



Inter Office Memo

DATE: August 25, 2016

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12591 - INITIAL STUDY APPLICATION NO. 7076 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3524

APPLICANT: Westgate Development, Inc.

OWNER: Hewitson, LP

REQUEST: Allow a gas station and convenience store on a 1.57-acre parcel within the Interstate Freeway Interchange Area in the AE-40 (Exclusive Agricultural, 40 acre minimum parcel size) Zone District.

LOCATION: The project site is located on the north side of Dorris Avenue (CA 198) between Interstate 5 and Amador Avenue, approximately nine miles northeast of the city of Coalinga (25430 W. Dorris Avenue) (SUP. DIST. 4) (APN 065-260-24S).

PLANNING COMMISSION ACTION:

At its hearing of August 25, 2016, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Borba and seconded by Commissioner Lawson to adopt the Mitigated Negative Declaration prepared for the project, adopt the required Findings for approval of a Conditional Use Permit, and approve Unclassified Conditional Use Permit Application No. 3524, subject to the Mitigation Measures and Conditions of Approval listed in Exhibit B, with the addition of a condition prohibiting commercial diesel truck fueling or the addition of a commercial diesel truck fueling island without approval of a subsequent Conditional Use Permit to amend the existing operation.

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Borba, Lawson, Abrahamian, Chatha, Egan, Eubanks, Mendes, Pagel, Woolf
	No:	None
	Absent:	None
	Abstain:	None

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

By: 

William M. Kettler, Manager
Development Services Division

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NOTE: The approval of this project will expire two years 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 Unclassified Conditional Use Permit.

Attachments

EXHIBIT A

Initial Study Application No. 7076
Unclassified Conditional Use Permit Application No. 3524

Staff: The Fresno County Planning Commission considered the Staff Report dated August 25, 2016, and heard a summary presentation by staff. Staff also provided the following information in response to questions from the Planning Commission:

- When a proposal for development requiring an Initial Study is modified after the Initial Study has been circulated, there is typically no additional recirculation for review if the modification will result in less of an impact and is determined by staff not to create any foreseeable new impacts, as was considered the case with the subject proposal.
- A number of specific considerations pertaining to the design of the project site, such as the location of fuel tanks and truck turning paths, are factors that will be addressed during the Site Plan Review process.

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 and address correspondence in opposition to the project:

- The opposition to the proposal is coming from neighboring business owners, and the concerns presented are motivated by competition more so than any other factor.
- The only change that has been made to the proposal from what was originally submitted to County staff is the removal of the four proposed high-flow diesel pumps for commercial trucks.
- There are no structures involved in the proposal that will block or interfere with any easements existing in the vicinity of the property.
- The traffic study performed for the project was based on requirements from the California Department of Transportation (Caltrans), and Caltrans was consulted throughout the process to ensure the study was sufficient for measuring the transportation and traffic impacts of the project.

Others: Three individuals presented information in opposition to the application, stating:

- The comments in opposition to the project were submitted within the appropriate deadline and are thus timely despite characterization as late correspondence.

- There is a fair argument for significant effect under the California Environmental Quality Act (CEQA) with respect to transportation and traffic impacts because expert evidence has been provided, contrary to the Applicant's limited traffic study, that the proposal will increase the Level of Service on the roadways serving the project.
- The Initial Study addresses high-flow diesel and trucking activity, which may allow the Applicant to forego environmental review on future development to add diesel fueling pumps for trucks; a narrower CEQA document would reduce these concerns.
- There have been multiple iterations of the project, and more time for review of the latest iteration is needed to have a meaningful hearing.
- There are easements to the west of the property that serve neighboring farmers to the north and provide access to the canal, and the curb and gutter proposed with the project would affect access provided by those easements.
- There is a Pacific Gas & Electric (PG&E) easement that precludes the proposed location of signage and the turning path for vehicles.
- There are at least ten traffic accidents per week in this vicinity of State Route 198, and the project will make conditions worse.

A representative from the California Department of Transportation (Caltrans) appeared before the Commission to address questions regarding transportation and traffic-related considerations, stating:

- There are a number of easements along the highway that are prescriptive in nature and have existed for a long time, and typically Caltrans' approval of encroachments to state roadways is more relaxed for agricultural uses or canal maintenance than for commercial uses.
- Caltrans' comments regarding "fair share mitigation" for this project are focused on improvements to the bridge at Interstate 5 and State Route 198, and the two existing lanes of State Route 198 are expected to be adequate for the traffic and uses associated with this project.

Correspondence: One letter in opposition to the application was submitted after publication of the Staff Report but before the date of the Planning Commission hearing. Copies of the letter and exhibits included with the letter were presented to the Planning Commission at the hearing.

EXHIBIT B

**Mitigation Monitoring and Reporting Program
Initial Study Application No. 7076 and Unclassified Conditional Use Permit Application No. 3524
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No. *	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics/ Lighting	All outdoor lighting shall be hooded and directed downward as to not shine toward adjacent properties and public streets or roadways.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing; for duration of project
*2.	Biological Resources	In order to minimize the likelihood of incidental take of the San Joaquin kit fox, preactivity surveys and exclusion zones as found in the 2011 <i>Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance</i> ("Standardized Recommendations") shall be implemented at the project site prior to the commencement of construction activities. All surveys and monitoring described in this document must be conducted by a qualified biologist as defined in the Standardized Recommendations. Preactivity surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities.	Applicant	Applicant/PW&P	As noted
*3.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activity, all work shall be halted in the area of the find, and an archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	Ongoing during construction
*4.	Transportation/ Traffic	To mitigate potential traffic impacts to Interstate 5 and State Route 198 (Dorris Avenue), prior to the issuance of building permits, the Applicant shall pay a pro-rata share of cost in the amount of \$88,450 to the California Department	Applicant	Applicant/Caltrans/ PW&P	As noted

	of Transportation (Caltrans) for future improvements at the intersection of Interstate 5 and State Route 198 (Dorris Avenue). A letter shall be submitted to the Department of Public Works and Planning from Caltrans stating that the requirement of a pro-rata share for the funding of future off-site traffic improvements has been met.		
Conditions of Approval			
1.	Development and operation shall be in substantial conformance with the approved Site Plan, Floor Plan, Elevation Drawings, Operational Statement, and Architectural Theme approved by the Commission.		
2.	Any propane stored at the building shall be located adjacent to the portion of the building furthest from the airport and runway.		
3.	Prior to the issuance of building permits, the project developer shall file FAA Form 7460-1 with the Federal Aviation Administration (FAA).		
4.	Prior to the issuance of building permits, the project developer shall record a covenant to run with the land stating that the subject property is within the boundaries of the Harris Ranch Land Use Policy Plan.		
5.	Any commercial diesel truck fueling or the addition of a commercial diesel truck fueling island shall require an amendment to the existing Conditional Use permit and be subject to a public hearing.		

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference required Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Prior to issuance of building permits, a Site Plan Review shall be submitted to and approved by the Fresno County Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include, but are not limited to, design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and control of lights.
2.	Prior to issuance of building permits for each food facility, the Applicant will be required to submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Prior to operations, the operator will be required to apply for and obtain a permit to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division.
3.	The Applicant will be required to obtain a license to sell alcoholic beverages prior to alcohol sales.
4.	Prior to the issuance of building permits, the Applicant will be required to submit three (3) sets of complete plans and specifications regarding the installation of any underground storage tanks to the Fresno County Department of Public Health, Environmental Health Division. Prior to operations/sales of fuel, the operator will be required to obtain a Permit to Operate an Underground Storage Tank System. Facilities proposing to use and/or store hazardous materials and/or

Notes

	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.
5.	The project/development will be subject to requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. The project developer should also contact the Fresno County Fire Protection District regarding Community Facilities District No. 2010-01.
6.	The gas station portion of the project will require an Authority to Construct permit to be obtained from the San Joaquin Valley Air Pollution Control District.
7.	Any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards.
8.	A grading permit will be required with this application.



County of Fresno

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

October 14, 2016

Samer Sabbah
Westgate Development Inc.
5101 W. Merlot Court
Visalia, CA 93291

Dear Applicant:

Subject: Resolution No. 12591 - Initial Study Application No. 7076 and Unclassified
Conditional Use Permit Application No. 3524

On August 25, 2016, the Fresno County Planning Commission approved your application with
Conditions. A copy of the Planning Commission Resolution is enclosed.

The approval of this project will expire two years 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 Unclassified Conditional Use Permit.

If you have any questions regarding the information in this letter please contact me at
dbrannick@co.fresno.ca.us or 559-600-4297.

Sincerely,

Daniel Brannick, Planner
Development Services Division

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Enclosure

cc. Fred Cohen
Jeff Reid