



## Inter Office Memo

---

DATE: October 6, 2016

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12599 - VARIANCE APPLICATION NO. 4003

APPLICANT: Central California Packing Company

OWNER: POM Wonderful LLC

REQUEST: Allow a building height of 42 feet (35-foot maximum height permitted) for an agricultural structure on a 14.88-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located at the western corner of East Avila Avenue and South Portola Avenue, adjacent to the unincorporated community of Del Rey (5151 S. Portola Ave) (Sup. Dist. 4) (APN 350-080-83).

### PLANNING COMMISSION ACTION:

At its hearing of October 6, 2016, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Borba and seconded by Commissioner Egan to adopt the recommended Findings as stated in the Planning Commission Staff Report for approval of a Variance, and approve Variance No. 4003, subject to the Conditions listed in Exhibit B.



EXHIBIT A

Variance Application No. 4003

- Staff: The Fresno County Planning Commission considered the Staff Report dated October 6, 2016, and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Condition. He did not provide the Commission any additional information.
- 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.

CMM  
G:\4360Devs&Pln\PROJSEC\PROJDOCS\VA\4000-4099\4003\RESOLUTION\VA4003 Reso.doc

## Conditions of Approval and Project Notes Variance Application No. 4003

EXHIBIT B

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan and elevations approved by the Planning Commission.
Conditions of Approval reference required Conditions for the project.	
Notes	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	<p>Within 30 days of the occurrence of any of the following events the Applicant/operators shall update their online Hazardous Materials Business Plan (HMBP) and site map (<a href="http://cers.calepa.ca.gov/">http://cers.calepa.ca.gov/</a> or <a href="https://www.fresnocupa.com/">https://www.fresnocupa.com/</a>): there is a 100% or more increase in the quantities of a previously-disclosed material; or, the facility begins handling a previously-undisclosed material at or above the HMBP threshold amounts.</p> <p>The business shall certify that a review of the business plan has been conducted at least once every three years and that any necessary changes were made and that the changes were submitted to the local agency. Contact the Certified Unified Program Agency at (559)600-3271 for more information.</p>
2.	All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes.
3.	<p>The facility shall update and resubmit the Risk Management Plan (RMP) within six months if there is a significant change to the regulated process. RMPs must be updated at least once every five years. Owners and operators responsible for RMP implementation should review A Checklist for Submitting your Risk Management Plan (RMP).</p> <p>You must fully update your RMP for resubmission sooner than the five-year anniversary date if any of the following changes occur [as specified in 40 CFR 68.190(b)]: if a change alters the Program Level that applies to any covered process, the RMP must be resubmitted within six months of that change; if a change requires a revised Off-Site Consequence Analysis, the RMP must be resubmitted within six months of that change; if a change requires a revised process hazard analysis or hazard review, the RMP must be resubmitted within six months of that change; if a new regulated substance is present above the threshold quantity in an already covered process, the RMP must be resubmitted on the date which the new substance is present; if a regulated substance is present above the threshold quantity in a new process, the RMP must be resubmitted on the date which the substance is present above the threshold quantity; or, if the EPA begins regulating a new substance, the RMP must be resubmitted within three years of the date the substance is first regulated.</p> <p>You may use RMP* eSubmit for your resubmission. Resubmissions reset the five-year anniversary date by which you must next update your RMP. To resubmit, you must update all nine sections of your RMP.</p>

**Notes**

4.	Building and Safety/Plan Check Sections of the Fresno County Department of Public Works and Planning: If approved, plans, permits, and inspections are required, including site development, based upon the California Codes in effect at the time of plan check submittal.
5.	Clearance from the jurisdiction of the existing irrigation easement will be necessary for the construction of the proposed metal canopy.
6.	The project shall comply with California Code of Regulations Title 24-Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for the subject application, plans must be submitted to the County of Fresno Public Works and Planning for review. It is the Applicant's responsibility to deliver a minimum of three sets of plans to FCFPD.
7.	The subject project may be subject to joining Community Facilities District (CFD) No 2010-01. Before plans are submitted to the Fresno County Fire Protection District, the Applicant must fill out the Fire Permit Application to submit with the plans. A determination will be made and information provided to the Applicant on how to join the CFD based on the application.
8.	If not already present, a ten-foot by ten-foot corner cutoff should be improved for sight distance purposes at the exiting driveway onto Avila Avenue and a twenty-foot by twenty-foot corner cutoff should be improved for sight distance purposes at the exiting driveway onto Portola Avenue.
9.	Any work done within the right-of way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.
10.	A grading permit or voucher is required for any grading proposed with this application.



# County of Fresno

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

October 24, 2016

Central California Packing Company  
11444 W. Olympic Boulevard  
Los Angeles CA 90064

Dear Applicant:

Subject: Resolution No. 12599 - Variance Application No. 4003

On October 6, 2016, the Fresno County Planning Commission approved your above-referenced project with Conditions. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk to the Board of Supervisors within 15 days, the Planning Commission's decision is final.

The approval of this project will expire one year from the date of approval. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant a maximum of two one-year extensions of time. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Variance.

If you have any questions regarding the information in this letter please contact me at [cmonfette@co.fresno.ca.us](mailto:cmonfette@co.fresno.ca.us) or 559-600-4245.

Sincerely,

Christina Monfette, Planner  
Development Services Division

CMM:ksn  
G:\4360Devs&PIn\PROJSEC\PROJDOCS\VA\4000-4099\4003\RESOLUTION\VA4003 Reso.doc

Enclosure