



# Inter Office Memo

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DATE: June 23, 2022

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12949 – INITIAL STUDY NO. 8198 AND UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3736

APPLICANT: SAC Wireless

OWNER: Isidro Lopez

REQUEST: Unclassified Conditional Use Permit (UCUP) to allow a wireless monopine telecommunications facility on a 1.91-acre parcel in the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located directly east of the intersection of S. Fowler Avenue and E. Erin Avenue and is adjacent to the City of Fresno (APN: 316-160-41S) (1038 S. Fowler Avenue) (Sup. Dist. 4).

## PLANNING COMMISSION ACTION:

At its hearing of June 23, 2022, the Commission considered the Staff Report and testimony (summarized in Exhibit A). A motion was made by Commissioner Carver and seconded by Commissioner Chatha to adopt the Mitigated Negative Declaration prepared based on Initial Study (IS) No. 8198 and determine that the five required Findings could be made in agreement with Staff and to approve UCUP No. 3736 subject to the Conditions listed in Exhibit B.

This motion was passed on the following vote:

VOTING: Yes: Commissioners Carver, Chatha, Abrahamian, Arabian, Hill, and Zante

No: None

Absent: Commissioners Ewell and Woolf

Abstain: None

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

By:   
\_\_\_\_\_  
William Kettler, Manager  
Development Services and Capital Projects Division

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NOTES:        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 Conditional Use Permit.

The Planning Commission action is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.

Attachments

EXHIBIT A

Initial Study No. 8198 and UCUP No. 3736

Staff: The Fresno County Planning Commission considered the Staff Report dated June 23, 2022 and heard a summary presentation by staff.

Presenters: The applicant's representative agreed with the Staff's recommendation. They described their operation, Verizon's application timeline, site selection process and offered the following information to further support the proposal:

- The Sunnyside area has had problems with coverage and needed a new wireless facility.
- Coverage maps were provided and indicate the improved wireless capacity.

Others: There was no testimony in opposition to the project.

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

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EXHIBIT B  
**Mitigation Monitoring and Reporting Program**  
**Initial Study No. 8148**  
**Classified Conditional Use Permit Application No. 3736**  
**(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties or public right-of-way.	Applicant	Applicant/Department of Public Works and Planning (PW&P)	Ongoing
2.	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 should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities.
Conditions of Approval					
1.	Development shall be in substantial compliance with the Site Plan, Floor Plan, Elevations, and Operational Statement as approved by the Planning Commission.				
Notes					
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.					
1.	All proposed structures and buildings will require a building permit.				

\*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.

EXHIBIT B

Notes

2.

The Development Engineering Section provide the following comments:

- a. Refer to Road Maintenance & Operations Division, Road Operations for comments on Fowler Avenue.
- b. According to FEMA FIRM Panel 2135H, the parcel is not subject to flooding from the 100-year storm.
- c. The project site is located within the Fresno Metropolitan Flood Control District (FMFCD) Boundary and Drainage Zone. FMFCD should be consulted regarding any requirements they may have.

Fresno Metropolitan Flood Control District 5469 E. Olive Avenue  
Fresno, CA 93727  
(559) 456-3292  
developmentreview@fresnofloodcontrol.org

- d. The subject property is within the City of Fresno SOI (Sphere of Influence). The City of Fresno should be consulted regarding any requirements they may have.
- e. Any existing or proposed driveway should be set back a minimum of 10 feet from the property line.
- f. Any existing or proposed 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.
- g. If not already present, a 10 foot x 10 foot corner cut-off should be improved for sight distance purposes at any existing or proposed driveway accessing Fowler Avenue.
- h. Any work done within the County road 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.
- i. Any encroachment or access over S.P.R.R. (Southern Pacific Railroad Right-of-Way) should require approval from the owner.
- j. A grading permit or voucher may be required for any grading proposed with this application.

3.

The Road Maintenance and Operations Division provide the following comments:

- a. The applicant will need to dedicate 23 feet of additional road right-of-way across the parcel frontage on Fowler Ave to comply with the General Plan.
- b. An encroachment permit is needed from the Road Maintenance and Operations Division for any work done within the road right-of-way of County of Fresno.

Notes

4.	<p>The Department of Public Health, Environmental Health Division provide the following comments:</p> <ul style="list-style-type: none"><li>a. The construction and project may result in significant short-term localized noise impacts due to intermittent use/maintenance of the proposed generator. Equipment shall be maintained according to manufacturers' specifications, and noise-generating equipment equipped with mufflers. Consideration should be given to the County Noise Ordinance Code and to the City of Fresno municipal code.</li><li>b. 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>c. 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>
5.	<p>The Fresno County Fire Protection District provide the following comments:</p> <ul style="list-style-type: none"><li>a. The project shall comply with California Code of Regulations Title 24 - Fire Code after County approval of the project and prior to the issuance of any Building Permits.</li><li>b. The Applicant shall submit three Site Plans stamped "reviewed" or "approved" from the Fresno County Department of Works and Planning to the Fresno County Fire Department for their review and approval.</li><li>c. The Applicant shall submit evidence that their Plan was approved by the Fire Department, and all fire protection improvements shall be installed prior to occupancy granted to the use.</li><li>d. Project/Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.</li></ul>

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