



Inter Office Memo

DATE: July 21, 2022

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12955 – UNCLASSIFIED CONDITIONAL USE PERMIT
APPLICATION NO. 3745 AND INITIAL STUDY NO. 8250

APPLICANT: Lisa Elliot

OWNER: David Harris

REQUEST: Unclassified Conditional Use Permit (UCUP) to allow an amendment to UCUP No. 3251 to allow the replacement of a 70-foot existing communications tower and equipment with a 90-foot monopine tower in the C-2 (Community Shopping Center) Zone District.

LOCATION: The subject parcel is located on the south side of E. Shields Ave., 250 feet west of E. Chestnut Ave. and the City limits of the City of Fresno. (APN: 447-061-12) (3019 N. Chestnut Avenue) (Sup. Dist. 3).

PLANNING COMMISSION ACTION:

At its hearing of July 21, 2022, the Commission considered the Staff Report and testimony (summarized in Exhibit A). A motion was made by Commissioner Chatha and seconded by Vice-Chair Hill to adopt the Mitigated Negative Declaration prepared based on Initial Study No. 8250 and determine that the five required Findings could be made in agreement with the Staff Report and to approve Unclassified Conditional Use Permit No. 3745, subject to the Conditions listed in Exhibit B.

This motion was passed on the following vote:


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

 No: None

 Absent: Commissioners Carver 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.

Attachments

EXHIBIT A

Initial Study No. 8250,
Unclassified Conditional Use Permit Application No. 3745

- Staff: The Fresno County Planning Commission considered the Staff Report dated July 21, 2022 and heard a summary presentation by staff.

- Representative: The applicant’s representative agreed with the Staff’s recommendation. They described their operation and stated that the communications tower will have Enhanced 9-1-1 capabilities to improve the effectiveness and reliability of wireless services in case of emergency.

- Others: There was no testimony in support of or 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. 8250
Classified Conditional Use Permit Application No. 3745
(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.				
2.	A Site Plan Review is required to allow for additional clearance.				
Notes					
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.					

*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	
1.	All proposed structures and buildings will require a building permit.
2.	<p>The Department of Public Health, Environmental Health Division provides the following comments:</p> <ul style="list-style-type: none"> A. Facility operators that 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. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 (http://cers.calepa.ca.gov/). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information. B. 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 County Ordinance Code. C. 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. D. 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.
3.	<p>The Fresno County Fire Protection District provides the following comments:</p> <ul style="list-style-type: none"> 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. 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. 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. 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.
4.	<p>The Fresno Metropolitan Flood Control District provides the following comments:</p> <p>Drainage from the site shall remain as existing. In an effort to improve storm runoff quality, outdoor storage areas shall be constructed and maintained such that material that may generate contaminants will be prevented from contact with rainfall and runoff and thereby prevent the conveyance of contaminants in runoff into the storm</p>

Notes	
	<p>drain system.</p> <p>The District encourages, but does not require that roof drains from non-residential development be constructed such that they are directed onto and through a landscaped grassy swale area to filter out pollutants from roof runoff.</p>
5.	<p>The Fresno Airport Planning Division provides the following comments:</p> <p>Any structures or equipment greater than 150 foot in height, temporary or permanent including construction equipment, must comply with the FAA FAR PART 77 Regulations and submit a 7460.</p>

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