



Inter Office Memo

DATE: October 13, 2022

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12965 - INITIAL STUDY NO. 8101 AND CLASSIFIED
CONDITIONAL USE PERMIT APPLICATION NO. 3716

APPLICANT: Elias Saliba

OWNER: Sarabjit Kaur

REQUEST: Amend Conditional Use Permit No. 3348 to allow the expansion of an existing automobile service station (Addition of two gas pumps (four fueling positions), a 760 square-foot canopy, and two 10,000-gallon above-ground storage tanks) located within the C-1 (Neighborhood Shopping Center) Zone District.

LOCATION: The project site is located on the northeast corner of Belmont and Temperance Avenues, approximately forty-eight feet northeast from the City of Fresno (APN: 310-143-46) (7064 E. Belmont Ave.) (Sup. Dist. 5).

PLANNING COMMISSION ACTION:

At its hearing of October 13, 2022, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Vice Chair Hill and seconded by Commissioner Chatha to adopt the Mitigated Negative Declaration prepared for the project based on Initial Study No. 8101, adopt the five required Findings, and approve Classified Conditional Use Permit No. 3716, subject to the Conditions listed in Exhibit B.

RESOLUTION NO. 12965

This motion passed on the following vote:

VOTING: Yes: Commissioners Hill, Chatha, Abrahamian, Arabian, and Ewell
 No: None
 Absent: Commissioners Carver, Woolf, and Zante
 Abstain: None

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

By:



William M. Kettler, Manager
Development Services and Capital Projects Division

WMK:er:jp

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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 Conditional Use Permit.

Attachments

EXHIBIT A

Initial Study No. 8101
Classified Conditional Use Permit Application No. 3716

Staff: The Fresno County Planning Commission considered the Staff Report dated October 13, 2022 and heard a summary presentation by staff.

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:

- The City of Fresno opposed the original Conditional Use Permit No. 3348 allowing for a gas station.
- The improvements proposed do not justify paying for road improvements requested by the City of Fresno; we already paid for City fees on the original expansion and provided for road dedication.

Others: No other individuals presented information in support of or in opposition to the application.

Correspondence: No additional correspondence was presented at the Planning Commission Hearing in support of or in opposition to the application.

EXHIBIT B

**Mitigation Monitoring and Reporting Program
Initial Study No. 8101 & Classified Conditional Use Permit Application No. 3716
(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 to not shine towards adjacent properties and public streets.	Applicant	Applicant/PW&P	Continuous
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

*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.

Conditions of Approval	
1.	Development of the property shall be in substantial compliance with the Site Plans, Floor Plans, Elevations, and Operational Statement approved by the Planning Commission.
2.	A Site Plan Review shall be submitted for approval by the Director of the 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, grading and drainage, fire protection, and control of lighting.

EXHIBIT B

3.	The proposed project will receive water from the City of Fresno; however, in the event Fresno LAFCo denies the Applicant's request for services, the Applicant will be required to receive a permit from the State Water Resources Control Board, Division of Drinking Water to operate as a Public Water System.
4.	This project shall pay its Fresno Major Street Impact (FMSI) Fee which will be determined at the time of building permit.
5.	The project shall pay the Regional Transportation Mitigation Fee (RTMF) and provide proof of payment or exemption, based on vesting rights, prior to issuance of building permits.
Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	All application types stated above SHALL comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving your FCFPD conditions of approval for your project, you must submit construction plans to the County of Fresno Public Works and Planning and FCFPD for review. It is the Applicants Responsibility to deliver a minimum of two (2) sets of plans to the FCFPD.
2.	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.
3.	Your Project/Development may be required to annex into the into Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. Project/Developments included: Single Family Residential (SFR), SFR Properties subdivided into three (3) or more housing units, Multi-Family Residential (MFR) Property, Commercial Property, Industrial Property, and/or Office Property.
4.	Project/Developments will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.
5.	Before plans are submitted to the Fresno County Fire Protection District, please visit our website at www.fresnocountyfire.org and complete the Fire Permit Application to submit with your plans.
6.	According to FEMA FIRM Panels 1595H, the majority of the area of the subject property is found to be under Flood Zone AO (Depth 1'), subject to flooding from the 100-year storm. Typically, any work within the designated flood zone shall conform to provisions established in Chapter 15.48 of Flood Hazard Areas of Fresno County Ordinance.
7.	Prior to the issuance of building permits, the applicant shall 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. Contact the local Hazmat Compliance Program at (559) 600-3271.

8.	Prior to operations, the fuel facility applicant shall apply for and secure a Permit to Operate an Underground Storage Tank System from the Fresno County Department of Public Health, Environmental Health Division. Contact the local Hazmat Compliance Program at (559) 600-3271.
9.	Facilities 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. Your proposed business will handle hazardous materials and/or hazardous waste and will be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 (http://cers.calepa.ca.gov/). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
10.	New sewage disposal systems shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning at (559) 600-4540 for more information. Leach fields shall not be paved over to allow for treatment of effluent.
11.	The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the County's Noise Ordinance.
12.	The water well contractor selected by the applicant or future property owner will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Public Health, Environmental Health Division. The proposed water well shall meet minimum setbacks as defined by the California Plumbing Code. Please be advised that only those persons with a valid C-57 contractor's license may construct wells. For more information, contact the Water Surveillance Program at (559) 600-3357.
13.	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.
14.	If any underground storage tank(s) are found during construction, 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.
15.	The City of Fresno Public Works Department is not opposed to the expansion of the existing store and gas station as shown in the attached plans. The site plan that was submitted with the project does show curb, gutter, sidewalks, and streetlights. The requirement to have these public improvements installed with the project is very important to the Public Works Department. Support would not be given towards the expansion of the store and gas station without the street improvements being completed.
16.	If Temperance Avenue and/or Belmont Avenue is widened or improved as part of the project or future project, FID will require the canal be pipelined with a 30-inch diameter ASTM C-361 Rubber Gasket Reinforced Concrete Pipe (RGRCP) in accordance with FID standards, that FID is granted an exclusive 15-foot wide easement for and along its

	pipeline, and that the applicant enter into an agreement with FID for that purpose.
17.	FID's review and written approval will be required for all improvement plans (including, but not limited to, sewer, water, Fresno Metropolitan Flood Control District, street, and landscaping).
18.	For informational purposes, FID's Fancher Creek Canal No. 6 runs southwesterly and crosses Belmont Avenue approximately 700 feet east of the subject property, and FID's Briggs Canal No. 7 runs southwesterly and crosses Belmont Avenue approximately 900 feet east of the subject property. Should this project expand to include any street improvements along Belmont Avenue and in the vicinity of the canal crossing, FID requires it review and approve all plans.
19.	Plans, permits and inspections shall be required for all structures based upon the current adopted edition of the California Codes at the time of plan check submittal.
20.	The Applicant shall seal and abandon existing on-site well(s) in compliance with the State of California Well Standards, Bulletin 74-90 or current revisions issued by the California Department of Water Resources and City of Fresno standards. Installation of a public fire hydrant is required in accordance with City Standards.