking Places	D	∅	D	D	834.4.080
Business Support Services	P				
Carpet and Rug Cleaning Plants	P				834.4.450
Cleaning and Dyeing Shops	P				
Copy Services	P				
Delicatessens	P	(P)	P	P	
Equipment Rental/Sales	P	P	P		
Farm Equipment Services	P				
Kennels	C	P	P	P	
Laboratories	P	P	P		

Key to Permit Requirements

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(P)	Permitted use	
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**TABLE 2-8
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR INDUSTRIAL ZONES (Continued)**

Land Use ¹	Permit Requirement by Zone ²				
	C-M	(M-1)	M-2	M-3	See Section
Services (Continued)					
Laundry and Dry Cleaning, Drop-Off/Pick Up Only	D				
Medical Services – Clinics, and Laboratories	D				
Mini-Storage-Facilities	P	P	P	P	834.4.450
Mortuaries and Funeral Parlors	C				
→ Offices, Business	P	(P)	P	P	
Offices, Corporate	P	P	P	P	
Offices, Professional	P	P	P	P	
Personal Services (No Adult Businesses)	P	P	P	P	
→ Printing and Publishing	P	(P)	P	P	
Restaurants	P	P	P	P	
Restaurants, With On-Site Consumption of Alcohol	C	C	C	C	
Sign Painting	P				
Storage Yards	P	P	P		834.4.450
Taxidermists	P				
Vehicle and Freight Terminals	P	P	P	P	834.4.450
Warehousing	P	P	P	P	834.4.450
Wholesaling and Distribution	P	P	P	P	834.4.450

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
(P)	Permitted use	
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Notes:

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**TABLE 2-8
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR INDUSTRIAL ZONES (Continued)**

Land Use ¹	Permit Requirement by Zone ²				
	C-M	(M-1)	M-2	M-3	See Section
Transportation and Telecommunication Facilities					
Broadcast and Recording Studios	P				
→ Communication Equipment Structures/Buildings	P	(P)	P		
Microwave-Relay Structures	D	∅	D	D	834.4.420
→ Parking Lots/Garages	P	P	P	P	
→ Public Utility Facilities	P	(P)	P	D	
Satellite Dish/Antenna, Ground or Surface Mounted	P	∅	D	P	
Satellite Dish/Antenna, Mast or Tower Mounted	C	E	C	C	
Residential					
Caretaker	D	∅	P	P	
Emergency Shelters	P	P			834.4.140
Nonresidential					
Observatories	C	E	C	C	
Other					
Community Gardens	D	P	P	P	
Planned Industrial Developments	C	C	C	C	834.4.230

Key to Permit Requirements

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Notes:

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- 2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

814.2.030 Industrial Zone General Development Standards

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-9, in addition to the general development standards (e.g., landscaping, parking and loading, etc.) in Article 3 (Development and Operational Standards).

EXHIBIT 7

VARIANCE FINDINGS

**Sunny Market
3035 S. Chestnut Ave.**

~~**April 18, 2024**~~
Revised: May 10, 2024

Owner:

Mr. Khushpal Singh
2266 S. Claremont Ave.
Fresno, CA 93727

Applicant:

Mr. Khushpal Singh
2266 S. Claremont Ave.
Fresno, CA 93727

Representative:

Dirk Poeschel Land Development Services, Inc.
c/o Mr. Dirk Poeschel
923 Van Ness Ave., Suite 200
Fresno, CA 93721

Property Location:

The project site is located on the southwest corner of S. Chestnut and E. North Avenues, in the County of Fresno. 3035 S. Chestnut Ave., Fresno CA 93725

APN:

330-050-03

Existing General Plan Land Use Designation:

Industrial

Existing Zone Designation:

AL-20 (Limited Agricultural)

Request:

Grant a variance to allow deviation from the required 15-foot side yard setback development standard in the M-1 (Light Industrial) Zone District to a 5-foot side yard setback. The subject

site is currently under review through Fresno County Planning applications AA No. 3852, I.S. No. 8337, and SPR No. 8299.

Background:

On November 21, 2022, the applicant, Mr. Khushpal Singh, applied for Amendment Application (AA No. 3852) and Initial Study (I.S. No. 8337) requesting to rezone the project site from AL-20 (Limited Agriculture) to M-1 (Light Industrial). The rezone would make the project site consistent with the property’s underlying industrial land use designation. With said rezone request, the applicant has voluntarily restricted uses which are inappropriate for the site. The restricted uses are the following:

1. Grocery store
2. Electric Equipment Manufacturing
3. Plastics and Rubber Products
4. Printing and Publishing
5. Electric Supply Houses
6. Fireworks Stands
7. Advertising structures
8. Delicatessens
9. Offices, Business
10. Communication Equipment Structures/Buildings
11. Public Utility Facilities

On December 13, 2022, the applicant submitted Site Plan Review application SPR No. 8299 requesting approval of a 3,000 +/- sq. ft. *grocery store* to be constructed on the project site. The proposed *grocery store* will provide needed services to the community by providing fresh fruit, vegetables, and other healthy foods to the surrounding neighborhood. The applicant plans to emphasize on a healthy selection of produce, foods, and consumables in the *grocery store*. The applicant proposes to sell select beer and wines, which will cover a small percentage of the store area.

The proposed building will be compatible and complementary to the surrounding area. Project conditions will assure the project does not adversely affect surrounding properties.

Finding 1:

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

The project site and the neighboring properties in the vicinity are designated for industrial uses in the County of Fresno’s Roosevelt Community Plan. The site is irregularly shaped and is bordered on the west by an FID canal and on the east by S. Chestnut Ave. Both S. Chestnut and E. North Avenues are classified as *Arterial* roadways.

The project site is subject to a substantial FID easement that FID staff can utilize to service the canal. Said easement restricts the location of buildings proposed on the site. A special

agreement was developed between the applicant and FID to allow for the building to be located in the proposed location.

Various locations on the site were evaluated, but those alternative locations did not work due to internal circulation and inadequate access depth required to ensure safe traffic movements on and off the site.

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.

The applicant has the right to develop the site in accordance with *by right* uses within the M-1 zone district. The applicant has voluntarily restricted uses that are inappropriate for the site. Policies identified in the Roosevelt Community Plan simply do not reference development standards which indicate that a 5-foot side yard setback would not be acceptable. If no residence existed on the southern property, the rear yard setback would be zero feet to property line on the subject parcel. Obviously, the best and planned land use for the site to the south is for industrial purposes. In this case, the closest residential structure would be approximately 100-feet from the back side of the proposed *grocery store* building. For reference, please see *Figure 1 – Proposed Side Yard Setback* below.



Figure 1 – Proposed Side Yard Setback

Finding 3:

If granted, would the requested variance be detrimental to the public welfare or injurious to property or improvements in the area to which the property is located?

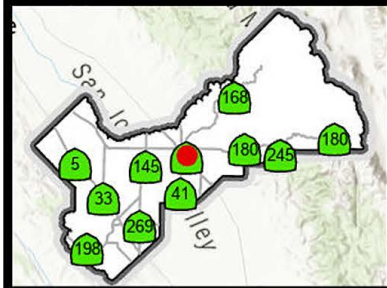
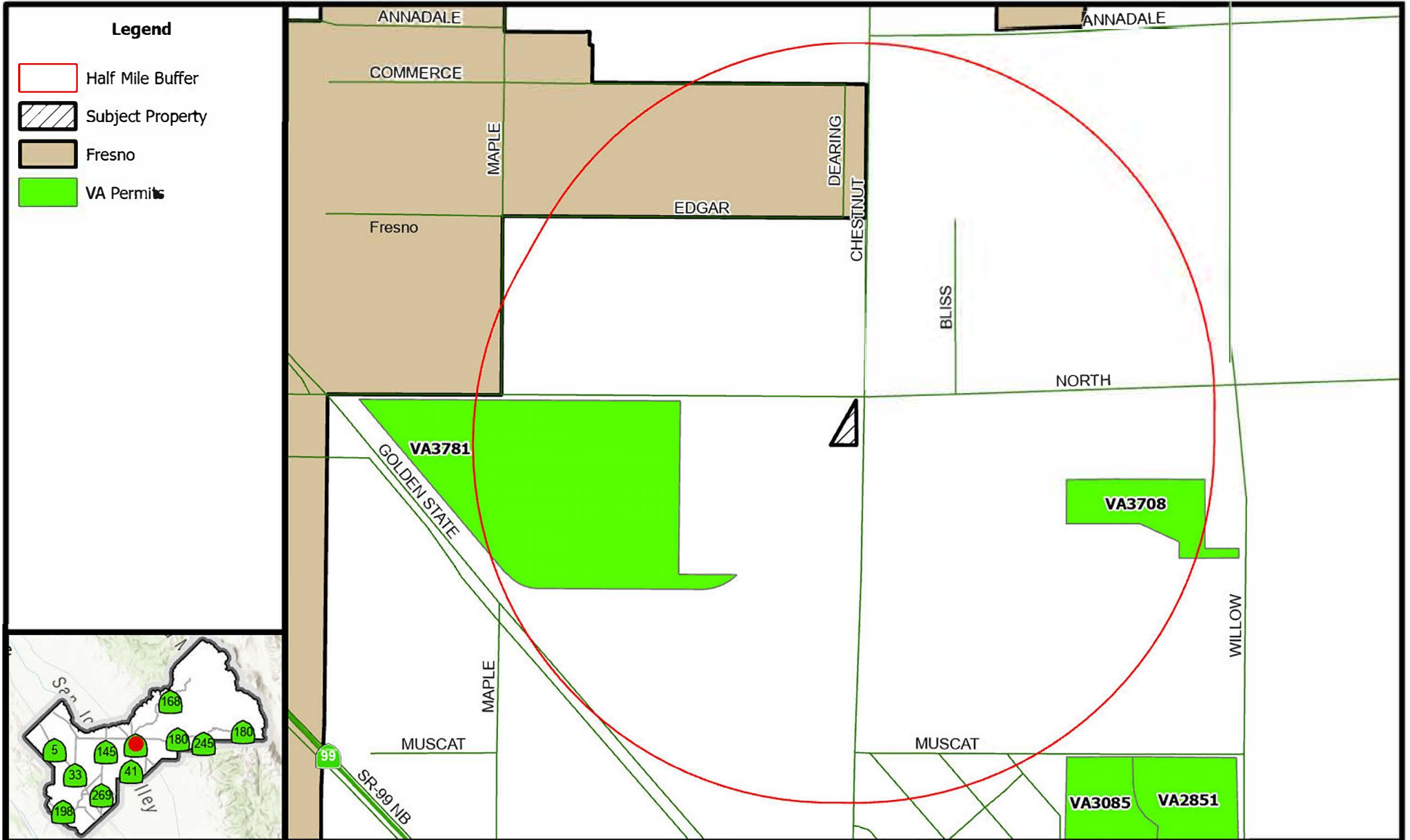
No adverse impacts will occur as the rear of the proposed building will have no activities. There will be no loading or parking in the rear yard. A 6-foot block wall will be constructed along the southern frontage by the applicant. Outdoor lighting will be hooded and directed away from the adjacent property to the south. The building acts as a functional buffer from noise that is generated from S. Chestnut and E. North Avenues.

Finding 4:

The granting of such a Variance will not be contrary to the objective of the General Plan.

No precise general plan criteria apply to the proposed variance. It is noted that both properties are designated for industrial uses and that the proposed use is allowed *by right*. The proposed use will provide needed services to the adjacent industrial uses, consistent with the intent of the general plan.

m:\current clients\singh, khushpal-research chestnut 22-10\correspondence\sunny market - variance findings.docx



Map of Variances in the Project Vicinity

VA4170

2024

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : mayang
 On Date : 5/17/2024

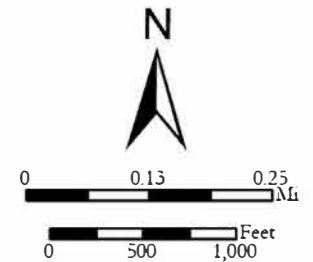


EXHIBIT 9

PROPOSED SUNNY MARKET

GENERAL NOTES FID OPEN CANAL PLANS

- ALL DISTURBED SOIL SHALL BE COMPACTED TO A MINIMUM 93% COMPACTION (95% WITHIN CITY R/W FOR TOP 24") OR AS SPECIFIED ON THE PLANS. COMPACTION TESTS SHALL BE MADE AVAILABLE TO FRESNO IRRIGATION DISTRICT'S ENGINEER.
- ALL EXCESS MATERIAL AND/OR DEBRIS SHALL BE REMOVED FROM FRESNO IRRIGATION DISTRICT EASEMENT UPON COMPLETION OF CONSTRUCTION.
- CONSTRUCTION SHALL NOT INTERFERE WITH THE FLOW OR DISTRIBUTION OF WATER AS REQUIRED BY FRESNO IRRIGATION DISTRICT. ANY WORK NEAR OR WITHIN A FACILITY DESIGNATED FOR ROUTING STORM FLOWS SHALL BE PERFORMED IN A MANNER TO ALLOW FLOOD FLOWS TO PASS AT ALL TIMES.
- FRESNO IRRIGATION DISTRICT WILL NOT BE RESPONSIBLE FOR ANY WATER THAT MAY FLOW IN THE IRRIGATION FACILITY OR AREA OF CONSTRUCTION DURING THE TIME OF CONSTRUCTION.
- FRESNO IRRIGATION DISTRICT'S WATER DEPARTMENT, (559) 233-7161, SHALL BE NOTIFIED TO DETERMINE A PERIOD THAT WORK MAY BE PERFORMED.
- ALL CONSTRUCTION STAKING SHALL INCLUDE A STATION IDENTIFICATION (THAT CORRESPONDS WITH THE CONSTRUCTION PLANS), A HUB, HUB ELEVATION, AND HUB OFFSET DISTANCE. STAKING SHALL BE PROVIDED FOR ALL CRITICAL INSTALLATION LOCATIONS (CANAL CURVES, CHECK/WEIRS ...ETC.).
- ALL WORK WITHIN FRESNO IRRIGATION DISTRICT (FID) EASEMENTS THAT WILL NOT IMPACT WATER DELIVERIES (I.E.: IRRIGATION FLOWS, STORM FLOWS, FLOODWATER FLOWS...ETC.) MUST BE PRE-APPROVED BY FID AND SECURED BY A \$500 CASH DEPOSIT. FID WILL CHARGE A LATE COMPLETION FEE OF \$200 PER WEEK (OR FRACTION THEREOF) THAT FID FACILITIES ARE OUT OF SERVICE AFTER THE COMPLETION DATE SPECIFIED ON FID'S PERMIT. FID WILL RETURN DEPOSIT AFTER COMPLETION OF CONSTRUCTION, OR DEDUCT COSTS FROM THE DEPOSIT FOR UNPAID FEES.
- FRESNO IRRIGATION DISTRICT'S (FID) ENGINEERING DEPARTMENT, (559) 233-7161, SHALL BE NOTIFIED 48 HOURS PRIOR TO CONSTRUCTION. NO WORK SHALL BEGIN WITHOUT A PERMIT TO WORK WITHIN EASEMENT AND RIGHT-OF-WAY ISSUED BY FID (\$40 PERMIT FEE, \$125 PER WEEK OR \$50 PER DAY INSPECTION FEE, \$500 OR \$4000 SECURITY DEPOSIT)(INSPECTION FEES ARE ASSESSED AS FOLLOWS: MINIMUM OF \$125.00 PER WEEK (2 1/2 HOURS) OR \$50 PER DAY (1 HOUR). IF ADDITIONAL INSPECTION HOURS ARE NECESSARY, THE COST INCURRED WILL BE WITHHELD FROM THE DEPOSIT OR INVOICED TO THE PERMITEE AT \$50.00 PER HOUR). ALL WORK SHALL BE COMPLETED BY THE DATE SPECIFIED ON THE FID PERMIT, AND THE AREA RESTORED TO ITS ORIGINAL CONDITION. ANY WORK REQUIRED AFTER THE COMPLETION DATE, SHALL BE APPROVED BY FID'S ENGINEER AND ASSESSED A LATE COMPLETION FEE AS SPECIFIED ON THE PERMIT.

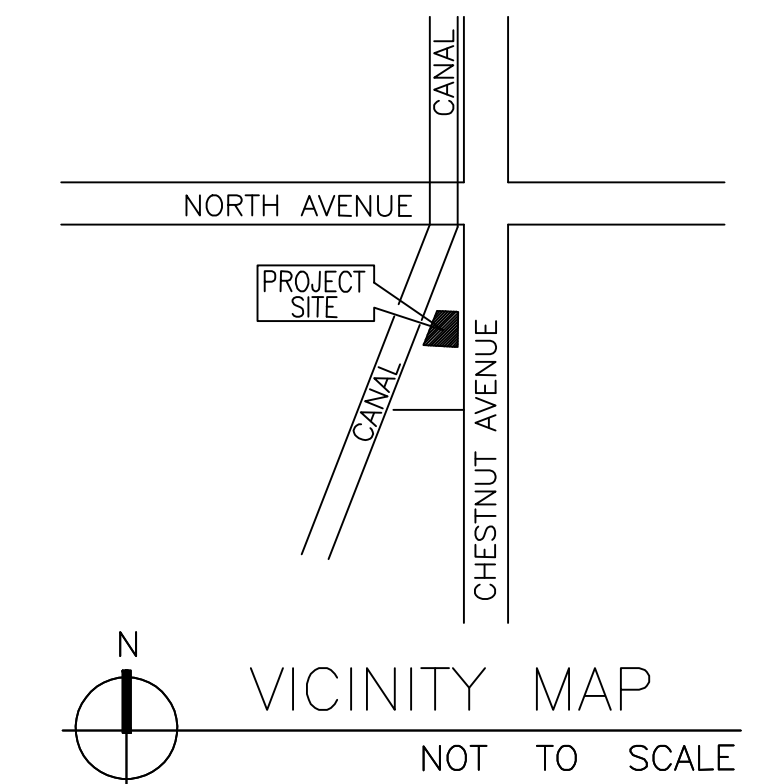
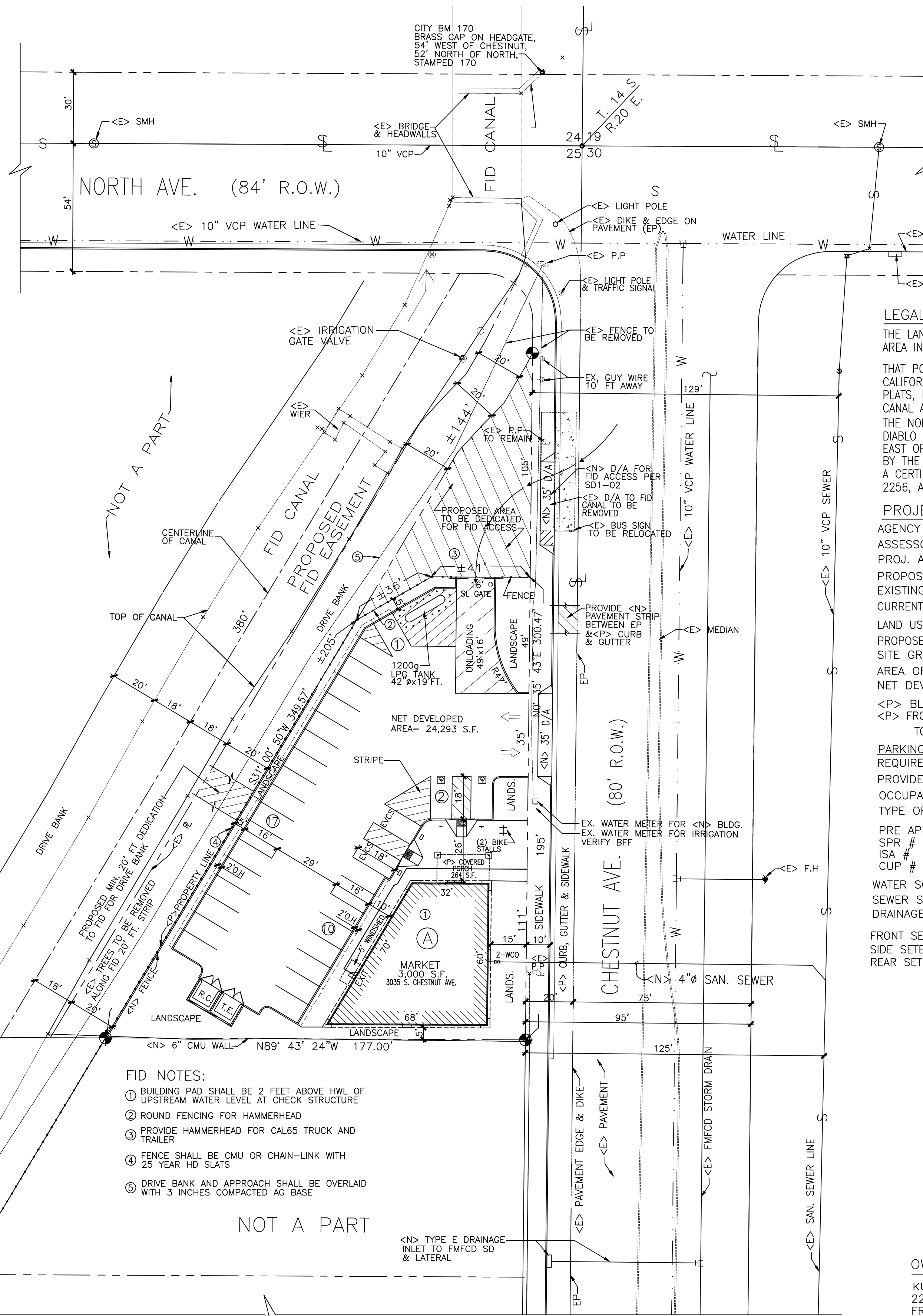
- FRESNO IRRIGATION DISTRICT (FID) FACILITIES ON THE ATTACHED PLANS REPRESENT IRRIGATION STRUCTURES, WHICH MAY BE ENCOUNTERED DURING CONSTRUCTION. CONTRACTOR IS RESPONSIBLE TO CONFIRM LOCATION, SIZE AND DEPTH OF ALL FID FACILITIES. FID ENGINEER IS TO BE NOTIFIED OF ANY CONFLICTS OR DISCREPANCIES.
- UNLESS SPECIFIED BY THE FID PERMIT, NO LARGE EARTHMOVING EQUIPMENT (PADDLE WHEEL SCRAPERS, GRADERS, EXCAVATORS, ETC...) WILL BE ALLOWED WITHIN FID'S EASEMENT AND THE GRADING CONTRACTOR WILL BE RESPONSIBLE FOR THE REPAIR OF ALL DAMAGE TO THE PIPELINE CAUSED BY CONTRACTOR'S GRADING ACTIVITIES.
- ALL PORTIONS OF CANAL BANK DISTURBED DURING CONSTRUCTION MUST BE REPLACED AND PROTECTED WITH CONCRETE LINING PER FRESNO IRRIGATION DISTRICT STANDARDS.
- FRESNO IRRIGATION DISTRICT REQUIRES ITS RIGHT-OF-WAY BE GRADED TO PROVIDE A SMOOTH UNIFORM DRIVE SURFACE AND CLEARED OF ALL ENCROACHMENTS INCLUDING BUT NOT LIMITED TO: TREES, BUSHES, BRUSH, PIPES, STANDPIPES, WELLS, MISCELLANEOUS DEBRIS, ETC.
- ALL ON-SITE DRAINAGE SHALL OCCUR AWAY FROM ANY FID CANAL OR PIPELINE. ON-SITE DRAINAGE INTO ANY FID CANAL IS NOT ALLOWED. ALL DRIVEBANKS SHALL BE CLEAR OF ANY DEBRIS OR ENCROACHMENTS, AND SHALL BE GRADED TO A SMOOTH UNIFORM FINISH, AND HAVE A MINIMUM SLOPE OF 2% AND MAXIMUM OF 4% AWAY FROM THE CHANNEL.
- NO INTERRUPTIONS TO IRRIGATION DELIVERIES WILL BE ALLOWED WITHOUT PRIOR APPROVAL BY FID. THE IRRIGATION SEASON VARIES WITH HYDROLOGIC CONDITIONS BUT TYPICALLY OCCURS BETWEEN FEBRUARY 15 AND AUGUST 31, BUT MAY EXTEND THROUGH OCTOBER DURING UNUSUALLY WET YEARS.
- FID IS CONCERNED ABOUT THE POTENTIAL VIBRATIONS CAUSED BY CONSTRUCTION VEHICLES AND EQUIPMENT OPERATING ADJACENT TO OR ON EXISTING DISTRICT FACILITIES AS IT MAY CAUSE DAMAGE TO THE DISTRICT'S CANALS OR PIPELINES. THE CONTRACTOR WILL BE RESPONSIBLE FOR ANY FACILITY DAMAGE CAUSED BY CONSTRUCTION ACTIVITIES.

GENERAL NOTES:

- REPAIR ALL DAMAGED AND/OR OFF GRADE OFF-SITE CONCRETE STREET IMPROVEMENTS AS DETERMINED BY THE CITY OF FRESNO PUBLIC WORKS DEPARTMENT, CONSTRUCTION MANAGEMENT DIVISION, (559) 621-5600.
- ALL SURVEY MONUMENTS WITHIN THE AREA OF CONSTRUCTION SHALL BE PRESERVED OR RESET BY A PERSON LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF CALIFORNIA.
- TWO WORKING DAYS BEFORE COMMENCING EXCAVATION OPERATIONS WITHIN THE STREET RIGHT OF WAY AND/OR UTILITY EASEMENTS, ALL EXISTING UNDERGROUND FACILITIES SHALL HAVE BEEN LOCATED BY UNDERGROUND SERVICES ALERT (USA) CALL 811.
- UNDERGROUND ALL EXISTING OFF-SITE OVERHEAD UTILITIES WITHIN THE LIMITS OF THIS SITE/MAP AS PER FMC SECTION 15-4114.
- DEEDS ARE REQUIRED TO PROVIDE PUBLIC IMPROVEMENTS. THEY SHALL BE PREPARED BY THE OWNER/DEVELOPER'S ENGINEER. EXECUTED COPIES SHALL BE SUBMITTED TO THE CITY WITH VERIFICATION OF OWNERSHIP PRIOR TO THE ISSUANCE OF BUILDING PERMITS.
- SUBMIT ENGINEERED STREET CONSTRUCTION PLANS TO PUBLIC WORKS DEPARTMENT, TRAFFIC AND ENGINEERING SERVICES.
- SUBMIT STREET LIGHTING PLANS TO PUBLIC WORKS DEPARTMENT, TRAFFIC AND ENGINEERING SERVICES.
- DRIVEWAYS AND PRIVATE ROADS SHALL HAVE A MAXIMUM SLOPE OF 12%. THE GRADE MAY BE INCREASED TO A MAXIMUM OF 20% FOR PAVED SURFACES [FDOC 15.60.505].
- THERE SHALL BE NO VERTICAL OFFSET GREATER THAN 1/2-INCH ALONG THE ENTIRE PATH OF TRAVEL FROM THE PUBLIC WAY/ACCESSIBLE PARKING STALL INTO THE BUILDING OR RESTROOMS [CBC 11B-303, FIGURES 11B-303.2, 11B-303.3].

FID NOTES:

- BUILDING PAD SHALL BE 2 FEET ABOVE HWL OF UPSTREAM WATER LEVEL AT CHECK STRUCTURE
- ROUND FENCING FOR HAMMERHEAD
- PROVIDE HAMMERHEAD FOR CAL65 TRUCK AND TRAILER
- FENCE SHALL BE CMU OR CHAIN-LINK WITH 25 YEAR HD SLATS
- DRIVE BANK AND APPROACH SHALL BE OVERLAID WITH 3 INCHES COMPACTED AG BASE



LEGAL DESCRIPTION:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF FRESNO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:
 THAT PORTION OF LOT 5 OF MALAGA TRACT, IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 2, PAGE 17, OF PLATS, FRESNO COUNTY RECORDS, LYING EAST OF THE FRESNO IRRIGATION DISTRICT CANAL AND NORTH OF A LINE THAT IS 377.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 20 EAST, MOUNT DIABLO BASE AND MERIDIAN, ALSO A STRIP OF LAND 42.5 FEET IN WIDTH LYING EAST OF AND ADJOINING SAID PROPERTY, FORMERLY INCLUDED IN ROAD, ABANDONED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO, ON FEBRUARY 27, 1945, A CERTIFIED COPY OF WHICH ORDER WAS FILED FOR RECORD MARCH 2, 1945, IN BOOK 2256, AT PAGE 354, OF OFFICIAL RECORDS, AS DOCUMENT NO. 8685.

PROJECT DATA

AGENCY OF JURISDICTION: COUNTY OF FRESNO
 ASSESSOR PARCEL NO.: 330-050-03
 PROJ. ADDRESS: 3035 SOUTH CHESTNUT AVENUE
 PROPOSED USE: GROCERY STORE (SUNNY MARKET)
 EXISTING USE: RESIDENTIAL
 CURRENT ZONING: AL-20 LIMITED AGRICULTURAL
 LAND USE DESIGNATION: INDUSTRIAL ZONE DISTRICT M-1 LIGHT MANUFACTURING
 PROPOSED ZONING: M-1
 SITE GROSS AREA: 1 ACRE
 AREA OFFERED TO FID= 19,267 S.F. (0.4423 AC.)
 NET DEVELOPED AREA= 24,293 S.F. (0.557 AC.)
 <P> BLDG. AREA= 3,000 S.F.
 <P> FRONT PORCH AREA= 264 S.F.
 TOTAL BLDG. AREA= 3,264 S.F.

PARKING STALLS:

REQUIRED: 1/100 => 2,990/100= 30 P.S.
 PROVIDED: 30 P.S.
 OCCUPANCY: M-1
 TYPE OF CONSTRUCTION: VB
 PRE APP# 22-001227
 SPR #
 ISA #
 CUP #

WATER SOURCE: MALAGA COUNTY WATER DISTRICT
 SEWER SOURCE: MALAGA CITY SEWER DISTRICT
 DRAINAGE: FMFCD

FRONT SETBACK: 15 FT.
 SIDE SETBACK: 0 FT. (15 FT. ADJACENT TO RESIDENTIAL) (10' IF CORNER LOT)
 REAR SETBACK: 0 FT. (UNLESS NEXT RESIDENTIAL: 15 FT.)

NOV. 15, 2022
REVISIONS

THIS IS AN ORIGINAL UNPUBLISHED WORK AND MAY NOT BE REPRODUCED, DUPLICATED, PUBLISHED OR OTHERWISE USED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT OF ELIAS SALIBA, A.I.A., ARCHITECT

PROJECT/LOCATION
SUNNY MARKET 3035 S. CHESTNUT
NORTH AVE. & CHESTNUT SWC

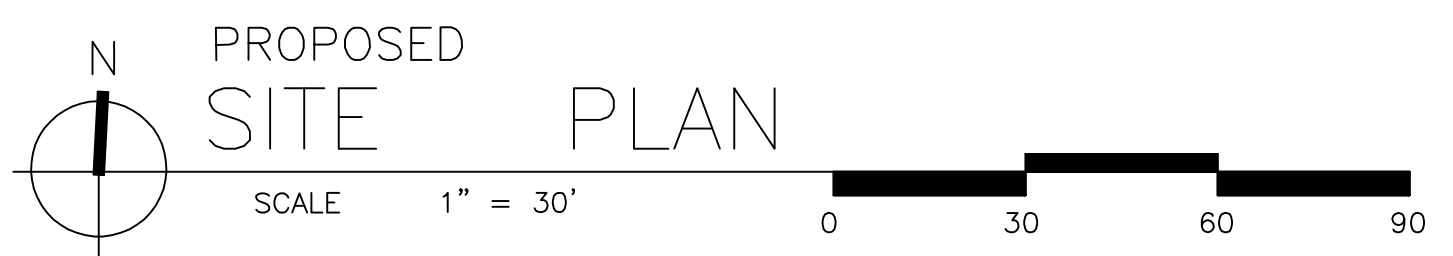
OWNER/APPLICANT:

KUSHPAL SINGH
 2266 S. CLAREMONT AVE.
 FRESNO, CA 93727
 PHONE: 559-289-4121
 EMAIL: kushpalsingh90@yahoo.com

DRAWN BY
AESTHETICS DESIGNS
PLANNING CONSULTATIONS, SITE PLANS RESIDENTIAL, COMMERCIAL
ELIAS SALIBA ARCHITECT A.I.A., C.S.I., C.P.E., H.S.P. 4668 W. PINE AVE., FRESNO, CA 93722 (559) 276-0479 eliasaliba4668@comcast.net

SHEET CONTENTS
PROPOSED SITE PLAN,

SHEET NO.
SP1

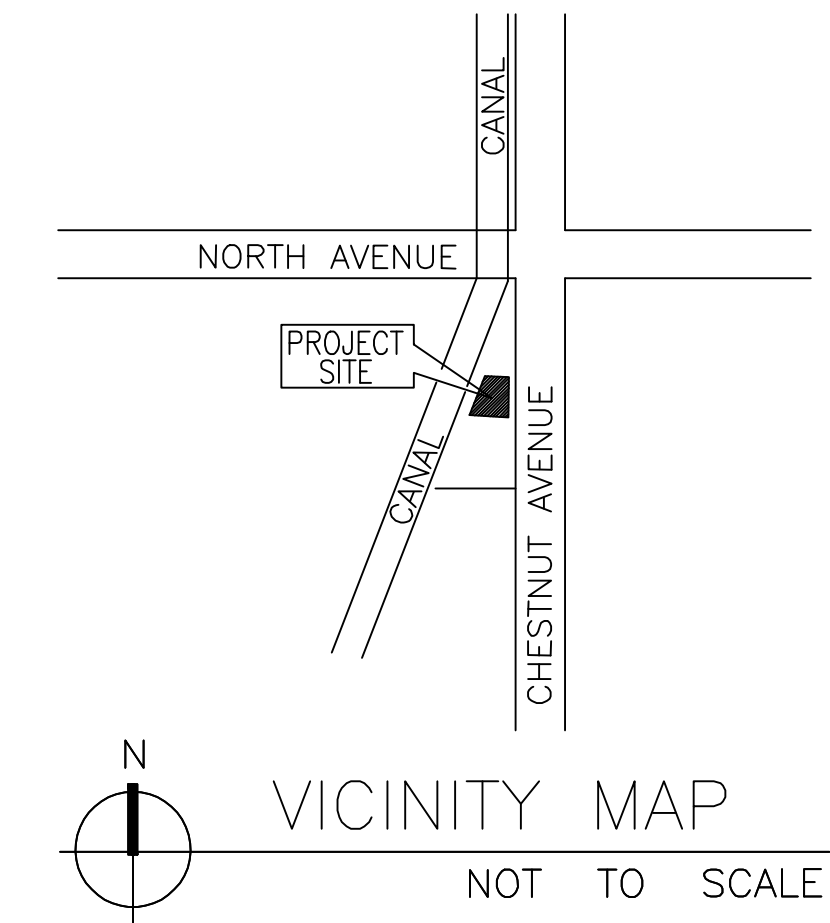
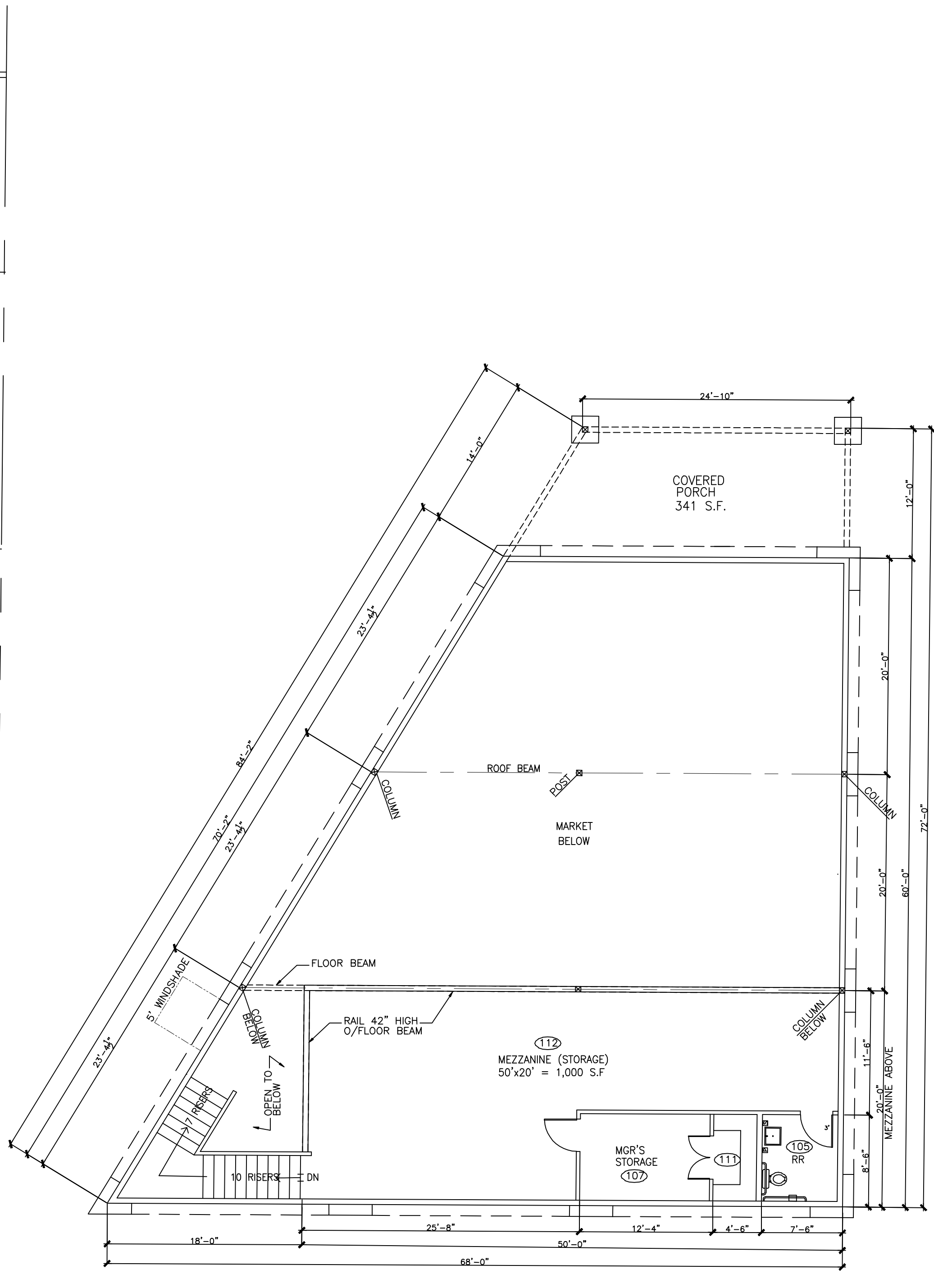
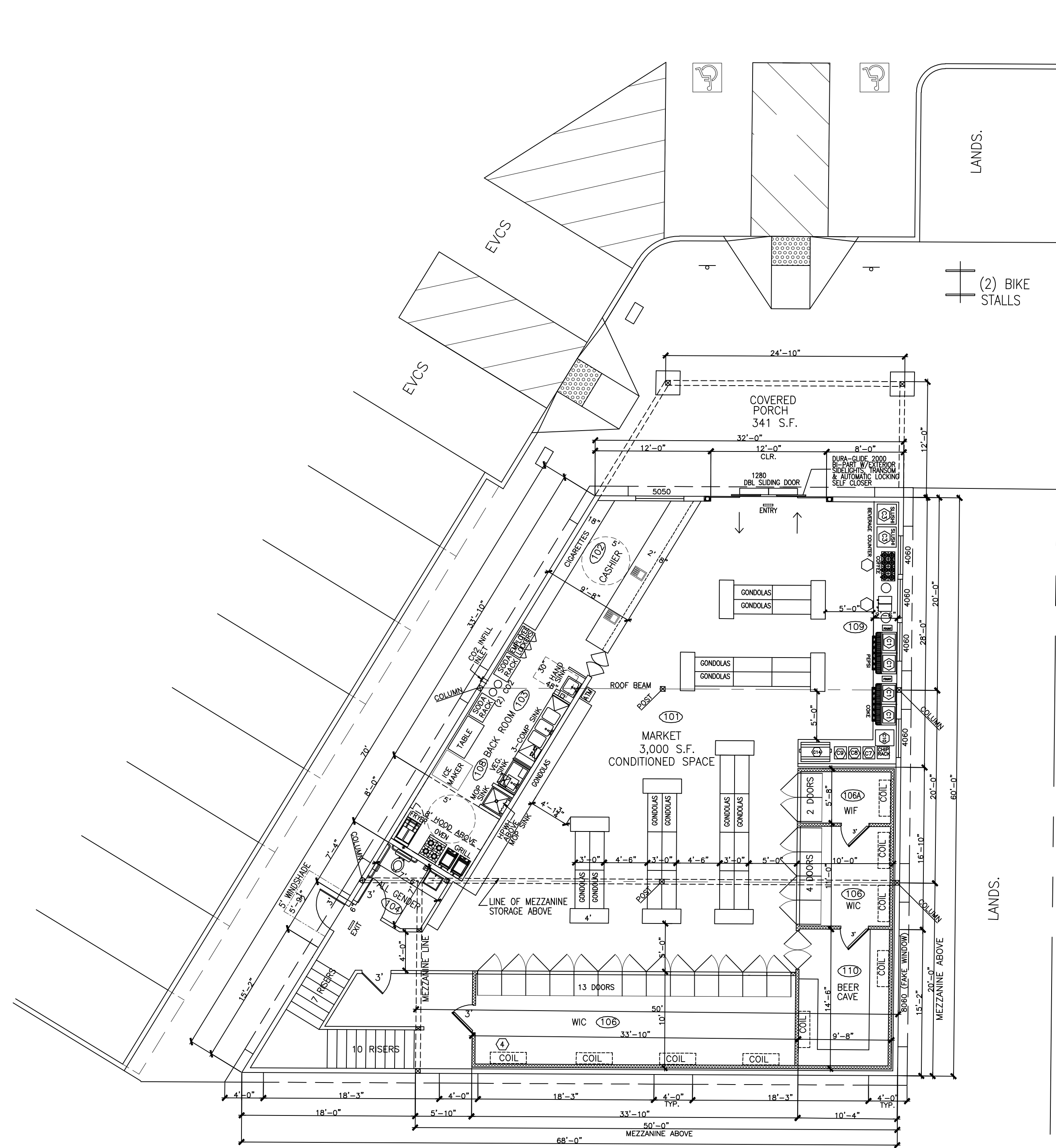


CUP to dedicate & pay all fees.
 SPR to install.

Approval:

Fresno Irrigation District Date
 Approval is limited to the following:
 1.) Review of improvements within FID easement and right-of-way.
 2.) Review of impacts to FID facilities.

EXHIBIT 9



PROJECT DATA
 AGENCY OF JURISDICTION: COUNTY OF FRESNO
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 AREA OFFERED TO FID= 19,267 S.F. (0.4423 AC.)
 NET DEVELOPED AREA= 24,293 S.F. (0.557 AC.)
 <P> BLDG. AREA= 3,000 S.F.
 <P> MEZZANINE AREA= 1,000 S.F.
 <P> FRONT PORCH AREA= 341 S.F.
 TOTAL BLDG. AREA= 4,341 S.F.

PARKING STALLS:
 REQUIRED: 1/100 => 3,000/100= 30 P.S.
 PROVIDED: 30 P.S.
 OCCUPANCY: M-1
 TYPE OF CONSTRUCTION: VB
 PRE APP# 22-001227
 SPR #
 ISA #
 CUP #

WATER SOURCE: MALAGA COUNTY WATER DISTRICT
 SEWER SOURCE : MALAGA CITY SEWER DISTRICT
 DRAINAGE: FMFCD

FRONT SETBACK: 15 FT.
 SIDE SETBACK: 0 FT.
 REAR SETBACK: 0 FT.

RECEIVED
 COUNTY OF FRESNO
 December 14, 2022
 DEPARTMENT OF PUBLIC WORKS
 AND PLANNING
 DEVELOPMENT SERVICES DIVISION
SPR 8299

CONDITIONED FLOOR STORE AREA= 3,000 S.F.
 MEZZANINE AREA= 1,000 S.F.
 PORCH AREA= 341 S.F.
 TOTAL BLDG.= 4,341 S.F.

P = PAPER TOWEL DISPENSER @ HANDSINK & LAV.
 S = SOAP DISPENSER @ HANDSINK & LAV.
 +48"= STAINLESS STEEL PARTITION @ 48" A.F.F.

FLOOR PLAN
 SCALE 1/8" = 1'-0"

LEGEND
 (A) <N> 6" x 6" INTERN'L SYMBOL OF ADA ACCESSIBILITY
 (B) PROVIDE SIGN: OVER DOOR "THIS DOOR IS TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED" USE LETTERS 1" INCH HIGH ON CONTRASTING BACKGROUND AT MAIN EXIT
 (C) PROVIDE SUITE # OR ADDRESS # IN BRAILLE @ MAIN ENTRANCE 48"-60" A.F.F.
 (D) PROVIDE TACTILE EXIT SIGN @ 48"-60" A.F.F.
 TYPICAL STOREFRONT DOOR. PROVIDE 10" KICKPLATE BOTTOM.

ROOM LEGEND

- (101) MERCHANDISE
- (102) CASHIERS
- (103) WORK AREA
- (104) UNISEX PUBLIC RESTROOM
- (105) UNISEX EMPLOYEE RESTROOM
- (106) WIC
- (106A) WIF
- (107) MANAGER'S VALUABLE STORAGE
- (108) UTENSIL WASH AND JANITORIAL
- (109) BEVERAGE & SNACK COUNTER
- (110) BEER CAVE
- (111) LOCKED CABINET
- (112) MEZZANINE

OWNER/APPLICANT:
 KUSHPAL SINGH
 2268 S. CLAREMONT AVE.
 FRESNO, CA 93727
 PHONE: 559-289-4121
 EMAIL: kushpalsingh90@yahoo.com

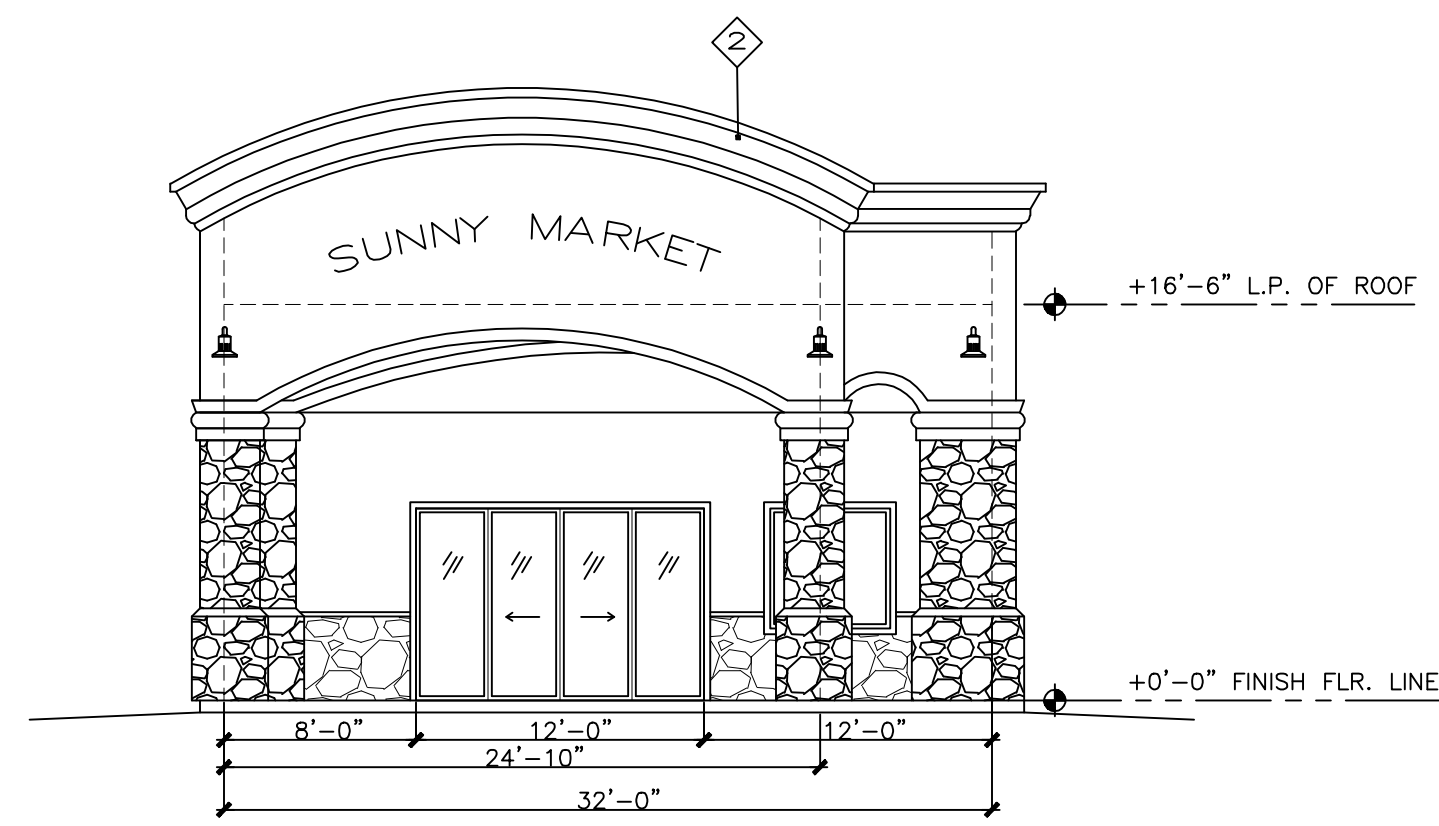
DEC. 12, 2022
DEC. 8, 2022
NOV. 17, 2022
REVISIONS

PROJECT/LOCATION
PROPOSED SUNNY MARKET
3035 S. CHESTNUT AVE.

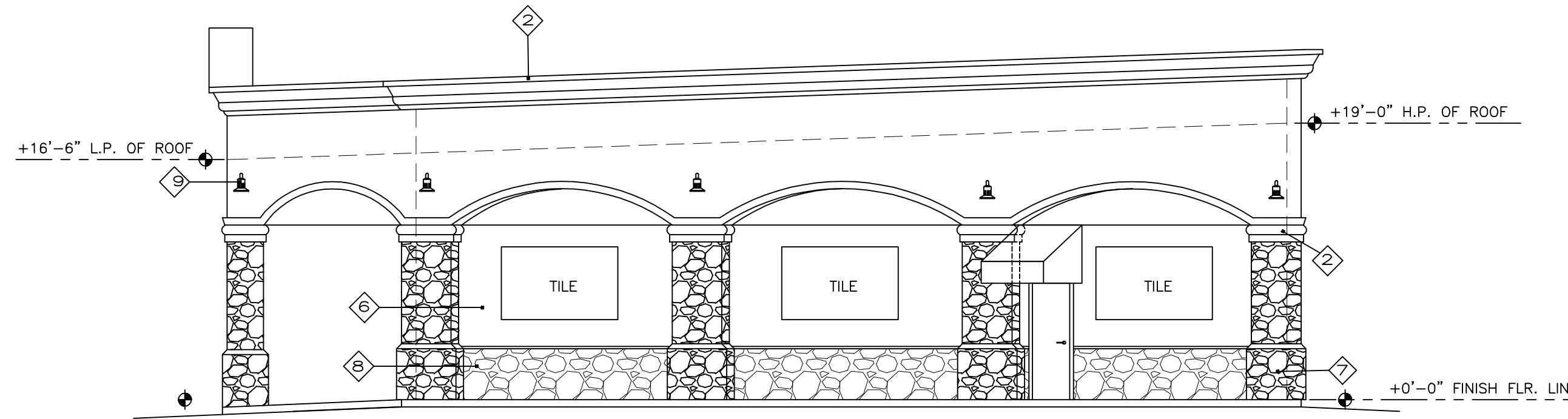
ARCHITECT
AESTHETICS DESIGNS
PLANNING, CONSULTATIONS, SITE PLANS RESIDENTIAL, COMMERCIAL
ELIAS SALIBA A.J.A. CSI ARCHITECT CSBE, NSF
4888 W. PINE AVE., FRESNO, CA 93722 PHONE: (559) 276-0479 FAX: (559) 276-1849 EMAIL: ELIASALIBA4668@COMCAST.NET

SHEET CONTENTS
FLOOR PLAN

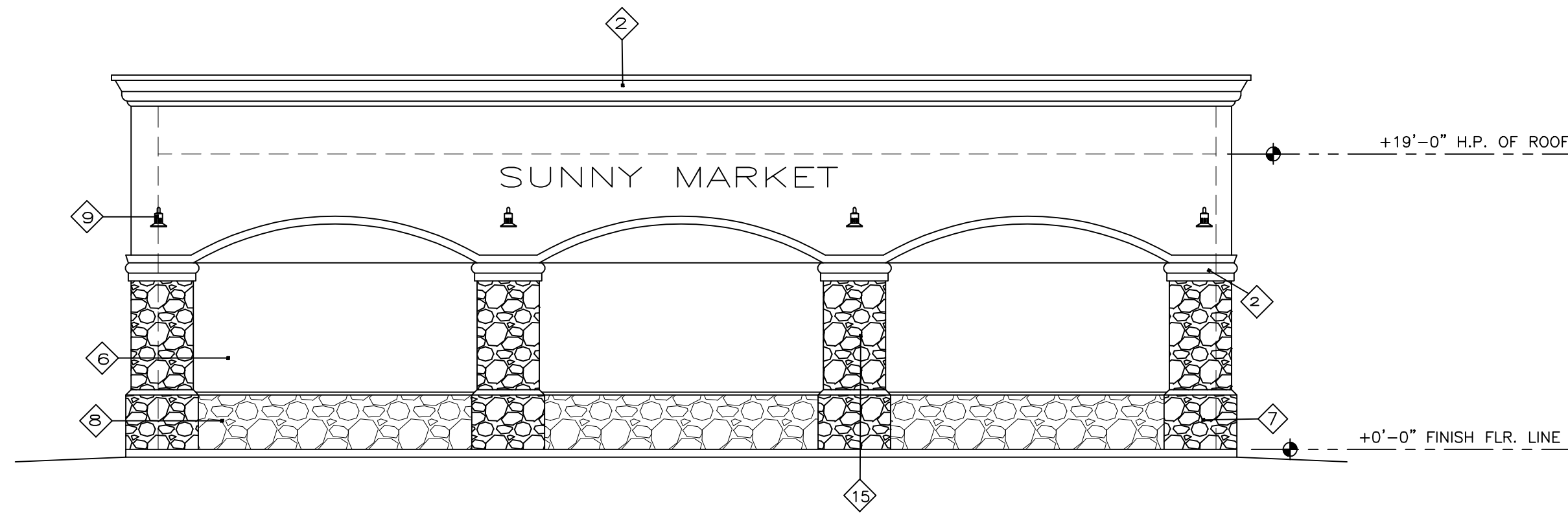
SHEET NO.
A1



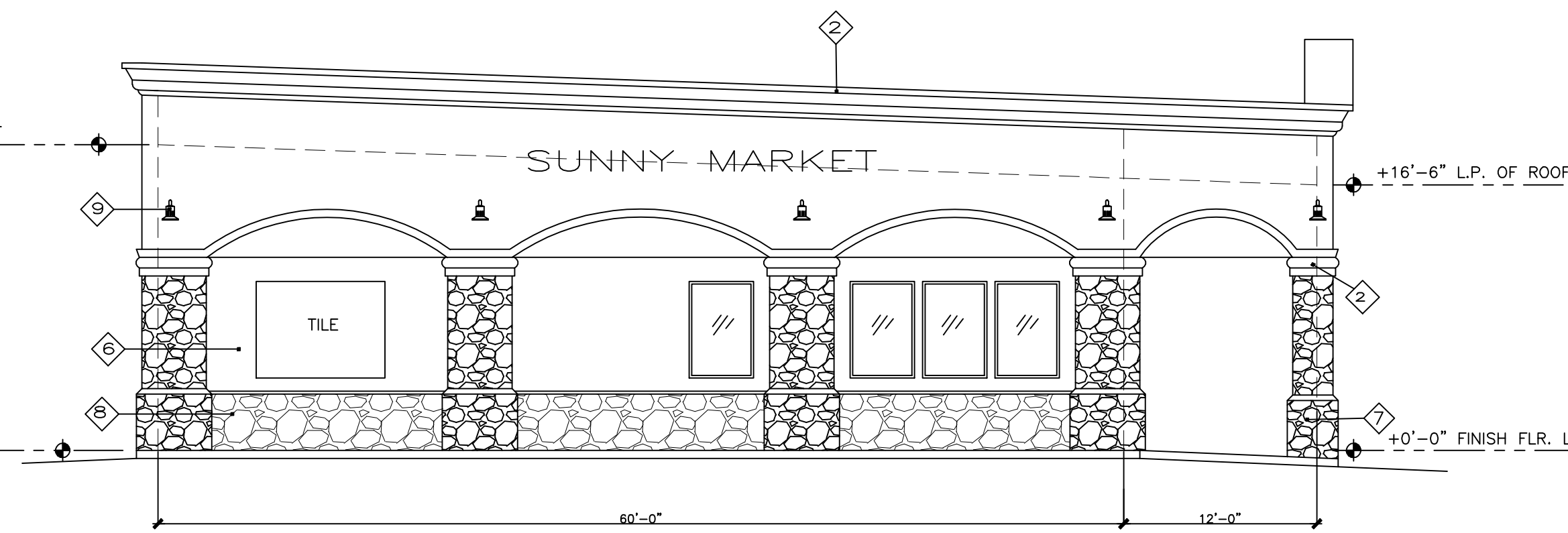
NORTH ELEVATIONS
SCALE: 1/8=1'-0"



WEST ELEVATIONS
SCALE: 1/8=1'-0"

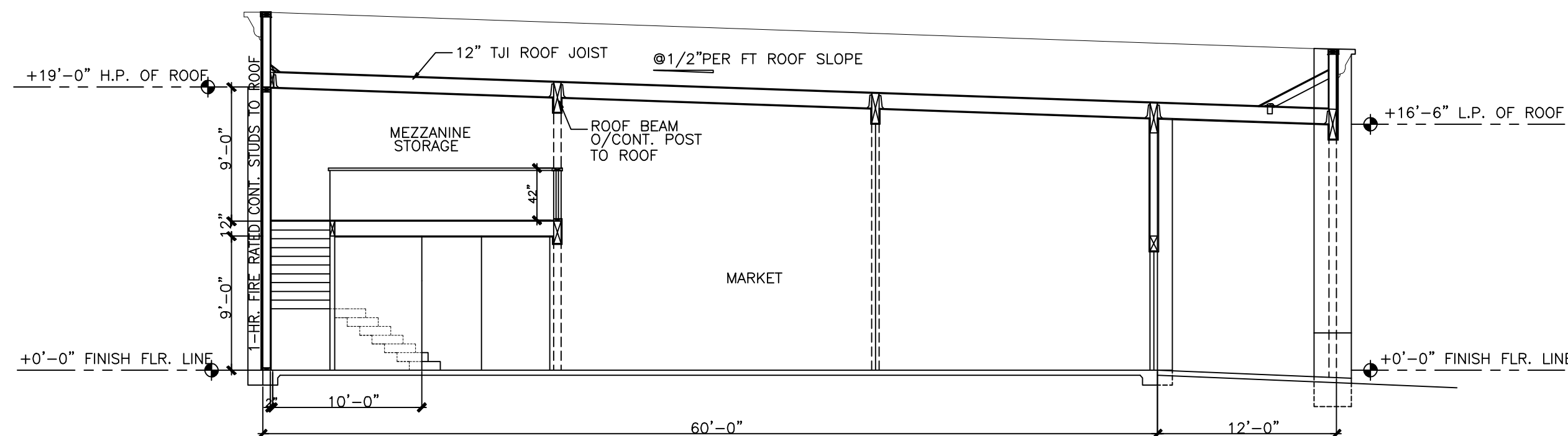


SOUTH ELEVATIONS
SCALE: 1/8=1'-0"



EAST ELEVATIONS
SCALE: 1/8=1'-0"

EXTERIOR ELEVATIONS LEGEND	
MATERIAL	DESCRIPTION/COLOR
1	METAL ROOFING, STANDING SEAM DECRA ORANGE
2	FOAM CORNICE SW6335-FIREDBRICK
3	STUCCO EXPANSION JOINT PAINTED TO MATCH ADJACENT SURFACE
4	ALUMINUM STOREFRONT SYSTEM +9' HT, BRONZE ANOD.
5	CARWASH ROLLUP DOOR (IF APPLICABLE) NOT USED
6	STUCCO WALLS & SOFFIT SW2853-NEW COLONIAL YELLOW
7	TILE BASE/STUCCO ACCENT COLOR SW2806-ROOKWOOD BROWN
8	STUCCO ACCENT COLOR SW2806-ROOKWOOD BROWN
9	WALL MOUNTED LIGHTS TO BE SELECTED
10	ALUMINUM REVEAL (PAINTED) TO MATCH WALL
11	FOAM TRIM SW6335-FIREDBRICK
12	BLDG. SIGN LOCATION PER COUNTY STD'S
13	METAL DOOR AND FRAME MATCH WALL
14	DECORATIVE COLUMNS NOT USED
15	STONEVENEER W/ OVERGROUT INSTALLATION EL DORADO/CORONADO STONE
16	FOAM MEDALLION W/ SMOOTH STUCCO FINISH NOT USED
17	ILLUMINATED BUILDING ADDRESS SIGN PER COUNTY STD'S
18	PARAPET CAPS/ LEADERS/ VENTS/ MISS PAINTED TO MATCH PAINT TO MATCH ADJACENT SURFACES
19	STUCCO ACCENT COLOR ---
20	SLATE VENEER ---
21	METAL AWNING SW2806-ROOKWOOD BROWN
22	FABRIC AWNING PYROTONE FLAME RETARDANT
23	SHAPED FOAM MOLDING @ FABRIC AWNING SW2806-ROOKWOOD BROWN



PROJECT DATA

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 TOTAL BLDG. AREA= 4,341 S.F.
PARKING STALLS:
 REQUIRED: 1/100 => 3,000/100 = 30 P.S.
 PROVIDED: 30 P.S.
 OCCUPANCY: M-1
 TYPE OF CONSTRUCTION: VB

RECEIVED
 COUNTY OF FRESNO
 December 14, 2022
 DEPARTMENT OF PUBLIC WORKS
 AND PLANNING
 DEVELOPMENT SERVICES DIVISION
SPR 8299

OWNER/APPLICANT:
 KUSHPAL SINGH
 2266 S. CLAREMONT AVE.
 FRESNO, CA 93727
 PHONE: 559-289-4121
 EMAIL: kushpalsingh90@yahoo.com

DEC. 12, 2022
DEC. 8, 2022
NOV. 17, 2022
REVISIONS

PROJECT/LOCATION
PROPOSED SUNNY MARKET
3035 S. CHESTNUT AVE.

ARCHITECT
AESTHETICS DESIGNS
PLANNING CONSULTATIONS, SITE PLANS RESIDENTIAL, COMMERCIAL
ELIAS SALIBA AIA CSI ARCHITECT
4668 W. PINE AVE., FRESNO, CA 93722 PHONE: (559) 276-0479 FAX: (559) 276-1849 EMAIL: ELIAS.SALIBA@AESTHETICSDSG.COM

SHEET CONTENTS
ELEVATIONS, SECTION

SHEET NO.
A2

EXHIBIT 10

**Site Plan Review for Proposed Grocery Store
Mr. Khushpal Singh**

Operational Statement

December 12, 2022

Property Owners:

Mr. Khushpal Singh
2266 S. Claremont Ave.
Fresno, CA 93727

Applicant:

Mr. Khushpal Singh
2266 S. Claremont Ave.
Fresno, CA 93727

Representative:

Dirk Poeschel Land Development Services, Inc.
c/o Mr. Dirk Poeschel
923 Van Ness Ave., Suite 200
Fresno, CA 93721

Location:

3035 S. Chestnut Ave. / Please see the attached aerial map

APN/Acreage:

330-050-03 / 1.00 +/- Ac.

Land Use Designation

Industrial

Existing Zoning

AL-20 (Limited Agricultural)

Proposed Zoning

M-1 (Light Manufacturing)

Request:

The applicant is requesting approval of a 3,000 +/- sq. ft. *grocery store* to be built on a 1.00 +/- acre site located on the southwest corner of S. Chestnut and E. North Avenues, in Fresno County. The site is currently zoned AL-20 (Limited Agriculture) and is designated Industrial in the Fresno County General Plan. Amendment Application No. 3852 and Initial Study No. 8337 are currently being reviewed by Fresno County for the aforementioned project site.

Project Description:

The applicant proposes to rezone the property to the M-1 Zone District to bring the zoning into conformance with the existing land use designation.

The proposed *grocery store* will provide needed services to the community by providing fresh fruit, vegetables, and other healthy foods to the surrounding neighborhood. The applicant plans on emphasizing the healthy selection of produce, foods, and consumables in the store. The applicant proposes to sell select beer and wines, which will cover a small percentage of store area.

The applicant proposed to construct a new building which will be compatible and complementary to the surrounding area. Project conditions will assure the project does not adversely affect surrounding properties.

1. Project Operation:

The applicant proposes to run a 3,000 +/- sq. ft. *grocery store*. As detailed above, the applicant will be selling fresh fruit, vegetables, and other healthy foods to the surrounding neighborhood.

2. Operational Time Limits:

The proposed hours of operation are 5:00AM to midnight daily and will be operating year-round. There will be no special activities.

3. Number of Visitors:

According to the Institute of Transportation Engineers (ITE) Land Use Code 850 *Supermarket* it is estimated that the proposed use will generate 6.67 AM PEAK Trips per 1,000 sq. ft. of gross building area or **20.01 TOTAL DAILY AM PEAK** trips per day (6.67 AM PEAK trips x 3.00/1,000 sq. ft. = 20.01 TOTAL DAILY AM PEAK trips per day)

ITE estimates that the proposed use will generate 7.50 PM PEAK trips per 1,000 sq. ft. of gross building area or **22.5 TOTAL DAILY PM PEAK** trips per day (7.50 PM PEAK trips x 3.00/1,000 sq. ft. = 22.5 TOTAL DAILY PM PEAK trips per day).

The proposed use will generate a total of **320.34 TOTAL WEEKDAY PEAK trips** (106.78 WEEKDAY PEAK trips x 3.00/1,000 sq. ft. = 320.34 TOTAL WEEKDAY PEAK trips per day.)

4. Employees

There will be a total of four (4) employees. Two (2) of the employees will be full time and two (2) will be part time. There will always be two (2) employees per shift, and 4 shifts in total per day.

5. Service and Delivery Vehicles

Typically, there will be ten (10) deliveries per week for necessary operational items.

6. Site Access:

The site will be accessible off S. Chestnut Ave.

7. Parking:

Parking will be provided per Fresno County standards.

8. Goods sold on site:

The types of goods that will be sold are groceries, fresh produce, beverages, beer, wine, and dairy products.

9. Equipment List

Cash register, soda machine, coffee maker, and walk-in cold rooms.

10. What supplies or materials are used and how are they stored?

Grocery store consisting of canned and frozen food, oil cans, groceries, stored on shelving gondolas accessible from the aisles. Dairy products will be stored in the walk-in cold rooms and refrigeration units. Dry storage on racks.

11. Does the use cause an unsightly appearance? Or cause noise, glare, dust, or odor? If so, explain how this will be reduced or eliminated

Noise

There will be typical noises generated from the proposed grocery store.

Glare

No glare will be produced from this project.

Dust

The site will be paved. There will be no dust generated from the proposed project.

Odor

There will be no odors generated from this site.

12. Solid and Liquid Waste

The project will produce about 225lbs per day of domestic garbage, 270 pounds of paper/cardboard will be stored in a container and hauled by solid waste management twice per week.

13. Water Consumption

Typical grocery store water consumption will occur.

14. Signage

Any proposed signage will be per Fresno County sign standards.

15. Will existing buildings be used or will new buildings be constructed?

New construction of a 3,000 +/- sq. ft. grocery store building is being proposed for the subject site. Please see site plan, floor plan, and elevations for more details.

16. Outdoor lighting

Outdoor lighting will be hooded and directed to not cause any nuisance to nearby residents. No sound amplification will be used on site.

17. Landscaping & Fencing

Landscaping and fencing will be provided per Fresno County standards.

18. Other information that will provide a clear understanding of the project

The proposed project will adhere to Fresno County standards.



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** Khushpal Singh
- APPLICATION NOS.:** Initial Study No. 8337; Amendment Application No. 3852; Site Plan Review Application No. 8299.
- DESCRIPTION:** Allow the rezone of a one-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to the M-1 (c) (Light Manufacturing; Conditional) Zone District with limited industrial uses and approve a Site Plan Review for a grocery store on the subject parcel.
- LOCATION:** The subject parcel is located on the southwest corner of East North Avenue and South Chestnut Avenue approximately 1,285 feet south of the nearest City of Fresno boundary (APN: 330-050-03) (3035 S. Chestnut Avenue) (Sup. Dist. 3).

I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

FINDING: NO IMPACT:

The project site borders with Chestnut Avenue which is not designated as State Scenic Highway in the County General Plan. There are no scenic vistas or scenic resources, rock outcroppings, or historic buildings on or near the site which may be impacted by the subject proposal. The project will have no impact on scenic resources.

- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is undeveloped and touches City of Fresno Sphere of Influence boundary. The surrounding land consists of industrial uses. Parcels to the north, east and west are zoned M-3 (Heavy Industrial) and M-3 (c) (Heavy Industrial, Conditional) and are developed with industrial uses. Parcel to the south is zoned R-A (Single-family Residential Agricultural District) and is developed with a single-family residence.

The subject parcel is designated General Industrial in the County-adopted Roosevelt Community Plan. The surrounding area is also designated for General Industrial to provide for the establishment of industrial uses essential to the development of a balanced economic base with the zone change.

The proposed zone change from the AL-20 Zone District to M-1(c) Zone District is consistent with the General Plan designation for the area and matches the existing M-3 and M-3 (c) zoning on the adjacent parcels. In fact, the proposed conditional M-1 zoning with limited light industrial uses is less intensive compared to the existing M-3 zoned parcels in the area developed with heavy industrial uses.

Given the existing zoning and improvements in the area, the proposed rezone from Agricultural to Industrial will have a less than significant impact on the existing visual character of the area.

- D. 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:

Any outdoor lighting that might have the potential of generating glare in the area is limited by Zoning Ordinance section 820.3.020 which requires it to be “directed downward and shielded so that all direct light and glare is confined within the boundaries of the subject parcel, thereby minimizing off-site glare” and that “light sources shall be shielded to direct light rays onto the subject parcel only. The light source, whether bulb or tube, shall not be directly visible from an abutting property or public street rights-of-way.”

II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

FINDING: NO IMPACT:

The subject parcel is not Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The 2016 Department of Conservation Important Farmlands Map designates the parcel as a Rural Residential Land not qualified for agriculture. As such, the project will have no impact on valuable farmland.

- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is currently zoned AL-20 (Limited Agricultural, 20-acre minimum parcel size). The AL-20 Zone District is intended to reserve certain land for future uses by allowing only limited agricultural development to ensure that the land can be ultimately developed for the use contemplated by the General Plan. The Fresno County Zoning Ordinance allows property owners to propose such amendments pursuant to Chapter 872.6 (Amendments) and the proposed rezone is not in conflict with the current General Plan Designation (General Industrial) for the parcel. Therefore, the project does not conflict with the existing agricultural zoning on the property and is not enrolled in the Williamson Act Program.

The project was routed to the Fresno County Agricultural Commissioner's Office for comments. The agency commented by saying "No Comments" on the project.

- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The project site is not forest land, timberland or land zoned for Timberland Production. The site is non-active farmland designated for future industrial uses in the County-adopted Roosevelt Community Plan. No forests occur in the vicinity of the site and therefore no impacts to forests, conversion of forestland, or timberland zoning would result from the project.

- E. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forestland to non-forest use?

FINDING: NO IMPACT:

Land in the project vicinity is designated General Industrial in the County-adopted Roosevelt Community Plan. The proposed M-1 conditional rezone is compatible with General Industrial in the Roosevelt Community Plan. It is the intent of the Roosevelt Community Plan that parcel designated General Industrial eventually be industrial in nature. As such, the conversion of the subject parcel to that goal will not result in the conversion of farmland to non-agricultural uses.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

A. Conflict with or obstruct implementation of the applicable Air Quality Plan?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The applicant provided an *Air Quality/Greenhouse Gas Assessment (AQ/GHGA)* by *JK consulting Group, Inc, dated April 24, 2023*. The San Joaquin Valley Air Pollution Control District (SJVAPCD) reviewed AQ/GHGA and stated that the mitigated baseline emissions for construction and operation of the proposed project would be less than two tons NO_x per year and two tons PM₁₀ per year and that pursuant to District Rule 9510 Section 4.3, the project is exempt from the requirements of Section 6.0 (General Mitigation Requirements) and Section 7.0 (Off-site Emission Reduction Fee Calculations and Fee Schedules) of the Rule. Additionally, the project complies with the emission reduction requirements of District Rule 9510 and is not subject to payment of off-site fees.

Construction and operation of the uses allowed in the M-1 Zone District would contribute the following criteria pollutant emissions: reactive organic gases (ROG), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), and particulate matter (PM₁₀ and PM_{2.5}). Per the AQ/GHGA, Greenhouse Gas (GHG) emissions for the project were estimated using the California Emissions Estimator Model (CalEEMod) version 2020.4.0.

An Air Quality Plan (AQP) describes air pollution control strategies to be implemented by county, or region classified as a non-attainment area. The main purpose of AQP is to bring the area into compliance with the requirements of the Federal and State air quality standards. The CEQA requires that certain proposed projects be analyzed for consistency with the applicable air quality plan. For a project to be consistent with SJVAPCD air quality plans, the pollutants emitted from a project should not exceed the SJVAPCD emission thresholds or cause a significant impact on air quality. In addition, emission reductions achieved through implementation of offset requirements are a major component of the SJVAPCD air quality plans.

As discussed in Section B below, construction of the proposed project would not result in the generation of criteria air pollutants that would exceed SJVAPCD thresholds of significance.

Regarding operational emissions associated with the project, the quantification of criteria pollutant emissions for CEQA purposes is not required based upon the SJVAPCD's Small Project Analysis Levels (SPAL) guidance. Supermarkets that are less than 18,400 square feet and generate less than 1,250 Daily one-way trips are deemed to have a less than significant impact on air quality. The proposed grocery store is 3,000 square feet in size and will be generating an estimated 250 daily A.M. Peak Hour trips. The project is excluded from quantifying criteria pollutant emissions for CEQA purposes and would not conflict with or obstruct implementation of SJVAPCD Air Quality Plan.

- B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project area is within the San Joaquin Valley Air Basin (SJVAB), which consist of eight counties that comprise the San Joaquin Valley Air Pollution Control District. Under the provisions of the U.S. Clean Air Act, the attainment status of the SJVAB with respect to national and state ambient air quality standards has been classified as non-attainment/extreme, non-attainment/severe, non-attainment, attainment/unclassified, or attainment for various criteria pollutants which includes O₃, PM₁₀, PM_{2.5}, CO, NO₂, SO₂, lead and others. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant.

In developing thresholds of significance for air pollutants, the SJVAPCD considered the emission levels for which a project's individual emissions would be cumulatively considerable.

The primary pollutants of concern during project construction and operation are ROG, NO_x, CO, SO_x, PM₁₀, and PM_{2.5}. The SJVAPCD's annual emission significance thresholds used for the project define the substantial contribution for both operational and construction emissions per year are: 10 tons for ROG, 10 tons for NO_x, 100 tons for CO, 27 tons for SO_x, and 15 tons for PM₁₀ and 15 tons per year PM_{2.5}.

Per the *Air Quality/Greenhouse Gas Assessment (AQ/GHGA)*, the short-term project construction emissions (tons per year) are: 0.0594 for ROG, 0.3804 for NO_x, 0.4251 for CO, 0.0007 for SO_x, 0.0256 for PM₁₀ and 0.0203 PM_{2.5} which are less than the threshold of significance as described above. Therefore, construction of the project, or its operation as per the discussion in Section A above, would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable Federal or State Ambient Air Quality Standards.

- C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Sensitive receptors are defined as people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptor locations include schools, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential dwelling units. The closest sensitive receptor, a single-family residence, is located approximately 78 feet south of the project site.

Per the *Air Quality/Greenhouse Gas Assessment (AQ/GHGA)*, most of the estimated health risk come from Toxic Air Contaminants (TACs), the most significant of which is PM from diesel-fueled engines, also known as diesel particulate matter (DPM). Heavy-duty vehicles and off-road construction equipment are main sources of diesel-related emissions.

The California Air Resources Board's (CARB) 2005 Air Quality and Land Use Handbook provides recommendations for citing new sensitive land uses such as residences, schools, daycare centers, playground or medical facilities within proximity to facilities known to generate TACs, such as freeways/high traffic roads, distribution centers, rail yards, ports, refineries, chrome platers, dry cleaners, and gasoline dispensing facilities. This list does not include the proposed grocery store and other uses that are subject to this proposal.

Per the *Air Quality/Greenhouse Gas Assessment (AQ/GHGA)*, the project construction pollutant emissions would be below the SJVAPCD significance thresholds as discussed in Section B above. For the project operation, the quantification of criteria pollutant emissions for CEQA purposes is not required as per SJVAPCD's Small Project Analysis Levels (SPAL) guidance discussed in Section A above.

As a result, the project would not expose adjacent sensitive receptors to toxic air emissions or generate TAC's that would have a significant impact on the environment.

- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (SJVAPCD) has not established a rule or standard regarding odor emissions. Rather, District Nuisance Rule 4102 (Nuisance) requires that any project with the potential to frequently expose members of the public to objectionable odors should be deemed to have a significant impact. Per the *Air Quality/Greenhouse Gas Assessment (AQ/GHGA)*, the proposed uses are not among the uses that have been reported to cause odor by SJVAPCD. During construction, some odors may be present due to diesel exhaust. However, these odors would be temporary and limited to the construction period. The project would not include any activities or operations that would generate objectionable odors and, once operational, the project would not be a source of odors. Therefore, the project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- B. 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 or U.S. Fish and Wildlife Service?

FINDING: NO IMPACT:

The project site is fallow and contains no river or stream to hold riparian features that could potentially be impacted by the project. The immediate surrounding area consist of industrial uses, and its proximity to the City of Fresno urban development reduces the probability that there is habitat to support special-status species.

The project was routed to the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife for comments. Neither agency offered any comments nor expressed any concerns regarding the project's impact on biological resources.

- C. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

FINDING: NO IMPACT:

No historic drainages were identified within the project area. A query of the National Wetlands Inventory (NWI) Map shows no drainage pattern, aquatic feature, wetlands, waters of the United States or waters of the State of California present on or near the project site.

The Fresno Irrigation District's (FID) active Central No. 23 that runs southernly along the west side of Chestnut Avenue is not a state or federally protected wetland.

- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: NO IMPACT:

The project area is near the City of Fresno and is not designated as a migratory wildlife corridor. Likewise, the project site contains no water feature to provide for the migration of resident or migratory fish.

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

FINDING: NO IMPACT:

The project site is not in an area restricted by any general policies or ordinances to protect biological resources, or in an area subject to a Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan. As discussed above, the project site is in an area which is intermediate between the urbanized city of Fresno and the rural County, contains no critical or important habitat for special status species, and is intended for eventual annexation into the City of Fresno.

V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project site is not designated as highly or moderately sensitive for archeological resources. However, in the unlikely event that cultural resources are unearthed during construction activities on the property, the following mitigation measure would apply to ensure that impacts to such cultural resources remain less than significant.

* **Mitigation Measure:**

1. *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 shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Development of the industrial uses on the property would result in less than significant consumption of energy (gas, electricity, gasoline, and diesel) during construction or operation of the facility. Construction activities and corresponding fuel energy consumption would be temporary and localized. There are no unusual project characteristics that would cause the use of construction equipment to be less energy efficient compared with other similar construction sites in the County. Therefore, construction-related fuel consumption by the project would not result in inefficient, wasteful, or unnecessary energy use compared with other construction sites in the area.

- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: NO IMPACT:

The project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

All construction activities would comply with the 2019 Building Energy Efficiency Standards. Pursuant to the California Building Standards Code and the Energy Efficiency Standards, the County would review the design components of the project's energy conservation measures when the project's building plans for building/structures are submitted.

VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; or
2. Strong seismic ground shaking; or
3. Seismic-related ground failure, including liquefaction?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 9-5 of the Fresno County General Plan Background Report, the project area has 10 percent probability of seismic hazard in 50 years. Development of industrial uses on the property would be subject to building standards at the time of development, which include specific regulations to protect against damage caused by earthquake and/or ground acceleration.

4. Landslides?

FINDING: NO IMPACT:

Per Figure 9-6 of the Fresno County General Plan Background Report, the project site is not located in an area of landslide hazards. The site is flat with no topographical variations, which precludes the possibility of landslides.

B. Result in substantial soil erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 7-3 of the Fresno County General Plan Background Report, the project site is not in located in an erosion hazard area. Grading activities resulting from future development proposals may result in loss of some topsoil due to compaction and over covering of soil for construction of buildings and structures for the project. However, the impact would be less than significant with a Project Note requiring an Engineered Grading Plans to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties and securing a Grading Permit prior to any on-site grading activities.

C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

FINDING: NO IMPACT:

As noted above, the project site is flat with no topographical variations. As a standard practice, a soil compaction report may be required to ensure the weight-bearing capacity of the soils for any proposed building. The project site bears no potential for lateral spreading, subsidence, liquefaction, or collapse due to the site development.

D. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

Per Figure 7-1 of Fresno County General Plan Background Report, the project site is not in an area where soils have been determined to exhibit moderately high to high expansion potential. However, the project development will implement all applicable requirements of the most recent California Building Standards Code and will consider any potential hazards associated with shrinking and swelling of expansive soils.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is within the Malaga County Water District (MCWD) boundary. According to MCWD, sanitary sewer system is adjacent to the property and to connect to the system, the developer shall submit utility plans, construct sewer service, and connect in accordance with District requirements/standards.

- F. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: NO IMPACT:

No paleontological resources or geologic features were identified on the project site.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Construction and operational activities associated with the project would generate greenhouse gas (GHG) emissions. During construction, GHGs would be emitted through the operation of construction equipment and from worker and builder supply vendor vehicles, each of which typically uses fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs such as CO₂, CH₄, and N₂O. Furthermore, CH₄ is emitted during the fueling of heavy equipment. In the *Air Quality/Greenhouse Gas Assessment (AQ/GHGA)*, by JK Consulting Group, Inc, dated April 24, 2023, GHG emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2020.4.0.

According to the *Air Quality/Greenhouse Gas Assessment*, during construction, the project would generate approximately 61.41 metric tons of CO_{2e}. When amortized over a 30-year project lifetime (estimated), yield would be approximately 2.05 MT CO_{2e} per year.

Long-term GHG emissions are typically generated from mobile sources (vehicle trips), area sources (maintenance activities and landscaping), indirect emissions from sources associated with energy consumption, and waste sources (land filling and waste disposal). During operation, the project would generate total 183.84 MT CO₂ per year. When combined with amortized construction emissions (2.05 MT CO₂/year), the total emission would be 185.89 MT CO₂ per year.

Per the 2022 Scoping Plan documents, lead agencies can analyze GHG impacts of a project by utilizing thresholds of significance recommended by San Joaquin Valley Air Pollution Control District (SJVAPCD) or other lead agency. The SJVAPCD has not established specific thresholds of significance for GHG emissions, emission threshold (MT CO₂/year). Therefore, thresholds of significance for GHG emissions of other lead agencies (California Air Resources Board, California Air Pollution Control Officers Association, Bay Area Air Quality Management District, Sacramento Metropolitan Air Quality Management District, and South Coast Air Quality Management District) were utilized for the project. The result shows projected GHG emissions generated by the project reflects no more than 21 percent (%) of the various thresholds identified by other lead agencies. As a result, the greenhouse gas emissions resulting from the project will have a less than significant impact on the environment.

- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Air Quality/Greenhouse Gas Assessment, the project would not conflict with the State's GHG emissions reductions objectives embodied in AB (Assembly Bill) 32, SB (Senate Bill) 375, Executive Order B-30-15 (GHG emissions reductions target of at least 40 percent below 1990 levels by 2030), AB 1279 (achieve net zero GHG emissions by year 2045) and 2022 Scoping Plan. Therefore, the project's incremental contribution to cumulative GHG emissions would not be cumulatively considerable.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

FINDING: LESS THAN SIGNIFICANT IMPACT

The by-right uses allowed in the proposed M-1 Zone District could involve handling of potentially hazardous materials.

According to the Fresno County Health Department, Environmental Health Division, all uses in the proposed M-1 (c) Zone District requiring the use and/or storage of hazardous materials/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. Furthermore, any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, and Chapter 6.95. These requirements will be included as Project Notes.

- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or
- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section A., B. above. There are no schools within one quarter mile of the project site. The nearest school, Malaga Elementary School, is approximately 0.72 mile south of the project site.

- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

FINDING: NO IMPACT:

Per the California Department of Toxic Substances Control Site (Envirostor), the project site is not listed as a hazardous materials site. The project will not create hazards to the public or the environment.

- E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

Per the Fresno County *Airport Land Use Compatibility Plan Update* adopted by the Airport Land Use Commission (ALUC) on December 3, 2018, the nearest public airport, Fresno Chandler Executive Airport, is approximately 4.9 miles northwest of the project site. Given the distance, the airport will not be a safety hazard, or a cause of excessive noise for people residing/working on the site.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

FINDING: NO IMPACT:

The project site is in an area where existing emergency response times for fire protection, emergency medical services, and sheriff protection meet adopted standards. The future development proposals do not include any characteristics (e.g., permanent road closures) that would physically impair or otherwise interfere with emergency response or evacuation in the project vicinity. No impacts would occur.

- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

Per Figure 9-9 of the Fresno County General Plan Background Report, the project site is outside of the State Responsibility area for wildland fire. No impact from wildland fire hazards would occur.

X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VII. E. GEOLOGY AND SOILS above regarding waste discharge.

The project site is within the Malaga County Water District (MCWD) boundary. According to MCWD, water system is adjacent to the property and would require connection as appropriate to the proposed development and destruction of any onsite water well in accordance with Fresno County Department of Public Health, Environmental Health Division (Health Department) requirements.

According to the Health Department, as a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area will require to be properly destroyed by a licensed contractor.

No concerns regarding the project impact on groundwater quality were expressed by the Regional Water Quality Control Board, Central Valley Region or the State Water Resources Control Board, Division of Drinking Water.

- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: NO IMPACT:

As noted above, the project site is within the Malaga Water District (MCWD) boundary. According to the State Water Resources Control Board, Division of Drinking Water (SWRCB-DDW), the project shall be served water by a permitted public water system operated by Malaga County Water District and regulated by SWRCB-DDW.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

1. Result in substantial erosion or siltation on or off site; or

2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site; or
3. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or
4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Development of industrial uses on the property will cause no significant changes in the absorption rates, drainage patterns, or the rate and amount of surface run-off with adherence to the mandatory construction practices contained in the Grading and Drainage Sections of the County Ordinance Code.

The Fresno Irrigation District's (FID) active Central No. 23 runs southerly along the west side of Chestnut Avenue and crosses North Avenue north of the subject property and traverses the west side of the subject property. As per FID, all improvement plans to maintain integrity of the canal including Grading and Drainage Plan shall require FID's approval.

FID's active Fresno Colony No. 24 runs westerly along the north side of North Avenue approximately 100 feet north of the subject property. As per FID, all improvement plans for street and/or utility improvements along North Avenue, or in the vicinity of the project shall require FID's approval.

The project lies within the Fresno Metropolitan Flood Control District (FMFCD) drainage area "AZ". As per FMFCD, the project shall pay drainage fees to FMFCD at the time of development based on the fee rates in effect at that time, and FMFCD shall approve grading plans prior to county's approval.

Included as Project Notes, these requirements will be addressed through mandatory Site Plan Review prior to the establishment of a use on the property.

- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to FEMA FIRM Panel 2130H, the western portion of the area of the subject property is found to be under Flood Zone AE, subject to flooding from the 100-year storm. A Project Note would require that future development proposals within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas.

- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: NO IMPACT:

The project site is within North Kings Groundwater Sustainability Area (NKGSA). The NKGSA expressed no concerns related to groundwater sustainability management plan.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project site will not physically divide an established community. The project site is outside of the City of Fresno boundary and the community of Malaga boundary.

- B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project entails rezoning of a one-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1(c) (Light Manufacturing, Conditional) with limited industrial uses, including a grocery store.

The project site is designated General Industrial in the County-adopted Roosevelt Community Plan and is outside of the City of Fresno Sphere of Influence boundary. As such, the project was not referable to the City for annexation, and is not in conflict with a land use plan, policy, or regulation of any agency. The project is consistent with the following General Plan policies.

Regarding consistency with General Plan Policy LU-F.29. Criteria a, b, c & d, all development proposals on the property will adhere to the San Joaquin Valley Air Pollution Control District rules and regulations, provisions of Fresno County Noise Ordinance, and the M-1(c) Zone District development standards and be analyzed against these standards during mandatory Site Plan Review.

Regarding consistency with General Plan Policy LU-F. 30, all development proposal on the property will connect to the Malaga County Water District public sewer system.

XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or

- B. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: NO IMPACT:

Per Figure 7-8 of the Fresno County General Plan Background Report, the project site is outside mineral-producing areas of the County.

XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As per the Fresno County Department of Public Health, Environmental Health Division, the project could result in an increase in noise level due to construction activities on the property. Noise impact associated with construction are expected to be temporary and will be subject to the County Noise Ordinance.

- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

Per the discussion in Section IX. E. above, the project will not be impacted by airport noise.

XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure); or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

The project will allow for specific industrial uses on the property. As these uses involve no housing, no increase in population would occur from this proposal.

XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Fresno County Fire Protection District (CalFire), the project shall adhere to the requirements of the California Code of Regulations title 24 – Fire Code when building permit or certificate of occupancy is sought, and annex to Community Facilities District No. 2010-01 of CalFire.

2. Police protection; or

3. Schools; or

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

The project will not impact existing public services, nor will it result in the need for additional public services related to schools, parks, or police protection by the Fresno County Sheriff's Office.

XVI. RECREATION

Would the project:

- A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: NO IMPACT:

The project will not induce population growth which may require new or expanded recreational facilities in the area.

XVII. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Transportation Planning Unit (TPU) of the Fresno County Department of Public Works and Planning reviewed the subject proposal and required that a Traffic Impact Study (TIS) be prepared to assess the project's potential impacts to County roadways and intersection. *Peters Engineering Group prepared a Traffic Impact Study (TIS), dated January 17, 2024* and was provided to TPU, Road Maintenance and Operations (RMO) Division, City of Fresno Traffic Operations and Planning Division and the California Department of Transportation (Caltrans) for review and comments.

According to TIS, the intersection of Chestnut and North Avenues is currently operating at acceptable LOS (Level of Service) and is expected to continue to operate at acceptable levels through the near-term condition. Therefore, the project does not create or contribute to a traffic issue in the opening-day or near-term conditions. However, by the year 2045, the intersection of Chestnut and North Avenues is expected to operate at LOS F during the weekday peak hours with or without the Project. In order to operate at acceptable LOS E, the intersection shall require widening to the following lane configurations: Eastbound: one left-turn lane and one through lane with a shared right turn; Westbound: one left-turn lane, one through lane, and one right-turn lane; Northbound: one left-turn lane, two through lanes, and one right-turn lane; Southbound: one left-turn lane and two through lanes with a shared right turn. The turn lanes shall be designed to accommodate the future 95th -percentile queues and the project shall pay a fair share of the cost of the future construction to account for its share of the cumulative traffic issue.

The TPU and RMO Division concurred with TIS and required that: 1) off site improvements shall be constructed at the intersection of Chestnut and North Avenues; 2) The minimum U-Turn clearance from northbound approach to southbound lanes on Chestnut Avenue at the intersection of North Avenue shall be maintained; and 3) The project shall pay a fair share of cost of 2.5 percent (%) for the future widening of the intersection of Chestnut and North Avenues. These requirements have been included as mitigation measures:

* **Mitigation Measures:**

1. *Prior to the issuance of building permits for the uses allowed on M-1 (c) zoned property, the applicant shall enter into an agreement with the County of Fresno agreeing to participate on a pro-rata basis per acreage developed in the funding of future off-site traffic improvement defined in item 'a' below. The traffic improvements and the project's maximum pro-rata share based on 2.5 percent of the construction cost is as follows:*
 - a. *North Avenue and Chestnut Avenue intersection shall be widened. The project's percent fair share for the 2045 weekday peak hour traffic scenario is 2.5 % construction cost or \$46,250, 15% preliminary engineering or \$6,937.50, 15% construction engineering or \$6,937.50, and 3% administrative fee or \$1,803.75, totaling \$61,928.75.*

The County shall update cost estimates for the above specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall annually adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.

2. *Sidewalk, curb, and gutter shall be constructed from the subject property to the FID (Fresno Irrigation District) canal at the intersection of Chestnut and North Avenues, as depicted on approved site plan for the project.*
3. *The minimum U-Turn clearance (37 feet) from northbound approach to southbound lanes on Chestnut Avenue at the intersection of North Avenue shall be maintained as noted in Traffic Impact Study, dated January 17, 2024.*

The City of Fresno Traffic Operations and Planning Division and the California Department of Transportation (Caltrans) offered "No Comments" on TIS.

According to RMO Division, North Avenue is an Arterial Road with an existing 30 feet right-of-way south of section line. The minimum width for an Arterial right-of-way south of section line is 54 feet. A Condition of Approval shall require that a 24-foot in additional right-of-way be provided for North Avenue, south of section line.

Furthermore, the following shall be included as Project Notes: Setbacks for new construction shall be based on ultimate road right-of-way for Chestnut and North Avenues. Applicant shall install concrete improvements including curb, gutter, and sidewalk including a curb return at the intersection of North and Chestnut. Additional runoff shall not be directed towards adjacent parcels or nearby canal and shall not interfere with existing drainage plans for Chestnut Ave. Proposed drive approach shall be limited to a maximum width of 35 feet per Fresno County Improvement Standard D-3 and any work performed within the county road right-of-way shall require an encroachment permit.

- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The State of California Governor's Office of Planning and Research document entitled *Technical Advisory on Evaluating Transportation Impacts in CEQA dated December 2018* (Technical Advisory) provides guidance for determining a project's transportation impacts based on VMT (Vehicle Miles Traveled). Regarding local serving retail uses, the Technical Advisory states: *"By adding retail opportunities into the urban fabric and thereby improving retail destination proximity, local-serving retail development tends to shorten trips and reduce VMT. Thus, lead agencies generally may presume such development creates a less-than-significant transportation impact. Regional-serving retail development, on the other hand, which can lead to substitution of longer trips for shorter ones, may tend to have a significant impact. Where such development decreases VMT, lead agencies should consider the impact to be less-than significant."* The Technical Advisory also states: *"Generally, however, retail development including stores larger than 50,000 square feet might be considered regional-serving, and so lead agencies should undertake an analysis to determine whether the project might increase or decrease VMT."*

According to *Traffic Impact Study*, the project is designed specifically for pass-by and local-serving trips and is not a regional attraction or destination. In general, these types of projects are planned in certain areas because motorists will generally use nearby grocery store opportunities rather than traveling longer distances out of their way for them. The local-serving nature of the project will add retail opportunities into the urban fabric, improve retail destination proximity, shorten trips, and reduce VMT. The project is substantially smaller (3,000 square feet with an additional 1,000-square-foot mezzanine) than the 50,000-square-foot building area threshold described above and is situated to attract customers from the adjacent roadways, making the Project a local-serving retail use. Therefore, the Technical Advisory itself and the project description together provide substantial evidence that the project will have a less-than-significant transportation impact as described in the Technical Advisory.

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

Chestnut Avenue runs along easterly boundary of the project site and will provide access to the site.

A Site Plan Review was completed for the proposed grocery store concurrently with the subject rezone application to ensure that the site is provided with ingress and egress of adequate width to minimize traffic hazards and to provide for adequate emergency access acceptable to the local fire agency.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or
 2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? (In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is not designated as highly or moderately sensitive for archeological resources. Pursuant to Assembly Bill (AB) 52, the project was routed to the Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, and Table Mountain Rancheria offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No tribe requested consultation, resulting in no further action on the part of the County. However, in the unlikely event that cultural resources are identified on the property, the project compliance with the Mitigation Measure included in the CULTURAL ANALYSIS section of this report will reduce any impact to tribal cultural resources to less than significant.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VII. E. GEOLOGY AND SOILS above. The project will not result in the relocation or construction of new electric power, natural gas, or telecommunications facilities.

- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: NO IMPACT:

See discussion in Section X. B. HYDROLOGY AND WATER QUALITY above.

- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VII. E. GEOLOGY AND SOILS above.

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or

- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Development proposals in the M-1 Zone District would not generate solid waste more than capacity of local landfill sites. The impact would be less than significant. All solid waste disposal will comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or
- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or

- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT:

The project site is not in or near state responsibility area or land classified as very high fire hazard severity zones. No impact would occur.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. Have the potential to substantially 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, substantially 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 history or prehistory?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will have no impact on biological resources. Impacts on cultural resources have been reduced to a less than significant level with the incorporation of a Mitigation Measure discussed in Section V. CULTURAL RESOURCES above.

- B. Have impacts that are individually limited, but cumulatively considerable (“cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Each of the projects located within Fresno County has been or would be analyzed for potential impacts, and appropriate project-specific Mitigation Measures are developed to reduce that project’s impacts to less than significant levels. Projects are required to comply with applicable county policies and ordinances. The incremental contribution by the proposed project to overall development in the area is less than significant

The proposed project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Air Pollution Control District, and California Code of Regulations Fire Code at the time development occurs on the property. No cumulatively considerable impacts relating to Agricultural and Forestry Resources, Air Quality, or Transportation were identified in the project analysis. Impacts identified for Aesthetics, Cultural Resources, and Transportation will be mitigated through compliance with the Mitigation Measures listed in Section I, Section V and Section XVII of this report.

- C. Have environmental effects which will cause substantial adverse effects on human beings either directly or indirectly?

FINDING: NO IMPACT:

No substantial impacts on human beings, either directly or indirectly, were identified in the analysis.

CONCLUSION/SUMMARY

Based upon Initial Study No. 8337 prepared for Amendment Application No. 3852, 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 biological resources, mineral resources, population and housing, recreation, or wildfire.

Potential impacts related to aesthetics, agriculture and forestry resources, air quality, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, tribal cultural resources and utilities and service systems have been determined to be less than significant.

Potential impacts to cultural resources and transportation have been determined to be less than significant 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 southwest corner of Tulare and "M" Streets, Fresno, California.

EA; EC
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EXHIBIT 12

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below for County Clerk Only. <div align="center" style="font-size: small;">CLK-2046.00 E04-73 R00-00</div>		
Agency File No: IS 8337	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): Khushpal Singh		Project Title: Amendment Application No. 3852; Site Plan Review Application No. 8299		
Project Description: Allow the rezone of a one-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to the M-1 (c) (Light Manufacturing; Conditional) Zone District with limited industrial uses and approve a Site Plan Review for a grocery store on the subject parcel. The subject parcel is located on the southwest corner of East North Avenue and South Chestnut Avenue approximately 1,285 feet south of the nearest City of Fresno boundary (APN: 330-050-03) (3035 S. Chestnut Avenue) (Sup. Dist. 3).				
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 8337) prepared for Amendment Application No. 3852 and Site Plan Review Application No. 8299, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to biological resources, mineral resources, population and housing, recreation, or wildfire. Potential impacts related to aesthetics, agriculture and forestry resources, air quality, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, tribal cultural resources and utilities and service systems have been determined to be less than significant. Potential impacts related to cultural resources and transportation have been determined to be less than significant with the included Mitigation Measure. 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 – May 3, 2024			Review Date Deadline: Planning Commission – June 13, 2024	
Date: May 2, 2024	Type or Print Name: David Randall, Senior Planner		Submitted by (Signature):	

State 15083, 15085

County Clerk File No. _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**

ATTACHMENT C

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below for County Clerk Only. CLK-2046.00 E04-73 R00-00		
Agency File No: IS 8337	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): Khushpal Singh		Project Title: Amendment Application No. 3852; Variance Application No. 4170; Site Plan Review Application No. 8299		
Project Description: Allow the rezone of a one-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to the M-1 (c) (Light Manufacturing; Conditional) Zone District with limited industrial uses; allow a five-foot side yard setback (15-foot required) to accommodate a grocery store on the parcel; and approve a Site Plan Review for the proposed store. The subject parcel is located on the southwest corner of East North Avenue and South Chestnut Avenue approximately 1,285 feet south of the nearest City of Fresno boundary (APN: 330-050-03) (3035 S. Chestnut Avenue) (Sup. Dist. 3).				
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 8337) prepared for Amendment Application No. 3852, Variance Application No. 4170 and Site Plan Review Application No. 8299, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to biological resources, mineral resources, population and housing, recreation, or wildfire. Potential impacts related to aesthetics, agriculture and forestry resources, air quality, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, tribal cultural resources and utilities and service systems have been determined to be less than significant. Potential impacts related to cultural resources and transportation have been determined to be less than significant with the included Mitigation Measure. 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 – _____, 2024			Review Date Deadline Board of Supervisors – September 24, 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**