



## Inter Office Memo

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DATE: April 27, 2023

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12989 – CLASSIFIED CONDITIONAL USE PERMIT  
APPLICATION NO. 3732 AND INITIAL STUDY NO. 8182

APPLICANT: Gerald Mele

OWNER: Chou Xiong

REQUEST: Allow a 2,400 square foot cold storage facility and a 300 square foot storage building value added agricultural use and facilities on a 5.0-acre parcel within the AE-20 (Exclusive Agricultural, 20-acre minimum acre parcel size) Zone District.

LOCATION: The project site is located on the south side of W. North Ave. 750 feet east of S. Fruit Ave. 887 feet west of the nearest city limits of the City of Fresno (APN: 328-102-09) (1315 W. North Ave.) (Sup. Dist. 1).

### PLANNING COMMISSION ACTION:

At its hearing of April 27, 2023, the Commission considered the Staff Report and testimony (summarized in Exhibit "A").


A motion was made by Commissioner Arabian and seconded by Commissioner Chatha to adopt the Mitigated Negative Declaration prepared for the project; adopt the recommended Findings of Fact in the Staff Report; and approve Classified Conditional Use Permit Application No. 3732, subject to the Conditions listed in Exhibit "B".

RESOLUTION NO. 12989

This motion passed on the following vote:

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

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

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

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NOTES: The approval of this project will expire in 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. 8182  
Classified Conditional Use Permit Application No. 3732

Staff: The Fresno County Planning Commission considered the Staff Report dated April 27, 2023 and heard a summary presentation by staff.

Presenters: The Applicant concurred with the Staff Report and the recommended Conditions.

Others: No additional individuals presented information in support of or in opposition to the proposal.

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

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**EXHIBIT B**

**Mitigation Monitoring and Reporting Program  
Initial Study Application No. 8182 and Classified Conditional Use Permit Application No. 3732  
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	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.	The applicant shall provide the County an irrevocable offer of dedication of 23 feet of additional road right-of-way across the parcel frontage on W. North Avenue.				
2.	The site plan shows two new proposed driveways. Due to the arterial classification of W. North Avenue, the applicant shall be restricted to one driveway approach which cannot exceed 35 feet Per County Standard.				

\*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.

Project Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	The proposed driveway approach along W. North Ave. shall not disrupt existing roadway drainage plans.
2.	The driveway approach shall be limited to a maximum of 35 feet.
3.	Subject's parcel is within Fresno Metropolitan Flood Control District boundaries, any permanent drainage improvements should be in accordance with FMFCD master plan.

EXHIBIT B

Project Notes	
4.	All proposed gates at the driveway shall be set back a minimum of 20 feet from the right-of-way or such other extra depth, in order to eliminate the largest vehicle from idling in the road right-of-way when stopped to open the gate.
5.	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.
6.	The subject property borders on W. North Ave., which is a county-maintained road.
7.	North Ave. is classified as an Arterial in the General Plan, with a recommended right-of-way width of 106 feet. Records for existing right-of-way show a right-of-way width for North Ave. of 60 feet.
8.	It is recommended that the applicant consider having the existing septic tank pumped and have the tank and leach lines evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.
9.	Any proposal for a new sewage disposal system shall meet setbacks, be approved and installed under permit from the Department of Public Works and Planning, Building and Safety Section. The applicant's consultant shall contact the Department of Public Works and Planning Building and Safety Section at (559) 600-4540 for more information.
10.	Facilities proposing to 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 electronically pursuant to the HSC, Division 20, Chapter 6.95 ( <a href="http://cers.calepa.ca.gov/">http://cers.calepa.ca.gov/</a> ). For more information please contact the local Hazmat Compliance Program at (559) 600-3271. The default State reporting thresholds that apply are: >55 gallons (liquids), >500 pounds (solids), >200 cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances.
11.	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.
12.	The proposed project shall comply with the noise elements of the Fresno County Noise Ordinance Codes and the City of Fresno Municipal Code. Due to the location of the proposed project near residential uses, all equipment shall be maintained according to the manufacturer's specifications, and that noise generating equipment be equipped with mufflers.
13.	The applicant should be advised of the State of California Public Resources Code, Division 30; Waste Management, Chapter 16; Waste Tire Facilities and Chapter 19; Waste Tire Haulers and facilities, will require the Owner/Operator to obtain a Tire Program Identification Number (TPID) and possibly a waste and used tire hauler permit from the California

Project Notes	
	Department of Resources Recycling and Recovery (CalRecycle). Contact the local Tire Enforcement Agency at (559) 600-3271 for additional information.
14.	FMFCD: Recommend that the County require a temporary on-site storm water storage facility for any additional development or street improvements. Said facility should be located and constructed so that once permanent FMFCD facilities become available, drainage can be directed to the street.
15.	FMFCD: The minimum finish floor elevation shall be 268.70 (U.S.G.S. Datum).
16.	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 drain system.
17.	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.
18.	<p>Runoff from areas where industrial activities, product, or merchandise meet and may contaminate storm water must be treated before discharging it off-site or into a storm drain. Roofs covering such areas are recommended. Cleaning of such areas by sweeping instead of washing is to be required unless such wash water can be directed to the sanitary sewer system.</p> <p>Storm drains receiving untreated runoff from such areas shall not be connected to the District's system. Loading docks, depressed areas, and areas servicing or fueling vehicles are specifically subject to these requirements. The District's policy governing said industrial site NPDES program requirements is available on the District's website at: <a href="http://www.fresnofloodcontrol.org">www.fresnofloodcontrol.org</a> or contact the District's Environmental Department for further information regarding these policies related to industrial site requirements.</p>
19.	Prior to site development, all survey monumentation – Property Corners, Centerline Monumentation, Section Corners, County Benchmarks, Federal Benchmarks and Triangulation Stations, etc. within the subject area shall be preserved in accordance with Section 8771 of the Professional Land Surveyors Act and Section 6730.2 of the Professional Engineers Act.

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