



ATTACHMENT A

## Inter Office Memo

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

DATE: June 27, 2024  
TO: Board of Supervisors  
FROM: Planning Commission  
SUBJECT: RESOLUTION NO. 13046 — INITIAL STUDY NO. 8389 and AMENDMENT APPLICATION NO. 3856

OWNER/  
APPLICANT: Lauren Burgess

REQUEST: Rezone an existing 2.15-acre dual zoned M-3 (C) (General Industrial, Conditional) and C-M (C) (Commercial and Light Manufacturing, Conditional) to a single zoning of C-M (C) (Commercial and Light Manufacturing, Conditional). Proposed uses include: Wholesaling and Warehousing, Caretakers' Residence, Taxidermist, Advertising Structures, and Signs.

LOCATION: The subject parcel is located on the southwest corner of E. Central Ave. and S. Peach Ave., approximately 1.05-miles south from the City of Fresno (APN: 331-090-92) (3967 E. Central Ave.) (Sup. Dist. 4).

### PLANNING COMMISSION ACTION:

At its hearing on June 27, 2024, the Commission considered the Staff Report and testimony (summarized in Exhibit A). A motion was made by Commissioner Hill and seconded by Commissioner Arabian to recommend adoption of the Mitigated Negative Declaration prepared for and recommend approval of Amendment Application No. 3856 subject to the Mitigation Measures and Conditions listed in Exhibit B based on the analysis of the required findings in the Staff Report and direct the Secretary to prepare a Resolution documenting the Commission's action.

This motion was passed on the following vote:

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

EXHIBIT A

Initial Study No. 8389  
Amendment Application No. 3856

- Staff: The Fresno County Planning Commission considered the Staff Report dated June 27, 2024 and heard a summary presentation by staff.
- Representative: The Applicants agreed with the Staff's recommendation and offered the following information to clarify the intended use:
- The current allowed uses are too narrowly defined to allow for us to operate our business.
  - We concur with Fresno County staffs' recommendation for a conditional rezone.
- Others: One individual expressed support for the proposal. No individuals presented information in opposition to the application.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

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EXHIBIT B

**Mitigation Monitoring and Reporting Program  
Initial Study No. 8389 and Amendment Application No. 3856**

Mitigation Measures - Amendment Application No. 3856					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting associated with the development of industrial uses on the property shall be hooded and directed downward so as to not shine toward adjacent property and public streets.	Applicant	Applicant/Fresno County Dept. of Public Works and Planning	At time of construction until project lasts.
2.	Air Quality	For all buildings that would include ten (10) or more dock doors, prior to issuance of construction permit, the project applicant/successor-in-interest shall provide documentation to the County Planning Department that demonstrates all buildings shall be designed to provide infrastructure to support use of electric-powered forklifts and/or other interior vehicles.	Applicant	PWP- Building Inspection	As noted.

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. 3856	
1.	The rezone shall be limited to: Wholesaling and warehousing, Caretakers' residence, Taxidermist, Advertising structures, and Signs and subject to the Mitigation Measures, Conditions of Approval and Project Notes prepared for Amendment Application No. 3856.

Project Notes – Amendment Application No. 3856	
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"> <li>Facilities proposing to 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.</li> <li>The applicant should be advised of the State of California Public Resources Code, Division 30; Waste Management, Chapter 16; Waste Tire Facilities and Chapter 19; Waste Tire Haulers and facilities, will require the Owner/Operator to</li> </ul>

EXHIBIT B

	<p>obtain a Tire Program Identification Number (TPID) and possibly a waste and used tire hauler permit from the California Department of Resources Recycling and Recovery (CalRecycle). Contact the local Tire Enforcement Agency at (559) 600-3271 for additional information.</p> <ul style="list-style-type: none"> <li>• The proposed construction and project have the potential to expose nearby residents to elevated noise levels. Consideration should be given to the noise elements of the Fresno County Ordinance Code.</li> <li>• As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.</li> <li>• Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.</li> </ul>
2.	<p>To address impacts on county roadways resulting from the permitted uses on the property, the Development Engineering Section of the Fresno County Department of Public Works and Planning requires the following:</p> <ul style="list-style-type: none"> <li>• All Conditions of Approval for any previous applications shall be implemented if not already in place.</li> <li>• Refer to Road Maintenance &amp; Operations Division, Road Operations for comments on Central Avenue and Peach Avenue.</li> <li>• According to the U.S.G.S. Quad Map, Washington Colony Canal is near the westerly property line of the subject property. Any future improvements constructed within or near a canal should be coordinated with the owners of the canal/appropriate agency. Furthermore, intermittent stream may be present along the west property line of the subject property. Any future work within or near a stream will require a clearance from California Department of Fish and Wildlife (CDFW).</li> <li>• According to the Wetlands Mapper of U.S. Fish and Wildlife Service, a nearby wetland may be present. For any future development on wetlands, U.S. Fish and Wildlife Service and other appropriate agencies should be consulted regarding any requirements they may have.</li> <li>• The project site is located within the Fresno Metropolitan Flood Control District (FMFCD) Drainage Zone and Boundary. Written clearance from FMFCD is required prior to the County issuing a grading permit/voucher for any future work.</li> <li>• Additional storm water runoff generated by any future development of a site cannot be drained across property lines or into the County Road right-of-way, and must be retained onsite per County Standards unless FMFCD specifies otherwise.</li> <li>• An Engineered Grading and Drainage Plan should be required for any future development to show how additional storm water runoff generated will be handled without adversely impacting adjacent properties.</li> </ul>

	<ul style="list-style-type: none"> <li>• 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 future 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 future grading work.</li> <li>• Any existing or future parking areas should comply with the Fresno County Off-Street Parking Design Standards. Stalls should be 18' x 9', and backing distance must be a minimum of 29' for 90-degree parking stalls. Also 5' should be provided beyond the last stall in any row to provide for backing. Any proposed handicap accessible parking stalls and curb ramps shall follow 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.</li> <li>• Any future landscape areas of 500 sq. ft. or more will be subject to the Model Water Efficient Landscape Ordinance (MWELO) and MWELO form/s and/or separate landscape and irrigation design plan should be required.</li> <li>• The end of curbed/taper edge of any existing or future access driveway approach should be set back a minimum of 5' from the property line.</li> <li>• Any existing or future entrance gate should be set back a minimum of 20-feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.</li> <li>• A 10-foot x 10-foot corner cut-off should be improved for sight distance purposes at any existing future driveway accessing Central Avenue or Peach Avenue if not already present.</li> <li>• 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 Road Maintenance and Operations Division.</li> <li>• A grading permit is required for any future grading proposed with this application.</li> </ul>
<p>3.</p>	<p>To address impacts on county roadways resulting from the permitted uses on the property, the Road Maintenance and Operations (RMO) Division of the Fresno County Department of Public Works and Planning requires the following:</p> <ul style="list-style-type: none"> <li>• An engineered Grading and Drainage Plan is required to show how additional runoff associated with development is being handled and verify compliance with Fresno County's Ordinances. Any additional runoff shall be held in on-site retention areas and not be directed towards the road right-of-way, adjacent parcels, or adjacent canal. Any retention facilities greater than 18 inches in depth will require fencing to preclude public access.</li> </ul>
	<p>The permitted uses on the property shall be subject to the following San Joaquin Valley Air Pollution Control District (District) Rules:</p>

	<ul style="list-style-type: none"> <li>• District Regulation VIII (Fugitive PM10 Prohibitions)</li> <li>• District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review)</li> <li>• District Rule 9510 (Indirect Source Review) subject to filing an Air Impact Assessment Application</li> <li>• District Rule 9410 (Employer Based Trip Reduction)</li> <li>• Rule 4002 (National Emission Standards for Hazardous Air Pollutants).</li> <li>• District Rule 4601 (Architectural Coatings)</li> <li>• Rule 4102 (Nuisance)</li> <li>• Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations)</li> </ul>
4.	<p>Development of industrial uses on the property shall require compliance with the California Code of Regulations Title 24 – Fire Code and California Code of Regulations Title 19; CalFire conditions of approval; and annexation into Community Facilities District No. 2010-01 of CalFire.</p>

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EXHIBIT "C"

ATTACHMENT  
TO  
AGENDA ITEM

FISCAL IMPACT STATEMENT

Initial Study No. 8389  
Amendment Application No. 3856

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

Initial Study Application	\$ 3,901.00 <sup>1</sup>
Amendment Application	\$ 6,214.00 <sup>2</sup>
Public Health Department Review	\$ 992.00 <sup>3</sup>
Pre-Application Fee Credit	(\$ 247.00 <sup>4</sup> )
<b>Total Fees Collected</b>	<b><u>\$ 10,860.00</u></b>

<sup>1</sup> Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report.
<sup>2</sup> 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.
<sup>3</sup> Review of proposal and associated environmental documents by the Department of Public Health, Environmental Health Division and Agricultural Commissioners Review.
<sup>4</sup> Pre-Application Fee Credit.

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