



# Board Agenda Item 42

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DATE: January 10, 2017

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director  
Department of Public Works and Planning

SUBJECT: Public Utility Easement Dedication for Conditional Use Permit No. Application No. 3348  
Northeast Corner of Belmont Avenue and Temperance Avenue

RECOMMENDED ACTION(S):

**Accept the Grant of Easement for Public Utilities and not accept at this time the Grant of Easement for Public Road Right-of-Way from Lakhvinder Paul and Sarabjit Kaur Paul for dedication as required under Conditional Use Permit Application No. 3348 for Sunnyside Market located at the northeast corner of the intersection of Belmont and Temperance Avenues, approximately 48 feet northeast of the nearest city limits of the City of Fresno (Sup. Dist. 5) (APN: 310-143-46).**

Approval of the recommended action would authorize acceptance of the public utility easement and satisfy conditions of approval imposed under Conditional Use Permit (CUP) Application No. 3348 for construction of a water line to serve the existing development and proposed expansion of Sunnyside Market. Acceptance of the right-of-way would be required after the site is annexed to the City of Fresno and road improvements are needed.

ALTERNATIVE ACTION(S):

Approval of this item is necessary to satisfy the conditions of approval imposed as part of CUP No. 3348 that included water service from a public utility. Alternatively, the applicant could provide a separate easement to the City of Fresno for the proposed water line, and separately provide an irrevocable offer to the County for the future road right-of-way. However, providing a public utility easement to the County satisfies the City's conditions for water line construction and preserves the County's control over the use of the remaining area within the public utility easement.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The applicant has paid the required fees for the Conditional Use Permit (CUP) Application No. 3348 and environmental assessment totaling \$9,462.

DISCUSSION:

The Planning Commission approved CUP No. 3348 on August 13, 2015, to allow an expansion of the Sunnyside Market to add two gas pumps (four fueling positions), a 760 square-foot canopy, two 10,000-gallon above-ground storage tanks, and convert 800 square-feet of the existing convenience store to a barber shop on a 2.32-acre parcel in the C-1 (Neighborhood Shopping Center) Zone District. One of the conditions of approval required that the property be served with water from the City of Fresno's system. The on-site water well currently serving the existing development will be abandoned in accordance with State regulations.

The dedication of the public utility easement is required now, however, street right-of-way and improvements will not be needed until this area is annexed to the City of Fresno. The timing of the need for road right-of-way and improvements was evaluated and agreed upon by the City of Fresno with input from Fresno County and Caltrans, since future road improvements will provide two left turn lanes in all directions for access to Highway 180 and development of Temperance Avenue and Belmont Avenue to their ultimate configuration. A 16" water main is to be constructed along the project's Belmont frontage from the City of Fresno grid in Temperance Avenue and in Belmont Avenue west of Temperance. The construction of this water line will satisfy requirements for fire suppression and abandonment of the on-site water well.

OTHER REVIEWING AGENCIES:

This public utility and road right-of-way easement has been reviewed by the City of Fresno and satisfies their needs for a dedicated easement to facilitate the construction of the water line.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibits 1 - 2  
On file with Clerk - Grant Deed

CAO ANALYST:

John Hays