

**CITY OF FRESNO
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT**

CONDITIONS OF APPROVAL

AUGUST 28, 2014

SITE PLAN REVIEW APPLICATION NO. S-13-047

175 North Hughes Avenue
(APN:458-020-70)

The City Council will consider approval of Site Plan Review Application No. S-13-047 at a noticed public hearing on August 28, 2014. Staff recommends that the special permit application be approved subject to the conditions listed in this document.

Project Description: Sean Odom of GMA Consulting Engineers and Architects, on behalf of McCall Pacific, LLC, and Brenntag Pacific, Inc., has filed Site Plan Review Application No. S-13-047 pertaining to +/- 11.22 acres of property located on the west side of North Hughes Avenue between West Nielson and West Belmont Avenues.

Site Plan Review Application No. S-13-047 requests authorization to construct a 53,787 square foot metal building to be used as a chemical warehouse (Brenntag Pacific Inc.). A portion of which will be used as a 3,000 square foot shipping office and a 181 square foot front entry canopy, in addition to, two detached storage canopies (2,000 and 2,500 square feet). The applicant also proposes to install twelve (12) external storage tanks with their appropriate containment slabs. The subject site is zoned M-3 (*Heavy Industrial*) and designated for heavy industrial planned land uses by the 2025 Fresno General Plan and Edison Community Plan.

CONDITIONS OF APPROVAL

PART A – ITEMS TO BE COMPLETED

The following items are required prior to issuance of building permits, occupancy, or commencement of land use activity as noted below:

Planner to initial when completed		
<div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>	1.	Development shall take place in accordance with Exhibits A, F, & L (Sheets A-0.1, A-1.1, A-1.2, A-1.3, A-1, A-2, A-2.1, A-2.2, A-3, and A-3.1 dated December 13, 2013; L-1 dated November 4, 2013; L-2 dated January 2, 2014; and L-3 dated August 15, 2013, with modifications, as requested in the conditions listed below. Transfer all comments and

		conditions to the corrected exhibit(s) and submit to planner at least 15 days prior to issuance of building permits.
<input type="checkbox"/>	2.	The proposed 6-foot high fence is not allowed within the 15-foot front yard setback along Hughes Avenue. Revise site plan to depict a fence that meets the requirements noted above. This revised site plan must be submitted and approved prior to issuance of building permits.
<input type="checkbox"/>	3.	The proposed fence located along Hughes Avenue must be made of wrought iron or a similar looking material no greater than four (4) feet in height if located within the required setback. Chain link is not allowed. Revise site plan to depict a fence that meets the requirements noted above. This revised site plan must be submitted and approved prior to issuance of building permits.
<input type="checkbox"/>	4.	In a revised operational statement dated May 22, 2014, the applicant had indicated that they own or will own 31 vehicles to be utilized on the site and will have 33 employees with no sales people. Thus, a total of 48 parking stalls are required. Only 45 parking stalls (36 vehicle and 9 truck) are shown on Exhibit A-2 dated December 11, 2013. Please revise plans to depict an additional three (3) parking stalls. No truck shall park on unmarked gravel area unless it designated as a parking stall on the site plan. This revised site plan must be submitted and approved prior to issuance of building permits.
<input type="checkbox"/>	5.	Provide lot coverage information on the site plan. Include all proposed structures in lot coverage calculation. This must be shown on a revised site plan prior to issuance of building permits.
<input type="checkbox"/>	6.	Add applicable notes/details on the site plan from the attached "General Notes and Requirements for Entitlement Applications", unless otherwise noted in these conditions of approval.
<input type="checkbox"/>	7.	Comply with the following requirement(s) prior to issuance of building permits: A. Dedicate and construct (2) 17' center section travel lanes and a 2-way left turn lane within the limits of this application. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a 45 MPH design speed. Frontage improvements required beyond the limits of this application. 2025 General Plan Policy numbers E-1-c, E-1-j, E-1-n. This requirement, along with all requirements detailed in the letter dated

		October 11, 2013 from the Public Works Department, Traffic and Engineering Services Division, will be verified by the Public Works Department prior to issuance of building permits. <u>The dedication must be completed prior to issuance of building permits.</u>
<input type="checkbox"/>	8.	Revised irrigation plans must be reviewed and approved by Hilary Kimber prior to issuance of building permits.
<input type="checkbox"/>	9.	Construct an 8-inch sanitary sewer main in North Hughes Avenue from the existing 8-inch main at the intersection of North Hughes and West Nielsen Avenues to the project's north property line. See memorandum from Dough Hecker in the Department of Public Utilities dated September 16, 2013 for more information. This must be installed prior to occupancy.
<input type="checkbox"/>	10.	Revise site plan to comply with comments provided by the City of Fresno Fire Department in a memo dated October 2, 2013. Provide revised site plan for review and approval prior to issuance of building permits.
<input type="checkbox"/>	11.	A flood control fee of \$73,2794.00 is due prior to issuance of building permits. The Development Services Division will enter this fee into the system at the time of issuance of building permits and the fee will be due at that time.
<input type="checkbox"/>	12.	At the request of the Fresno Metropolitan Flood Control District, a hold on occupancy will be placed on this project until the developer provides an NPDES General Permit for Industrial Activity. Please provide proof that this has been completed prior to occupancy.
<input type="checkbox"/>	13.	Landscaping must be in place before issuance of the certificate of occupancy. A Hold on Occupancy shall be placed on the proposed development until such time that landscaping has been approved and verified for proper installation by the Development Services Division. A written certification, signed by a landscape professional approved by the Director, shall be submitted stating that the required landscaping and irrigation system was installed in accordance with the landscaping and irrigation plans approved by the Development Services Division, Development and Resource Management Department.
<input type="checkbox"/>	14.	Prior to operations, the applicant shall complete the online Hazardous Materials Business Plan submittal (https://www.fresnocupa.com/ or http://cers.calepa.ca.gov/). Contact the Certified Unified Program Agency

		at (559) 600-3271 for more information. Provide proof that this has been completed prior to occupancy.
<input data-bbox="203 506 293 569" type="checkbox"/>	15.	Comply with the MEIR Mitigation Measures and Project Specific Mitigation Measures attached to Environmental Assessment No. S-13-047. Proof of compliance must be submitted at the time of issuance of building permits.

PART B – OTHER REQUIREMENTS

1. Planning/Zoning/Environmental Compliance Requirements

- a) Property development standards and zoning requirements are contained in the attached “Project Comments from the Development Services Division” prepared for Site Plan Review Application No. S-13-047 and dated October 3, 2013 (revised February 28 and June 13, 2014). Any future revisions to the proposed project shall comply with these conditions.
- b) Development shall take place in accordance with the attached “General Notes and Requirements for Entitlement Applications” as applicable.
- c) Development shall take place in accordance with the M-3 (*Heavy Industrial District*) zone district and all other applicable sections of the Fresno Municipal Code.
- d) Development shall take place in accordance with the policies of the 2025 Fresno General Plan, Edison Community Plan, Redevelopment Agency of the City of Fresno Industrial Development Design Guidelines, and with the heavy industrial planned land use designation.
- e) Comply with the operational statement submitted for the proposed project dated December 11, 2013 (updated May 22, 2014).
- f) All programs and plans detailed in the attached document titled “Brenntag Pacific, Inc., Summary of S.H.E. Programs” dated February 21, 2014 must be adhered to in the operation of the proposed facility.
- g) Any changes to approved elevations are subject to review and approval by the Development and Resource Management Department.

2. City and Other Services

- a) Development shall take place in accordance with the attached memoranda and letters from City of Fresno Departments and partner agencies (Building and Safety Services dated January 16, 2013; Department of Public Utilities (for sewer) dated January 29, 2013; Department of Public Utilities (for water) dated January 24, 2013; Department of Public Utilities (for solid waste) dated January 23, 2013; Public Works Department, Engineering Division dated February 2, 2013; Fresno Fire Department dated January 16, 2013; Caltrans dated February 5, 2013; Fresno Unified School District dated February 27, 2013; San Joaquin Valley Air Pollution Control District dated January 24, 2013, and updated letter of May 22, 2014; Fresno Irrigation District dated January 18, 2013; Fresno Police Department dated January 31, 2013; Fresno Metropolitan Flood Control District dated January 28, 2013; Fresno County Department of Public Health dated January 16, 2013; Public Utilities Commission dated January 17, 2013; Fresno Area Express (FAX) dated January 23, 2013; and Fresno Airports Division dated January 18, 2013).

3. Miscellaneous Requirements

- a) Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:
 - i) All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;
 - ii) All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
 - iii) Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.
- b) Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The Development and Resource Management Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.

Please be advised that this project may be subject to a variety of discretionary conditions of approval. These conditions based on adopted City plans and policies, those determined through site plan review and environmental assessment essential to mitigate adverse effects on the health, safety and welfare of the community, and recommend conditions for development that would on the whole enhance the project and its relationship to the neighborhood and environment.

EXPIRATION DATES

The exercise of rights granted by this special permit must be commenced within four years from the date of approval (presumably on June 18, 2018). There is no extension. All improvements must be installed prior to the operation of the proposed use, unless otherwise stated in the conditions of approval.

- Enclosures:
- Exhibit 1: A, F, & L (Sheets A-0.1, A-1.1, A-1.2, A-1.3, A-1, A-2, A-2.1, A-2.2, A-3, and A-3.1 dated December 13, 2013; L-1 dated November 4, 2013; L-2 dated January 2, 2014; and L-3 dated August 15, 2013)
 - Exhibit 2: Comments from Partner Agencies & Departments
 - Exhibit 3: Project Comments from the Development Services Division prepared for Site Plan Review Application No. S-13-047 and dated June 13, 2014
 - Exhibit 4: Revised Operational Statement dated May 22, 2014
 - Exhibit 5: Brenntag Pacific, Inc., Summary of S.H.E. Programs dated February 21, 2014
 - Exhibit 6: General Notes and Requirements for Entitlement Applications
 - Exhibit 7: Performance Standards for Parking Lot Shading
 - Exhibit 8: Landscape Certification Form