



Legislation Details (With Text)

**File #:** ID 24-437      **Version:** 1      **Name:**  
**Type:** Action Item      **Status:** Agenda Ready  
**File created:** 3/22/2024      **In control:** Planning Commission  
**On agenda:** 4/3/2024      **Final action:**

**Title:** Consideration of an appeal related to Development Permit Application No. P21-01833, which proposes to establish and construct a truck parking facility with approximately 374 parking stalls, a 5,400 square-foot Truck Repair Service Center with office, a 5,400 square-foot Truck Wash facility, and associated infrastructure and circulation improvements on the approximately 18.87-acre project site located on the northeast corner of West Barstow and North Contessa Avenues (Council District 2) - Planning & Development Department.

1. CONSIDER the Mitigated Negative Declaration as prepared for Environmental Assessment No. P21-01833, dated September 5, 2023, for the proposed project pursuant to the State of California Environmental Quality Act (CEQA); and,
2. DENY the appeal and UPHOLD the action taken by the Planning and Development Department Director in approval of the Development Permit Application No. P21-01833 conditionally authorizing construction of a Truck Repair Service Center with office, and Truck Wash facility with accessory truck parking, consistent with the Conditions of Approval as dated September 5, 2023.

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Vicinity Map & Aerial Photograph, 2. Exhibit B - Planned Land Use & Zoning Map, 3. Exhibit C - Operational Statement, 4. Exhibit D - Exhibits, 5. Exhibit E - Conditions of Approval for P21-01833 [09/05/2023], 6. Exhibit F - First Neighborhood Meeting, 7. Exhibit G - Courtesy Notice, 8. Exhibit H - Appeal Letters, 9. Exhibit I - Public Hearing Notice & Noticing Map, 10. Exhibit J - Environmental Assessment for P21-01833 [09/05/2023], 11. Exhibit K - Fresno Municipal Code Findings, 12. Exhibit L - Second Neighborhood Meeting, 13. Exhibit M - Additional Comments Received, 14. Supplemental Exhibit N - Additional Comments Received After Agenda Posted

Date	Ver.	Action By	Action	Result
4/3/2024	1	Planning Commission	REFERRED TO STAFF	Pass

**REPORT TO THE PLANNING COMMISSION**

**April 3, 2024**

**FROM:** JENNIFER K. CLARK, Director  
 Planning & Development Department

**THROUGH:** PHILLIP SIEGRIST, Planning Manager  
 Planning & Development Department

**BY:** THOMAS VEATCH, Planner  
 Planning & Development Department

## SUBJECT

Consideration of an appeal related to Development Permit Application No. P21-01833, which proposes to establish and construct a truck parking facility with approximately 374 parking stalls, a 5,400 square-foot Truck Repair Service Center with office, a 5,400 square-foot Truck Wash facility, and associated infrastructure and circulation improvements on the approximately 18.87-acre project site located on the northeast corner of West Barstow and North Contessa Avenues (*Council District 2*) - *Planning & Development Department*.

1. **CONSIDER** the Mitigated Negative Declaration as prepared for Environmental Assessment No. P21-01833, dated September 5, 2023, for the proposed project pursuant to the State of California Environmental Quality Act (CEQA); and,
2. **DENY** the appeal and **UPHOLD** the action taken by the Planning and Development Department Director in approval of the Development Permit Application No. P21-01833 conditionally authorizing construction of a Truck Repair Service Center with office, and Truck Wash facility with accessory truck parking, consistent with the Conditions of Approval as dated September 5, 2023.

## EXECUTIVE SUMMARY

Inderjit Sangha, of Sangha Carriers, filed Development Permit Application No. P21-01833 pertaining to an 18.87-acre vacant property located on the northeast corner of West Barstow and North Contessa Avenues.

Development Permit Application No. P21-01833 proposed to construct a truck parking facility with approximately 374 parking stalls, a 5,400 square-foot Truck Repair Service Center with office, a 5,400 square-foot Truck Wash facility, and associated infrastructure and circulation improvements on the entire approximately 18.87-acre project site.

On September 5, 2023, the Planning & Development Department Director approved Development Permit Application No. P21-01833 subject to conditions of approval.

As discussed in the analysis below, based on the zoning classification of BP (*Business Park*) for the subject property, the truck parking component as an Outdoor Storage use, is only permitted as incidental use. Vehicle Repair and Wash uses are permitted in the BP zoning classification. Therefore, the application was conditioned to demonstrate that the truck parking component is incidental to the repair and wash use and the project would be considered a Truck Repair Service Facility with Truck Wash with accessory Truck Parking (outdoor storage).

On September 5, 2023, a courtesy notice was mailed to property owners within 1,000 feet of the subject property, notifying them of approval of the project.

From September 9, 2023, to September 20, 2023, 61 appeals were received in response to the mailed courtesy notice. The appeal letters expressed several concerns and opposition to the proposed project, including, but are not limited to, statements that the project would have negative impacts on the surrounding neighborhood regarding traffic, noise, lighting, air quality, crime, and school safety. The letters requested an additional neighborhood meeting be held so that their concerns could be addressed. This meeting was held on March 19, 2024.

On March 22, 2024, a public hearing notice was mailed to property owners within 1,000 feet of the subject property to provide notification of a public hearing on the appeals.

Staff recommends denying the appeal based on evidence detailed in this staff report that the approval of the Development Permit application as conditioned will comply with the requirements of the Fresno Municipal Code (FMC).

## BACKGROUND

### Subject and Surrounding Property Information

The subject property is located within the boundaries of the Fresno General Plan and West Area Community Plan. These plans designate the subject ±18.87-acre property for *Employment - Business Park* planned land uses. The existing underlying BP (*Business Park*) zone district is consistent with the *Employment - Business Park* planned land use designation. The surrounding land uses are planned and zoned for Residential - Single Family, Medium Low Density to the west; Open Space to the north; Employment - Light Industrial opposite of State Route-99 freeway to the east, and Commercial-Recreational to the south. (See **Exhibit A** for a Vicinity Map & Aerial Photograph, and **Exhibit B** for the Planned Land Use & Zoning Map)

An existing subdivision of single-family homes are located to the west of the project site (across North Contessa Ave). State Route 99 is located along the northeastern side of the property. Industrial uses are located to the east, across State Route 99. A storm drainage basin is designated for the property to the north, which is owned by the State of California. The Island Waterpark is located to the south, on the opposite side of West Barstow Avenue.

The proposed project is located on the north side of West Barstow Avenue between North Contessa Avenue to the west and State Route 99 to the east. West Barstow Avenue is designated as a four-lane collector street, which according to the Fresno General Plan circulation element, is classified as a street type designed with the primary function of connecting local streets and arterials and neighborhood traffic generators and providing access to abutting properties. North Contessa Avenue is classified as a local street. Currently West Barstow Avenue is constructed as a three-lane street with a center turn lane.

The subject property is currently vacant undeveloped land. The western border of the property along North Contessa Avenue was partially developed with curb, gutters, sidewalks, landscaping, and an eight-foot-high concrete block wall along the entire Contessa Ave frontage which was constructed as part of the adjacent single family home subdivision (Tract 5224) located to the west, which had included the subject property as a remainder parcel.

### Project Description and Analysis

The proposed project would result in the development of a truck parking facility with truck repair and truck wash uses and infrastructure improvements at the project site. The project is proposed to be constructed in four (4) phases, described below, and detailed in the Operational Statement (**Exhibit C**) and Plan Exhibits (**Exhibit D**):

- **Phase 1** would result in the development of ±7.61 acres in the southern portion of the project site. Phase 1 proposes the construction 132 truck parking stalls and nine standard vehicle-

parking stalls in the project site, including two (2) electrical vehicle (EV) stalls and one (1) Americans with Disabilities Act (ADA) compliant parking space.

- Phase 2 would result in the development of ±5.0 acres in the middle portion of the project site. Phase 2 would construct 138 truck parking stalls and five standard vehicle-parking stalls on the project site, including one ADA-compliant parking space.
- Phase 3 would result in the development of ±5.7 acres in the northern portion of the project site. Phase 3 proposes constructing 122 truck parking stalls and 39 regular vehicle-parking stalls on the project site, including three (3) ADA-compliant parking spaces.
- Phase 4 would result in the re-development of ±1.3 acres in the southern portion of the project site developed under Phase 1. Phase 4 would require the removal of 18 truck parking stalls constructed under Phase 1. Phase 4 proposes the construction of two (2) buildings:
  - Building 1: a 5,400 square-foot office/truck repair service center, which would include a 1,800 square-foot office, and a four-bay, 3,600 square-foot truck repair service center.
  - Building 2: a two-tunnel, 5,400 square-foot truck wash facility. Additionally, this phase would construct six standard vehicle-parking stalls on the project site, including two EV stalls.

Per the General Plan, the Business Park designation provides for office/business parks in campus-like settings that are well suited for large offices or multi-tenant buildings. This designation is intended to accommodate and allow for the expansion of small businesses. Given its proximity to residential uses, only limited outdoor storage will be permitted, while adequate landscaping is imperative to minimize the visual impacts. Typical land uses include research and development, laboratories, administrative and general offices, medical offices and clinics, professional offices, prototype manufacturing, testing, repairing, packaging, and printing. No free-standing retail is permitted, except for small uses serving businesses and employees.

Pursuant to FMC Table 15-1302 (Land Use Regulations - Employment Districts), the proposed use of outdoor storage (truck storage) is permitted provided that it shall be incidental to a primary use and screened from public view, and that a courtesy notice will be provided to all properties within 1,000 feet of these uses when approved. Per FMC Section 15-6802 (*Terms and Definitions*), an Accessory Use is customarily associated with, and is incidental and subordinate to, the primary use and located on the same parcel as the primary use.

Truck Repair (which is classified as Large Vehicle and Equipment Sales, Service and Rental) and Vehicle Washing are permitted in the BP Zone District subject to a Development Permit and additional regulations in accordance with FMC Section 15-2710 (Automobile/Vehicle Service and Repair, Major and Minor), Section 15-2711 (Automobile/Vehicle Washing), and Section 15-2721 (Concrete Batch Plants, Storage yards, and Similar Uses).

#### Conditions of Approval (Project as Conditioned)

Based on the FMC requirements described above, outdoor storage (vehicle storage) is required to be incidental to a primary use. Commercial truck storage on its own would not meet the requirements of

the FMC. Additionally, the proposed truck storage component of the project does not meet the intent of the Business Park land use designation to provide a campus like setting for large multi-tenant buildings. However, truck repair and vehicle washing components are allowed per the zoning requirements of the FMC. Therefore, the project was conditioned to:

- 1.) Reduce the scope of the outdoor storage/truck parking component so that it is clearly incidental to the truck repair and wash component; and
- 2.) Development shall occur either as:
  - a. A single phase; or,
  - b. Commence developing the proposed Phase 4 first.

FMC Section 15-2721-C-3-d provides for additional screening and landscaping, as determined by the Director, which may be required where necessary to prevent visual impacts on adjacent properties. In this instance, the property was intended per the General Plan for large multi-tenant buildings where office and light industrial uses would occur indoors, and the large buildings would have served to screen the adjacent properties from State Route 99 and the industrial areas located to the east.

The proposed project includes no such buildings and proposes a large amount of outdoor storage. Therefore, additional screening measures are required. The project has also been conditioned to revise their operational statement to detail: (1) how the routing of commercial trucks through the residential area will be minimized; (2) minimize the idling of commercial trucks; and (3) that idling of refrigerated commercial trucks and trailers shall be located as far away as possible from the residential zoned properties.

The project is also conditioned to include significantly more landscaping than originally proposed to provide a more substantial screening barrier. Based on requirements of the FMC Section 15-2721-C-2, the project is required to provide a 200-foot setback between the outdoor storage of commercial trucks and the adjacent residential areas. The project is also required to orient the bay doors of the truck repair and truck wash buildings away from the residential areas.

The application had originally proposed a chain link fence along State Route 99 and the northern property boundary, with a chain link fence with vinyl privacy slats along West Barstow Avenue and utilizing the existing 8-foot-high block wall along North Contessa and East Ensenada Avenues as screening. The project is conditioned to provide a 7-foot-high block wall instead of the proposed chain link w/slats fence along West Barstow Avenue. The Conditions of Approval are available as **Exhibit E**.

Given the conditions of approval, the proposed project will meet all the provisions of the FMC, including but not limited to setbacks, parking, and landscaping; complies with all applicable design guidelines and development standards for the BP zone district; and complies with additional regulations for the specific uses and activities including FMC Section 15-2710 (Automobile/Vehicle Service and Repair, Major and Minor), Section 15-2711 (Automobile/Vehicle Washing), and Section 15-2721 (Concrete Batch Plants, Storage Yards, and Similar Uses).

## Other Agencies

All comments received from the applicable agencies have been incorporated into the conditions of

approval for Development Permit Application No. P21-01833. The project will comply with all department comments and conditions and all zoning requirements as incorporated into the conditions of approval dated September 5, 2023.

## **Public Notice and Input**

### Neighborhood Meeting

On February 14, 2020, the applicant conducted a neighborhood meeting with 40 people in attendance. Residents raised concerns regarding traffic impacts along Shaw Avenue and State Route 99; stated the intersection at Polk and Shaw was too narrow to accommodate truck turning; existing congestion at the Grantland/Parkway and SR-99 onramp; potential traffic diverted to their neighborhood due to construction of Veterans Boulevard; impacts of lighting and 24 hour operation of the site on the neighborhood; concerns about the impacts of the drive approach for the project being constructed on Barstow Avenue; and the desire for a grocery store in the area

### District 2 Project Review Committee

On October 10, 2022, the project was reviewed by Council District 2 Project Review Committee. The applicant presented the project. The Committee asked for clarification on the location of the services bays in relation to residences, noise, traffic, hours of operation, and security. After considering responses from the applicant, the committee made a recommendation to approve the item by a 3 - 0 vote.

### Notice of Action/Courtesy Notice

One nearby resident had requested notice of the action taken for the project. Because this project requires a Development Permit, a Notice of Intent to Take Action was not required to be mailed prior to an action being taken on the application. However, pursuant to FMC Table 15-1302 (Land Use Regulations - Employment Districts), a courtesy notice was provided to all properties within 1,000 feet of these uses when an outdoor storage use is approved. Therefore, once the project was approved, a Courtesy Notice (**Exhibit G**) was mailed to all properties within 1,000 feet of the project site on September 5, 2023.

### Appeals

From September 9th to September 20th, 2023, 61 appeals were received in response to the mailed courtesy notice. 21 of the appeals were unique responses from individuals, while the remainder of the appeals were a form-based appeal letter that contained similar comments. Five comments in opposition to the project without a request for an appeal were received, and none were received in support (**Exhibit H**).

The appeal letters expressed several concerns and expressed opposition to the proposed project. The concerns included (but are not limited to) statements that the project would have negative impacts on the surrounding neighborhood regarding traffic, noise, lighting, air quality, crime, and school safety. The letters requested an additional neighborhood meeting be held so that their concerns could be addressed. Some letters also stated that a grocery store, offices, housing, or restaurant uses would be more appropriate uses for the property.

### Analysis of Comments in Appeal Letters

Many of the areas of concern such as traffic, noise, lighting, and air quality impacts are factors that

were specifically analyzed as part of the Environmental Assessment (EA). As described in the Environmental Findings section below, an Initial Study was prepared, which included supporting studies such as a Traffic Impact Study, Vehicle Miles Traveled Analysis, Air Quality Health Risk Assessment, and a Noise Study to determine if any potential significant impacts from the proposed project would affect the environment and surrounding neighborhood. As summarized in the Environmental Findings section below, as well as analyzed in the attached EA (**Exhibit J**), no significant impacts were identified which could not be reduced to less than significant with mitigation incorporated.

The majority of the letters requested another neighborhood meeting be held, which the applicant was open to providing, and is described in the section below.

In regard to the stated concern that the project could increase crime in the neighborhood, the Police Department was provided opportunity to provide comment as part of the review of the application and provided no comment. The project would include the construction of lighting, fencing, surveillance cameras, and having on-site employees to monitor the project. Further, the proposed project is proposing truck parking, truck repair, and truck washing and not a truck stop use, which was implied by some comments, and does not include convenience retail, fueling, or restaurant components typical of a truck stop.

Many comments stated the surrounding residents would prefer an alternative use be proposed for the subject property, such as a grocery store, park, retail, or office uses. As described in the sections above, the project as conditioned is a permitted use per the FMC. The BP zone district allows for a range of uses to be permitted, which includes truck repair and truck washing.

Several comments provided statements about traffic or safety conditions in the larger region, such as lack of sidewalks near schools, traffic along corridors and intersections that cross State Route 99, and traffic conditions prior to the opening of Veterans Boulevard. The proposed project is required to make improvements to the public right of way along the borders of its property, which include providing curb, gutters, and sidewalks, as well as any other improvements required by the Department of Public Works. Further, as described in the Environmental Findings section below, a Traffic Impact Study was completed, the project's impacts on transportation factors were analyzed, and no significant impact was identified. This specific project could not be conditioned to make improvements to public rights-of-way that are not immediately adjacent to the subject property.

### Second Neighborhood Meeting

On March 19, 2024, the applicant conducted a second neighborhood meeting. Approximately 30 to 35 residents attended. The residents raised concerns related to the compatibility of truck parking to the residential neighborhood; noise of trucks and refrigerated trailers; freeway, air, and light pollution; enjoyment of the residential neighborhood; neighborhood safety for school children and the elderly; impacts to greenery; impact on home values; alternatives to the project; and current infrastructure supporting the project. A summary of the meeting is attached as **Exhibit L**.

### Notice of Planning Commission Hearing

In accordance with Section 15-5007 of the FMC, the Planning and Development Department mailed notices of this Planning Commission hearing to surrounding property owners within 1,000 feet of the subject property on March 22, 2024 (**Exhibit I**). One additional letter in opposition was received on March 19, 2024.

## Land Use Plans and Policies

### Fresno General Plan

The Fresno General Plan designates the subject site for Business Park planned land use and provides objectives to guide in the development of these projects. Development Permit Application No. P21-01833, as conditioned, meets all policies and objectives of the Fresno General Plan. The following are excerpts of such objectives:

*Goal No. 1: Increase opportunity, economic development, business, and job creation. Use urban form, land use, and Development Code policies to streamline permit approval, promote local educational excellence and workforce relevance, significantly increase business development and expansion, retain, and attract talented people, create jobs, and sustained economic growth, strategically locate employment lands and facilities, and avoid over-saturation of a single type of housing, retail, or employment.*

- *Objective LU-2: Plan for infill development that includes a range of housing types, building forms, and land uses to meet the needs of both current and future residents.*
  - *Policy LU-2-A: Infill Development and Redevelopment. Promote development of vacant, underdeveloped, and re-developable land within the City Limits where urban services are available by considering the establishment and implementation of supportive regulations and programs.*
- *Objective LU-7: Plan and support industrial development to promote job growth.*
- *Objective No. ED-1: Support economic development by maintaining a strong working relationship with the business community and improving the business climate for current and future businesses.*

### West Area Community Plan

Upon reviewing the policies in the West Area Community Plan, staff has determined that no policies are applicable or more restrictive than those in the FMC or the Fresno General Plan. However, pursuant to Section 15-104-B-4 of the FMC, should there be a conflict between the FMC and the applicable Community Plan, the FMC shall control.

## FRESNO MUNICIPAL CODE FINDINGS

The required findings for a conditional use permit under Section 15-5206 of the Fresno Municipal Code are as follows:

- a. *The applicable standards and requirements of this Code.*
- b. *The General Plan and any operative plan or policies the City has adopted.*
- c. *Any applicable design guidelines adopted by the City Council.*
- d. *Any approved Tentative Map, Conditional Use Permit, Variance, or other planning or zoning*



*approval that the project required.*

- e. *Fresno County Airport Land Use Compatibility Plan (as may be amended) adopted by the Fresno County Airport Land Use Commission pursuant to California Public Utilities Code Section 21670-21679.5.*

Based upon analysis of the application, Staff concludes that the required findings made by the Director to approve the special permit under FMC Section 15-5206 are appropriate. These findings are attached as **Exhibit K**.

## **ENVIRONMENTAL FINDINGS**

An environmental assessment initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines and a Mitigated Negative Declaration was adopted upon approval of the project, attached as **Exhibit J**.

The completed Appendix G/Initial Study Checklist, its associated narrative, technical studies, and mitigation measures reflect applicable comments of responsible and trustee agencies and research and analyses conducted to examine the interrelationship between the proposed project and the physical environment. The information contained in the project application and its related environmental assessment application, responses to requests for comment, checklist, Initial Study narrative, and any attachments thereto, combine to form a record indicating that an Initial Study has been completed in compliance with the State CEQA Guidelines.

Some of the environmental factors considered in the Initial Study included, but are not limited to: Air Quality, Hazards, Noise, Transportation, Biological Resources, Energy, Greenhouse Gas Emissions, and Water Quality.

### *Air Quality/Greenhouse Gas Emissions*

Potential impacts on Air Quality were considered in the Initial Study, and it was determined that the proposed project, during its construction and operation, would not exceed any pollutant thresholds set by the San Joaquin Valley Air Pollution Control District (SJVAPCD). A Health Risk Assessment was conducted to determine if the proposed project would expose sensitive receptors to substantial pollutant concentrations of Toxic Air Contaminants, and it was determined that the proposed project was below thresholds established by the SJVAPCD (**Exhibit J** - page 29, 34, 152).

The project was analyzed to determine if it would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (**Exhibit J** - page 60). The project was determined to be consistent with the City's GHG Reduction Plan Update and would comply with existing State regulations adopted to achieve the overall GHG emissions reduction goals and would be consistent with applicable plans and programs designed to reduce GHG emissions. Therefore, the proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs and impacts would be less than significant.

### *Hazards*

The proposed project was analyzed to consider if it would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. No uses utilizing large amounts of hazardous materials are anticipated to occur within the project site. Project

operation would involve the use of small quantities of commercially available hazardous materials (e.g., paint, cleaning supplies, fuels) that could be potentially hazardous if handled improperly or ingested.

However, these products are not considered acutely hazardous and are not generally considered unsafe. All storage, handling, and disposal of hazardous materials during project construction and operation would comply with applicable standards and regulations. The proposed project would comply with all applicable laws and regulations related to the transport, use, or disposal of hazardous materials and no unusual circumstances are present.

### Noise

The project was analyzed to determine if it would generate 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 in other applicable local, state, or federal standards. A noise study was also conducted. It was determined that the project would not exceed the City's daytime (7:00 a.m. to 10:00 p.m.) noise level standard of 50 dBA Leq or nighttime (10:00 p.m. to 7:00 a.m.) noise level standard of 45 dBA Leq. Additionally, noise levels at the project site are approximately 68 dBA Ldn and, when averaged over the 24-hour period, truck wash facility noise would not cause an increase in noise levels of more than 3 dBA.

As such, the proposed project would result in a less-than-significant impact with mitigation incorporated associated with the generation of a substantial permanent increase in ambient stationary source noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, State, or federal standards (**Exhibit J** - page 81, 275).

### Transportation

The proposed project was analyzed to consider if the proposed project would conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. A Traffic Impact Study was conducted to analyze traffic conditions.

While Levels of Service (LOS) analysis is no longer a criterion of significance for traffic impacts under CEQA, the City of Fresno General Plan includes policies that utilize LOS to determine project conditions of approval. As such, this analysis includes LOS impacts while vehicle miles traveled (VMT) impacts are discussed below. Per the ITE Trip Generation Manual, the proposed truck parking facility project would generate 1,121 average daily trips, including 151 vehicle trips during the AM peak hour and 157 vehicle trips during the PM peak hour.

The proposed project traffic is not anticipated to exceed the City's level of significance threshold of LOS (LOS D or better). In addition, the project-related traffic would not result in a deficiency to existing transit, roadway, bicycle, and pedestrian facilities. Therefore, the proposed project would not conflict with any plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system or congestion management program. Impacts would be less than significant.

Per Senate Bill (SB) 743, relevant CEQA analysis of transportation impacts are conducted using a metric known as VMT (Vehicle Miles Traveled) instead of LOS. VMT measures how much actual auto travel (additional miles driven) a proposed project would create on California roads. If the project adds excessive car travel onto our roads, the project may cause a significant transportation impact.

Project VMT per employee was estimated using the Fresno Council of Governments' (COG's) Activity Based Model (ABM), while the regional VMT per employee was obtained from the City's VMT Guidelines. The regional (Fresno County) VMT per employee, obtained from the City's VMT Guidelines is 25.6, while the project VMT per employee is 13.8. The project VMT per employee is 54 percent lower than the regional VMT per employee. Therefore, as per the City's VMT Guidelines, the project would not have a significant VMT impact (**Exhibit J** - page 101, 304, 554).

### Lighting (Aesthetics)

Potential lighting impacts of the proposed project were examined to determine if the project would create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

The proposed project would include new on-site exterior lighting, with lights around the perimeter of the project site and within the project site. All exterior lighting at the project site would be directed downward toward the project site to minimize lighting levels at nearby uses. In addition, the proposed project would be required to comply with Article 25, Performance Standards, of the FMC, which includes standards related to lighting and glare. Further, Mitigation Measures AES-1 and AES-2 would ensure that the proposed project's lighting systems do not create a substantial new source of light by requiring shielding mechanisms to direct light away from nearby uses.

As a result, any new sources of light resulting from the proposed project would not be substantial in the context of existing lighting sources. Implementation of Mitigation Measure AES-3 would ensure that the proposed project's lighting systems do not create a substantial new source of light by imposing a cap on the intensity of lighting systems based on the average intensity of the surrounding streets. Additionally, while the project does not propose use of highly reflective glass elements or building materials, Mitigation Measure AES-4 requires materials used on building façades to be non-reflective. Therefore, any new source of glare would not be substantial.

Accordingly, with the incorporation of Mitigation Measures AES-1 through AES-4, the project's potential impacts would be less than significant.

Based upon the summarized results above and further analysis in the complete Initial Study, it was determined based upon the evidence in the record that the proposed project would not have a significant impact on the environment and that the filing of a Mitigated Negative Declaration was appropriate.

A public Notice of Intent for the attached Mitigated Negative Declaration for Environmental Assessment Application No. P21-01833 was published on July 21, 2023, at the Fresno County Clerk and posted online at the State Clearinghouse. No comments were received. Upon conditional approval of the project, a Notice of Determination was filed on September 6, 2023.

## **CONCLUSION**

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the Fresno General Plan, West Area Community Plan, and the Fresno County Airport Land Use Compatibility Plan, compliance with the specific provisions of Development Code; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of

potentially significant adverse environmental impacts. These factors have been evaluated as described above.

Upon consideration of this evaluation, it can be concluded that Development Permit Application No. P21-01833 as conditioned is appropriate for the subject property.

If the Planning Commission decides to approve the appeal and deny the proposed project, or modify the prior Conditions of Approval dated September 5, 2023, the Commission must find that there is substantial evidence in the administrative record to make the required findings of FMC Section 15-5206.

Action by the Planning Commission is final unless appealed to City Council in accordance with Section 15-5017 of the FMC.

#### **ATTACHMENTS:**

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