



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

## Planning Commission Staff Report Agenda Item No. 3 July 26, 2018

**SUBJECT:** Initial Study Application No. 7357 and Unclassified Conditional Use Permit Application No. 3591

Allow an Interstate Freeway Interchange Commercial Development, consisting of a 1,823 square-foot Taco Bell restaurant with drive-through service on a 0.58-acre parcel in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District.

**LOCATION:** The subject parcel is located on the north side of W. Panoche Road approximately 1,000 feet southwest of its intersection with Interstate 5, and approximately 15 miles southwest of the nearest city limits of the City of Mendota (Sup. Dist. 1) (APN 027-190-29S).

**OWNER:** Hewittson Limited Partnership  
**APPLICANT:** Ghai Management, Inc.

**STAFF CONTACT:** Jeremy Shaw, Planner  
(559) 600-4207

Marianne Mollring, Senior Planner  
(559) 600-4569

### RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7357; and
- Approve Unclassified Conditional Use Permit Application No. 3591 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plan, Floor Plan and Elevations
6. Applicant's Operational Statement
7. Master Development Site Plan for the Northwest Quadrant I-5/Panoche Road Interchange
8. Summary of Initial Study Application No. 7357
9. Draft Mitigated Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agriculture/Interstate 5 and Panoche Road Major Commercial Interchange/Westside Freeway Corridor Overlay	No change
Zoning	AE-40 (Exclusive Agricultural, 40-acre minimum parcel size)	No change
Parcel Size	0.58 acres	No change
Project Site	Vacant	A 1,823 square-foot Taco Bell restaurant with drive-through service and related site improvements including 19 on-site parking spaces; a three-foot-tall masonry wall and decorative split rail fence along the site perimeter; concrete sidewalk along the western property boundary; trash enclosure at west end of the parking area; landscaping at designated locations per the Applicants submitted Landscape Plan

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Structural Improvements	None	See Project Site above
Nearest Residence	Approximately one half-mile southwest	No change
Surrounding Development	Interstate freeway commercial development	No change
Operational Features	N/A	A new 1,823 square-foot Taco Bell restaurant with drive-through service; operating between 6:00 a.m. and 12:00 a.m. (midnight) seven days per week
Employees	N/A	25-35 Employees
Customers	N/A	300-500 depending on day of the week
Traffic Trips	ADT (Average Daily Traffic) trips of 3,200 on Panoche Road west of the Interstate 5 southbound ramps	An additional 121 peak-hour trips per day
Lighting	N/A	Light fixtures attached to building exterior
Hours of Operation	N/A	6:00 AM to 12:00 AM (Drive-through)  6:00 AM to 10:00 PM (Dining room)  Seven days per week, year-round

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N**

**ENVIRONMENTAL ANALYSIS:**

An Initial Study was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 8.

**PUBLIC NOTICE:**

Notices were sent to 11 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County

Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

An Unclassified Conditional Use Permit (CUP) may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on an Unclassified CUP Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

**BACKGROUND INFORMATION:**

The project site is located on a vacant parcel within an existing commercial interchange development on the north side of Panoche Road and westerly adjacent to the Interstate 5 and Panoche Road southbound ramps. Per Section 860.C of the Zoning Ordinance, a Master Plan and Conditional Use Permit must be approved for each quadrant of the Commercial Interchange. According to General Plan Policy LU-D.1, the County may designate interchanges along Interstate 5 as either major or minor commercial centers; there are three existing major and two minor interchanges along the Interstate 5 corridor. Policy LU-D.4 states that the County shall generally limit development at major and minor commercial interchanges to one square-mile of land centered on the freeway interchange structure.

Per General Plan Policy LU-D.5, the County shall allow commercial uses only in areas designated as major and minor commercial interchanges, subject to the Provisions of Section 860 of the County Zoning Ordinance (Regulations for Inter-State Freeway Interchange Commercial Development). Additionally, both major and minor commercial interchanges shall allow for a range of commercial, service, agriculturally-related, and value-added agricultural uses serving the needs of freeway users and the agricultural community.

The County Board of Supervisors approved Conditional Use Permit No.1013 on January 4, 1972, establishing an Interstate Freeway Commercial Development Master Plan for the four quadrants of the Panoche Road and Interstate 5 Commercial Interchange Area. The subject parcel is located in the northwest quadrant of the Commercial Interchange, and was created by Parcel Map No. 7851, recorded on April 28, 2003, as a 0.58-acre portion of Parcel “C”. Tentative Parcel Map No. 8751 was approved on October 12, 2017; once a final Parcel Map is recorded, the subject 0.58-acre parcel will be separate from Parcel C.

This proposal entails the development of a 1,823 square-foot Taco Bell restaurant with drive-through service. The proposed restaurant would take access from Panoche Road via a private access road along the northerly boundary of the subject parcel; there is no vehicular access proposed from Panoche Road.

*Finding 1: That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	N/A	N/A	Yes
Parking	N/A	19 parking spaces	Yes

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
		within the required 4,106 square feet of parking area, per the Zoning Ordinance	
Lot Coverage	No requirements	1,823 square-foot building	Yes
Space Between Buildings	No requirements	N/A	N/A
Septic Replacement Area	100 Percent	The project will connect to a community sewer system operated by I-5 Property Services, Inc.	N/A
Water Well Separation	Septic tank: 50 feet Disposal field: 100 feet Seepage pit: 150 feet	The project will connect to a public water system operated by I-5 Property Services, Inc.	N/A

**Reviewing Agency/Department Comments Regarding Site Adequacy:**

Zoning Section of the Fresno County Department of Public Works and Planning: The proposed improvements satisfy the setback requirements of the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District.

Site Plan Review Section of the Fresno County Department of Public Works and Planning:

(1) Per Fresno County Zoning Ordinance Section 860 E.4, Section 836.5 I.1a, and Section 855 I. 2h; there shall be at least one parking space for every hundred (100) square feet of gross floor area. 18 parking spaces, one of which shall be a van-accessible Americans with Disabilities Act (ADA) stall, are required.

(2) Per Fresno County standards, 29-foot backup clearance shall be provided for all parking stalls.

(3) One (1) off-street loading space shall be provided for all commercial uses.

(4) ADA stall(s) must be provided for the physically disabled and shall be served by an access aisle 96 inches wide, minimum, and shall be designated van accessible. These spaces must be concrete or asphalt concrete paved and must be located on the shortest possible route to the main entrance so the disabled person does not have to cross the driveway into the parking lot.

(5) A site plan showing parking dimensions, back-up space, width of aisles, turn around radius, etc. shall be submitted to confirm parking requirement compliance. A Fresno County parking requirement package may be sent to the Applicant if requested.

(6) The driveway should be a minimum of 24 feet and a maximum of 35 feet in width and should be asphalt concrete paved as approved by the Road Maintenance and Operations Division. If only the driveway is to be paved, the first 100 feet of driveway(s) off the edge of the ultimate right-of-way shall be concrete or asphalt concrete.

(7) Outdoor lighting should be hooded and directed away from adjoining property and public roads.

(8) Yards shall be adequate in width and depth to provide for planned landscaping and to ensure safe sign distance for interchange traffic.

(9) Landscaping shall be provided and maintained. Plants and related materials shall be arranged in a manner which is consistent with and complementary to the building design and materials.

(10) All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. Off-site signs are not allowed for commercial uses in the AE (Exclusive Agriculture) Zone District.

A Site Plan Review shall be submitted to the Fresno County Department of Public Works and Planning, for approval by the Director 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.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

**Analysis:**

Staff review of the revised site plan demonstrates that the subject parcel is adequate to accommodate the proposed development which includes the construction of a 1,823 square-foot Taco Bell restaurant with drive-through service, subject to Site Plan Review approval.

Section 855 I of the Zoning Ordinance requires one parking space for each 100 square feet of gross floor area for restaurants. This proposal includes the provision of 10 parking spaces, which is consistent with the Zoning Ordinance.

Staff finds that the project site is adequate in size and shape to accommodate the proposed use with adherence to the included Mitigation Measures, Conditions of Approval and Project Notes

**Recommended Conditions of Approval:**

*See recommended Conditions of Approval attached as Exhibit 1.*

**Conclusion:**

Finding 1 can be made.

*Finding 2:* *That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use*

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	Yes	Good	No change
Public Road Frontage	Yes	The subject parcel has frontage on Panoche Road, however there is no direct access from the County right-of-way	No change
Direct Access to Public Road	No	Access to Panoche Road is via a private road (Road "A") that connects with Panoche Road to the south of the commercial development	The proposed drive-through restaurant will take access via a private road labeled (Farm access road) on the site plan, that connects with Panoche Road via Road "A" immediately southwest of the project site
Road ADT		Panoche Road: 3,200	See Traffic Trips below
Road Classification		Collector	No change
Road Width		Panoche Road: 62.5 feet	No Change
Road Surface		Asphalt concrete	No change
Traffic Trips		3,200 ADT on Panoche Road	121 additional peak-hour trips per day (estimate)
Traffic Impact Study (TIS) Prepared	Yes	See above conditions	Applicant will be required to pay fair share of mitigation fees for traffic-related impacts to Panoche Road
Road Improvements Required		Excellent condition	Applicant will be required to add curb and gutter improvements including the replacement of the existing concrete dike, along Panoche Road, across the subject property frontage

**Reviewing Agency/Department Comments Regarding Adequacy of Streets and Highways:**

California Department of Transportation: Ensure the project contributes its fair share toward the cost of future installation of all-way stop control at the intersections of Panoche Road and the Interstate 5 southbound ramps, and Panoche Road and the Interstate 5 northbound ramps. Based on the Traffic Impact Study prepared for this project, the Applicant's fair share contribution is currently estimated to be \$4,189.00 (\$2,150.00 for the northbound ramps and \$2,039.00 for the southbound ramps).

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Given the proposed direction of the drive through, the Applicant should provide a screening fence to ensure that the headlights of cars queuing in the drive through do not impair the visibility of drivers along Panoche Road.

Design Division of the Fresno County Department of Public Works and Planning: In order to determine impacts to County roadways and intersections, a traffic impact study will be required for this project.

There is an existing curb running along the subject parcel's frontage on Road A/Farm Access Road Easement, which is in poor condition and should be replaced.

Panoche Road is classified as a Collector road with an existing 126-foot right-of-way, a paved width of 62.5 feet, with paved shoulders and an asphalt dike. Panoche Road has an Average Daily Traffic (ADT) count of 3,200 with a Pavement Condition Index (PCI) of 99.6 and is in excellent condition. There is an asphalt dike along Panoche Road across the subject parcel frontage. The dike is in very poor condition and missing along several sections, which allows surface drainage to flow onto the subject parcel. The existing dike should be replaced and curb and gutter improvements should be added to the subject parcel.

The asphalt dike running along Panoche Road shall be removed and replaced. The new asphalt dike shall be constructed along Panoche Road along the subject parcel frontage and tie into the existing concrete curb and gutter. The new asphalt dike shall be six-inch, type A, per 2015 Caltrans State Standard Plan Specification A87B.

The proposed development shall provide new curb and gutter improvements along Road A/ Farm Access Road Easement. All concrete improvements shall be constructed to Fresno County Standard Plan Specifications and the most current ADA requirements.

Setbacks for any new improvements should be based upon the ultimate road right-of-way of Panoche Road. An engineered grading and drainage plan shall be required to show how additional storm water runoff generated by the proposed development will be handled without adversely affecting adjacent properties.

Any work done within the County road right-of-way shall require an encroachment permit from the Road Maintenance and Operations Division.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Panoche Road is classified as a Collector road with an existing 63-foot right-of-way north of the centerline along the parcel frontage, per the Plat Book. According to Precise Plan Line Serial No. 83, sheet No. 2 of 4, the ultimate right-of-way width north of the centerline along the parcel frontage is 63 feet. Panoche Road is a County-maintained road and records indicate that this section of Panoche Road, from Interstate 5 to one quarter-mile southwest of Interstate 5, has an Average Daily Traffic (ADT) count of 3,200, a paved width of 62.5 feet, and a structural section of .13 feet AC and is in excellent condition.

According to FEMA, FIRM Panel 1950H, the subject parcel is not subject to flooding from the one-percent-chance (100-year) storm event.

Typically, any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained on site or disposed of per County Standards. An Engineered Grading and Drainage Plan is required to show how additional storm



water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.

Any proposed parking areas should comply with the Fresno County Off-Street Parking Design Standards.

The subject parcel is located within the State Responsibility Area (SRA) boundary, and any driveway construction and access should be developed in accordance with the applicable SRA Fire Safe Regulations.

A Grading Permit or Voucher is required for any grading proposed with this application.

No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

**Analysis:**

A Traffic Impact Study was prepared for this project and submitted to the Department of Public Works and Planning on December 15, 2017 as required by the Design and Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning, to assess the project's potential impacts to County and state roadways and intersections.

A Traffic Impact Study was prepared by Peters Engineering dated December 15, 2017. After revisions recommended by the County, a final version dated April 19, 2018 was submitted. Traffic counts were performed on a weekend between Friday evening and Sunday night at the following locations: Panoche Road west of the I-5 southbound ramps; between the I-5 southbound and northbound ramps; and east of the I-5 northbound ramps. Peak traffic counts occurred in the mid-afternoon on Sunday. Observed traffic counts at the above-listed locations were 10,314 on Saturday and 15,235 on Sunday. The highest traffic volumes were observed on Panoche Road, west of I-5, and the second highest between the north and southbound ramps.

The conclusions of the Traffic Impact Study were that the warrants (criteria) for installing traffic signals or stop controls were not met, considering the limited duration of potentially congested conditions, which were observed on Sunday afternoon of the study period. However, the Applicant will be required to provide for a fair share of the cost of future installation of traffic controls at the intersection of Panoche Road and Road A, at such time as the criteria for placement of traffic controls are met.

Based on the above information, and with adherence to the included Mitigation Measures. Staff believes West Panoche Road and the Farm Access Road Easement are adequate to accommodate the proposed use.

**Recommended Conditions of Approval:**

*See recommended Conditions of Approval attached as Exhibit 1.*

**Conclusion:**

Finding 2 can be made.

*Finding 3:* *That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof*

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence:
North	1.33 acres	Gas station and drive-through restaurant	AE-40	None
South	24.18 acres	Gas stations, restaurant and vacant land	AE-40	Approximately 3,200 feet southwest
East	2.62 acres	Hotel and restaurant, currently not in operation	AE-40	None
West	0.98 acre	Gas station with convenience store	AE-40	None

**Reviewing Agency/Department Comments:**

Development Engineering Section of the Fresno County Department of Public Works and Planning: Typically, any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained on site per County Standards. An engineered grading and drainage plan is required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.

Fresno County Department of Public Health, Environmental Health Division: Prior to the issuance of building permits, the Applicant shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Prior to the start of operations, the Applicant shall apply for and obtain a permit to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division.

Fresno County Fire Protection District: The proposed development shall comply with California Code of Regulations Title 24-Fire Code. The proposed development shall annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. The project shall be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.

Building and Safety Section of the Fresno County Department of Public Works and Planning: No comment.

San Joaquin Valley Air Pollution Control District: In compliance with District Rule 9510, the Applicant was required to submit an Air Impact Assessment (AIA) application to the District prior to applying for final discretionary approval.

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

**Analysis:**

The 0.58-acre subject parcel is currently vacant and is designated for commercial development according to the Approved Master Plan for the Interstate 5 and Panoche Road Commercial Interchange. Once developed, the site will contain a 1,823 square-foot restaurant with drive-through service, with indoor and outdoor seating areas, and paved on-site parking. The proposed improvements are to be consistent in design and appearance with the existing commercial development.

The Initial Study prepared for this project proposal identified potential impacts related to Aesthetics, Cultural Resources, and Transportation and Traffic, which shall be addressed with the Mitigation Measures listed in Exhibit 1.

Based on the above information, and with adherence to the included Mitigation Measures, Conditions of Approval and mandatory Project Notes, staff believes the proposal will not have an adverse effect upon surrounding properties.

**Recommended Conditions of Approval:**

*See recommended Conditions of Approval attached as Exhibit 1.*

**Conclusion:**

Finding 3 can be made.

*Finding 4:* *That the proposed development is consistent with the General Plan*

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
Policy LU-D.4 - The County shall generally limit development at major or minor commercial interchanges to one square-mile of land centered on the freeway interchange structure.	The subject proposal is consistent with this policy
Policy LU-D.5 - The County shall allow commercial uses only in the areas designated as major and minor commercial interchange subject to the provisions of the County Zoning Ordinance Section 860.	The subject parcel is located within the Panoche Road/Interstate 5 Major Commercial Center
Policy LU-D.6 - The County shall require commercial interchange development to be designed to achieve aesthetic excellence and incorporate considerations for noise contours abutting traffic ways, architectural cohesiveness and signing restraints.	The Applicant will be required to undergo the Site Plan Review process and be approved, which will address compliance with such requirements as building setbacks, landscaping, and compatibility with surrounding development and signage.

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
Policy TR-A.7 - The County shall assess fees on new development sufficient to cover the fair share portion of that development's impacts on the local and regional transportation system.	Included Mitigation Measures require the Applicant to pay a pro-rata share of cost for future traffic-related off-site improvements.

**Reviewing Agency Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject property is designated Agriculture and is within the Panoche Road and Interstate 5 Major Commercial Interchange, and within the Westside Freeway Corridor Overlay in the Fresno County General Plan. The subject parcel is not restricted under an Agricultural Land Conservation (Williamson Act) Contract.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

**Analysis:**

As discussed in the Background Section, the subject parcel is located within the Westside Freeway Corridor Overlay and within a Major Commercial Interchange according to the General Plan. As such, the subject parcel is designated for commercial development in accordance with the applicable General Plan Policies listed in the above table, as they apply to such development. Based on staff's analysis and supporting agency/department comments, the proposed use is consistent with these policies.

Based on these factors, the proposed 1,823 square-foot Taco Bell restaurant with drive-through service is consistent with the applicable General Plan policies.

**Recommended Conditions of Approval:**

*See recommended Conditions of Approval attached as Exhibit 1.*

**Conclusion:**

Finding 4 can be made.

**PUBLIC COMMENT:**

*None*

**CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required Findings for granting the Unclassified Conditional Use Permit can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit No. 3591, subject to the Mitigation Measures, Conditions of Approval and mandatory Project Notes.

## **PLANNING COMMISSION MOTIONS:**

### **Recommended Motion** (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7357; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3591 subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

### **Alternative Motion** (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit No. 3591; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

### **Mitigation Measures, recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

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**Mitigation Monitoring and Reporting Program  
Initial Study (IS) Application No. 7357/Unclassified Conditional Use Permit (CUP) Application No. 3591  
(Including Conditions of Approval and Project Notes)**

<b>Mitigation Measures</b>					
<b>Mitigation Measure No.*</b>	<b>Impact</b>	<b>Mitigation Measure Language</b>	<b>Implementation Responsibility</b>	<b>Monitoring Responsibility</b>	<b>Time Span</b>
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine toward adjacent properties and public streets or roadways.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing; duration of operation
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 disturbance
3.	Transportation/ Traffic	To address future long-term cumulative traffic impacts identified by the project's Traffic Impact Study, the Applicant/Operator shall be responsible for preparing a traffic analysis for the intersection of Panoche Road and private Road A subsequent to occupancy/opening day and to occur at the approximate one-year anniversary of commencing operations. The Applicant shall provide the traffic analysis to the Fresno County Department of Public Works and Planning at the conclusion of the initial one-year operational period to document changed traffic volumes and determine warrants for intersection control measures.  Should the traffic analysis indicate that the warrants for an all-way stop are met, the Applicant shall install an all-way stop control at the intersection of West Panoche Road and Private Road A.	Applicant	Applicant/PW&P/ California Department of Transportation	Prior to issuance of building permits

**EXHIBIT 1**

		<p>Should the traffic analysis indicate warrants for an all-way stop are not be met at the conclusion of the one-year operational period, the Applicant/Operator will be responsible for future participation in the proportionate share (8.60 percent) for installing an all-way stop control at the intersection of West Panoche Road and Road A in conjunction with existing businesses and future development serviced by private Road A for the northwest quadrant of the Panoche Road/I-5 Interstate Interchange.</p> <p>Note: Due to the length of time that may elapse between opening day and realization of signal warrants, the Applicant/future operator may conduct additional traffic analyses to re-examine the proportionate share amount. As Road A is a private road, shared installation costs shall be between existing and future operators in the northwestern quadrant.</p>			
4.	Transportation/ Traffic	<p>To address project-related traffic impacts as identified by the California Department of Transportation (Caltrans), the Applicant shall enter into a "Traffic Mitigation Agreement" with the California Department of Transportation to ensure the project contributes its fair share toward the cost of future installation of all-way stop control at the intersections of Panoche Road and the Interstate 5 southbound ramps, and Panoche Road and the Interstate 5 northbound ramps. Based on the Traffic Impact Study prepared for this project, the Applicant's fair share contribution is currently estimated to be \$4,189.00 (\$2,150.00 for the northbound ramps and \$2,039.00 for the southbound ramps).</p>	Applicant	Applicant/PW&P/ California Department of Transportation	When observed traffic volumes have met the warrants for installation of traffic controls
5.	Transportation/ Traffic	<p>To prevent headlights from vehicles in the drive through from impairing the visibility of traffic along Panoche Road, the proposed drive through shall be screened by a fence that is architecturally consistent with the surrounding development. Examples of acceptable screening include a wooden rail fencing, a low-profile solid wall, or other barrier deemed acceptable to the Department of Public Works and Planning.</p>	Applicant	Applicant/PW&P	Prior to operation
<b>Conditions of Approval</b>					
1.	Development and operation shall be in substantial conformance with the approved Site Plan, Floor Plan, Elevation Drawings and Operational Statement, except as modified by the Conditions of Approval.				
2.	The existing asphalt dike running along Panoche Road across the parcel frontage shall be removed and replaced. A new asphalt dike shall be constructed along Panoche Road fronting the subject parcel and tie into concrete curb and gutter improvements. The new asphalt dike				

	shall be six-inch Type A, per 2015 Caltrans State Standard Plan Specification A87B.
3.	The proposed development shall provide new concrete curb, gutter and sidewalk improvements along Road A and the Farm Access Road Easement. All concrete improvements shall be constructed to Fresno County Standard Plan specifications and the most current ADA requirements.
4.	The proposed development shall be subject to the Site Plan Review process, and a complete site plan 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.
5.	Landscaping shall be provided and maintained. Plants and related materials shall be arranged in a manner which is consistent with and complimentary to the building design and materials.

\*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference recommended Conditions for the project.

Notes	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	Unclassified Conditional Use Permit No. 3591 shall become void unless there has been substantial development within two years of the effective date of approval.
2.	Plans, permits and inspections shall be required for all on-site improvements. Buildings and or facilities providing a Public Use must comply with the accessibility requirements of Chapter 11B of the California Building Code. Contact the Building and Safety Section of the Department of Public Works and Planning at (559) 600-4540 for information.
3.	Setbacks for all improvements along Panoche Road shall be based upon the ultimate right-of-way. No additional right-of-way is required at this time.
4.	Any work done within the County road right-of-way shall require an encroachment permit from the Road Maintenance and Operations Division.
5.	<ul style="list-style-type: none"> <li>• An Engineered Grading and Drainage Plan shall be provided to show how additional storm water runoff generated by the project will be handled without adversely impacting adjacent properties.</li> <li>• A grading permit or voucher shall be obtained for any grading proposed with this application.</li> <li>• The property shall be developed in accordance with State Responsibility Area (SRA) Fire Safe Regulations as they apply to driveway construction and access.</li> <li>• Any proposed parking areas shall comply with the Fresno County Off-Street Parking Design Standards.</li> <li>• Any additional runoff generated by the proposed development of this site must be retained on site per County Standards.</li> </ul>
6.	This project/development shall annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. The project/development also shall be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.
7.	Prior to issuance of building permits, the Applicant shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Prior to operation, the Applicant shall apply for and



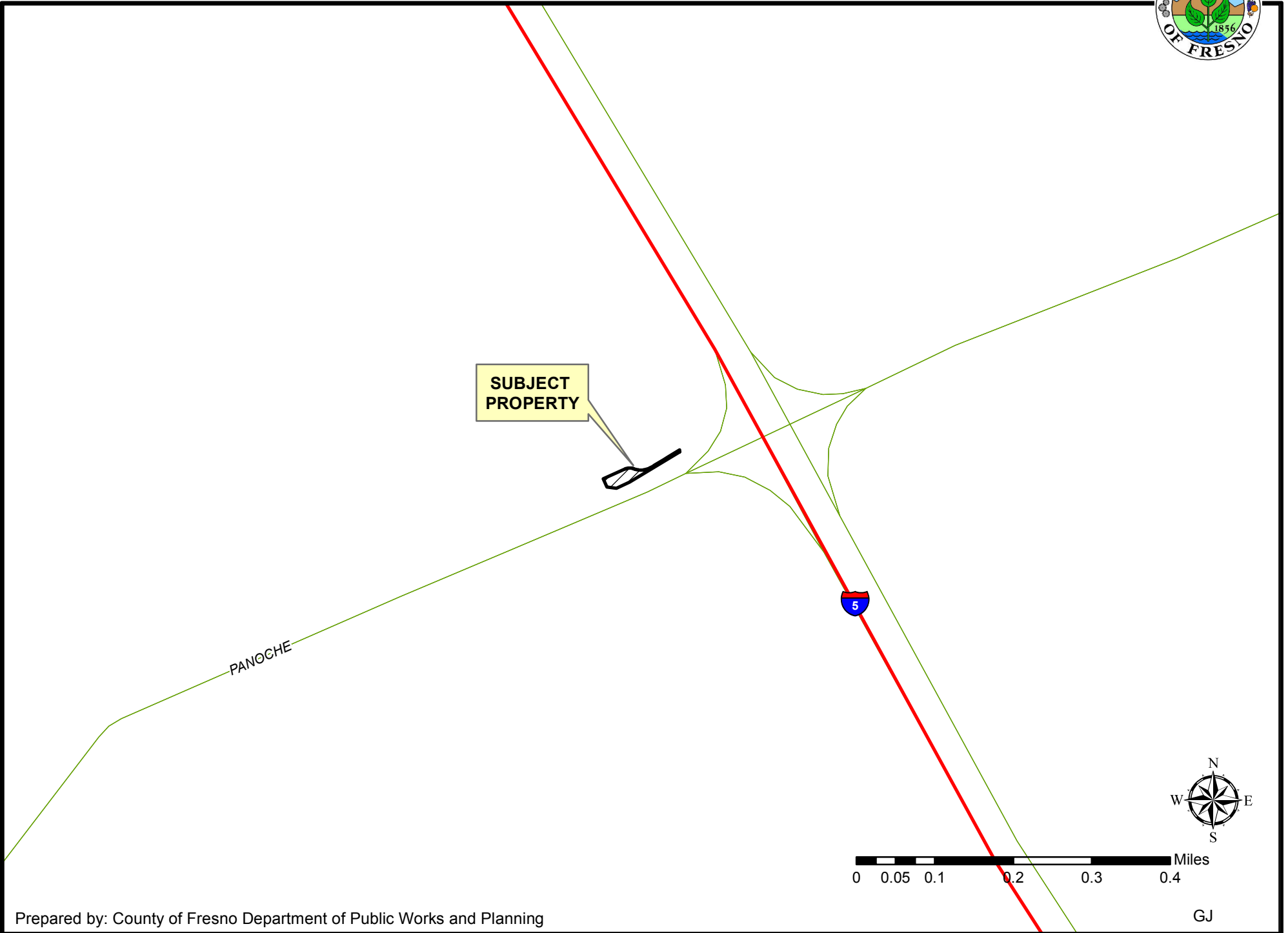
**Notes**

	obtain a permit to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Consumer Food Protection Program at (559) 600-3557 for more information.
8.	The proposal shall comply with California Code of Regulations Title 24 - Fire Code after County approval of the project and prior to issuance of any Building Permits. The Applicant shall submit three Site Plans stamped "reviewed" or "approved" from the Fresno County Department of Public Works and Planning to the Fresno County Fire Protection District for review and approval. The Applicant shall submit evidence that their Plans were approved by the Fresno County Fire Protection District, and all fire protection improvements shall be installed prior to occupancy being granted for the use.

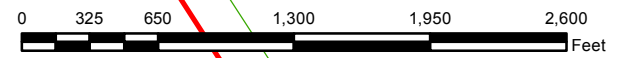
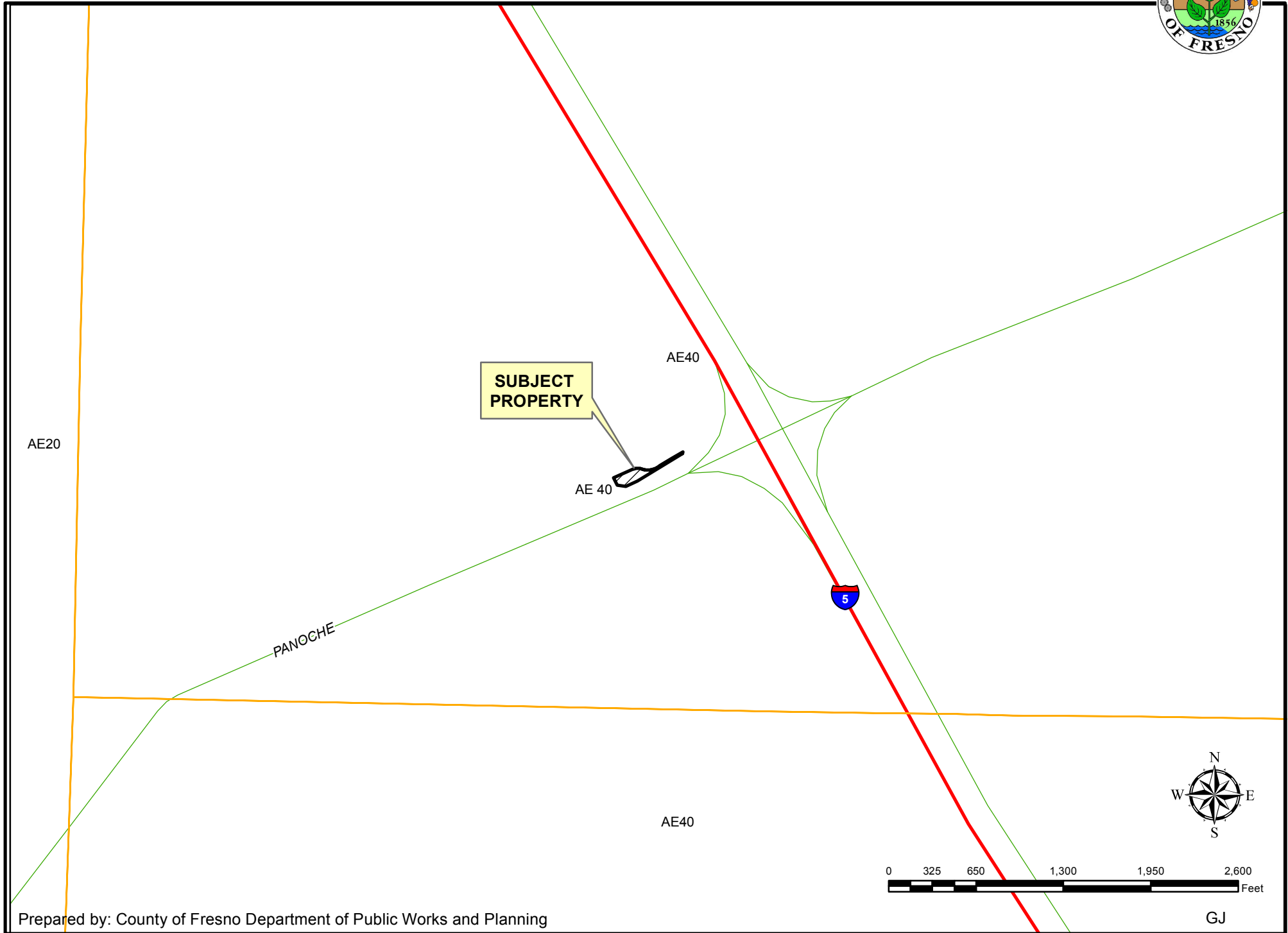
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G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3500-3599\3591\SR\CUP 3591 MMRP (Ex 1).docx

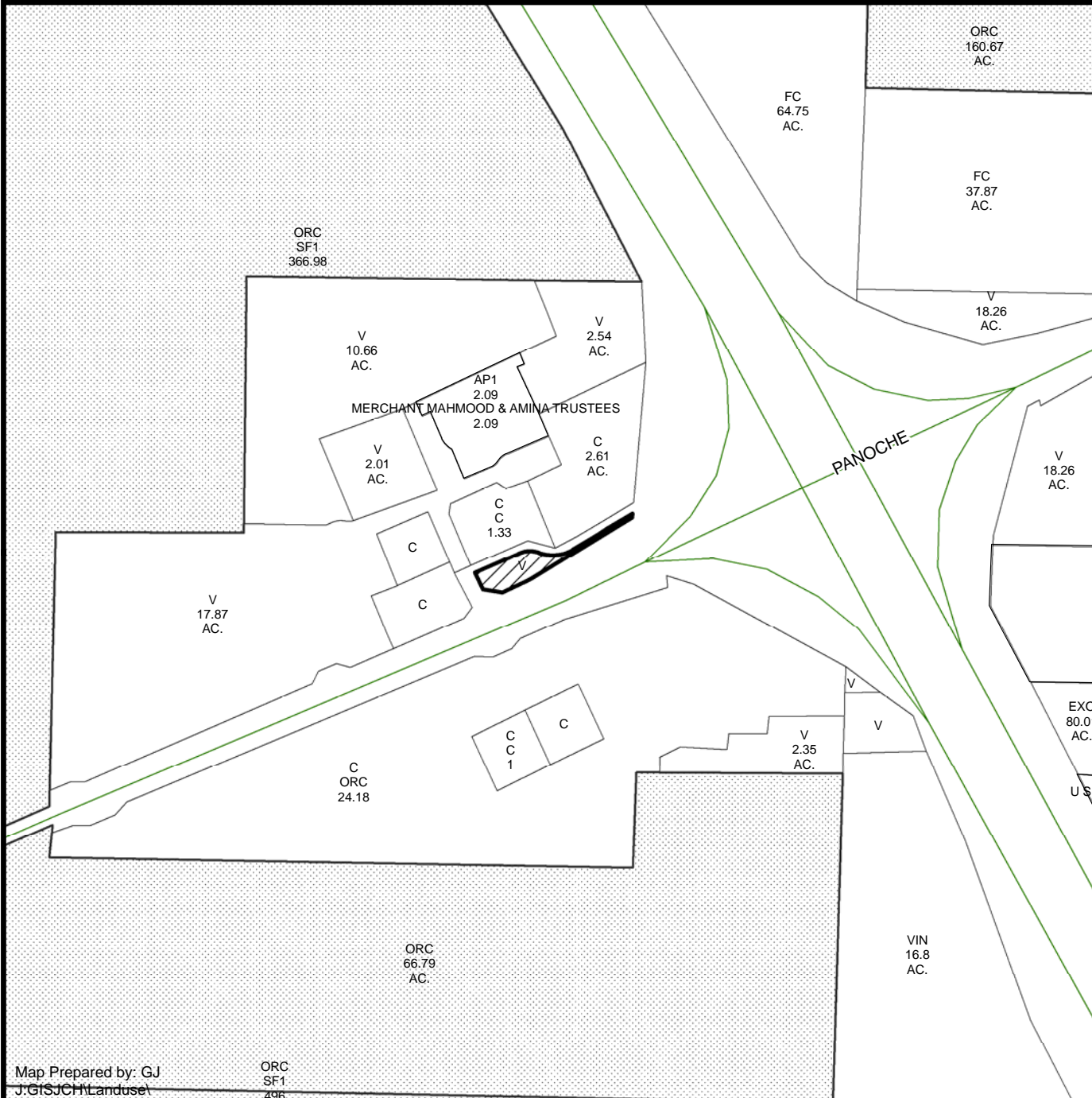
# LOCATION MAP



# EXISTING ZONING MAP



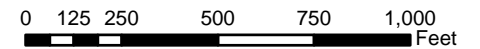
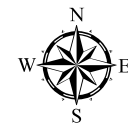
# EXISTING LAND USE MAP



LEGEND
SF#- SINGLE FAMILY RESIDENCE
C - COMMERCIAL
EXO - EXOTIC CROP
FC - FIELD CROP
ORC - ORCHARD
V - VACANT
VIN - VINEYARD
AP1 - APARTMENT

**LEGEND:**

-  Subject Property
-  Ag Contract Land

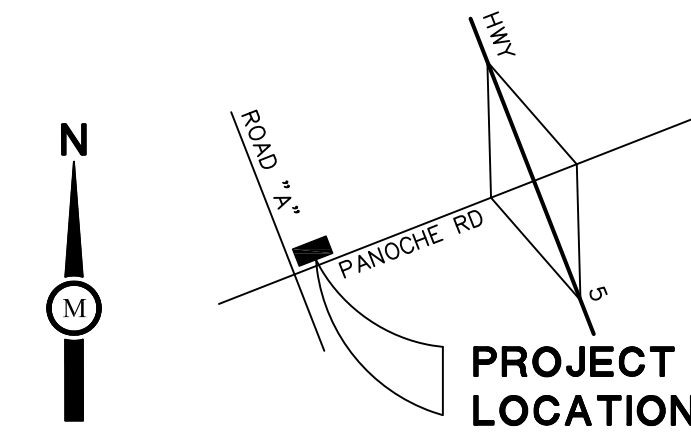


Department of Public Works and Planning  
Development Services Division

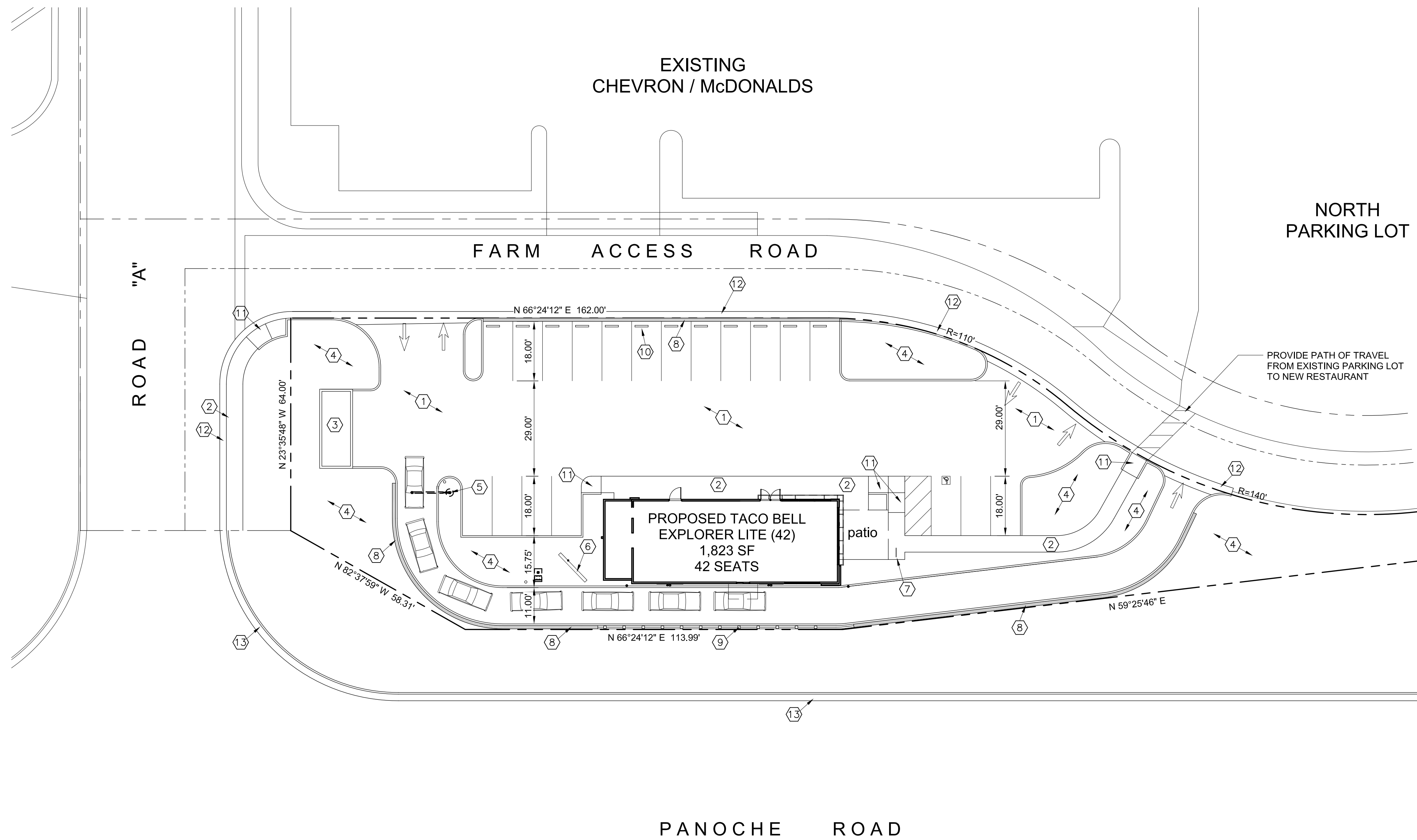
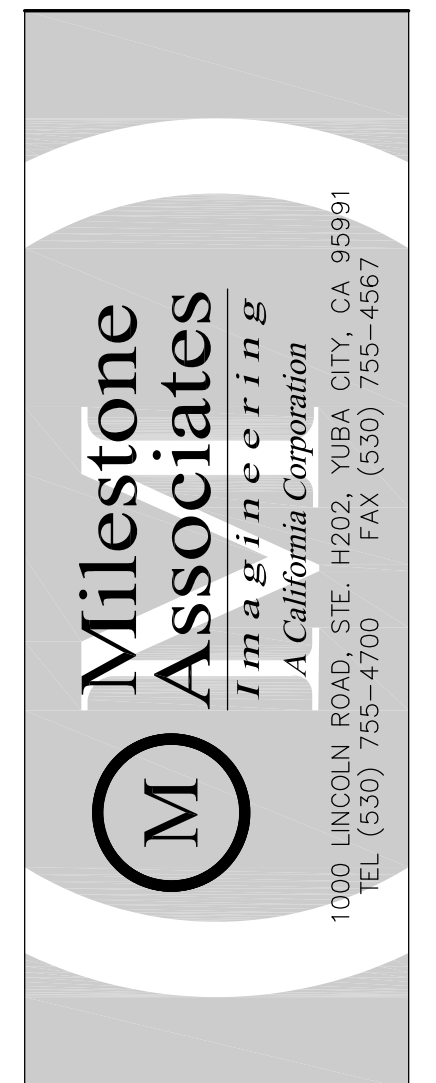
# Proposed Taco Bell Restaurant

FIREBAUGH, CALIFORNIA 93622

COUNTY OF FRESNO



VICINITY MAP  
NOT TO SCALE



**LOT DATA:**

PARCEL SIZE:	POR, PARCEL "C" 25,265 SF (0.58 AC)
ZONED:	AE-40 EXCLUSIVE AGRICULTURAL
EXISTING USE:	VACANT - UNDEVELOPED
PROPOSED USE:	RESTAURANT WITH DRIVE THRU

**SITE COVERAGE:**

BUILDING COVERAGE:	1,823 SF (7.2%)
LANDSCAPE AREA:	8,842 SF (35.0%)
PAVED SURFACE AREA:	14,600 SF (57.8%)

**PARKING DATA:**

REQUIRED:	TACO BELL (1,823 SF)	= 18 SPACES
	(1 SPACE PER 100 SF)	
REQUIRED:		18 SPACES
PROVIDED:	STANDARD SPACE (9'x18')	18 SPACES
	ACCESSIBLE SPACE (9'x18')	1 SPACES
PROVIDED:		19 SPACES

**CONSTRUCTION NOTES**

- ① NEW ASPHALT CONCRETE PAVEMENT
- ② NEW PORTLAND CEMENT CONCRETE SIDEWALK
- ③ NEW TRASH ENCLOSURE
- ④ NEW LANDSCAPE AREA
- ⑤ NEW CLEARANCE SIGN
- ⑥ NEW MENU ORDER BOARD
- ⑦ NEW BIKE RACK
- ⑧ NEW 3' HIGH MASONRY WALL
- ⑨ NEW 3' HIGH DECORATIVE SPLIT-RAIL FENCE
- ⑩ NEW CONCRETE WHEELSTOP
- ⑪ NEW ADA RAMP
- ⑫ NEW CONCRETE CURB & GUTTER
- ⑬ NEW ROADWAY IMPROVEMENTS ALONG PANOCHÉ ROAD TO BE FINALIZE PER CALTRANS REQUIREMENTS AT BUILDING PERMIT PHASE

CONTRACT DATE:  
BUILDING TYPE: EXP. LITE SMALL42  
PLAN VERSION: MAY 2017  
SITE NUMBER:  
STORE NUMBER:

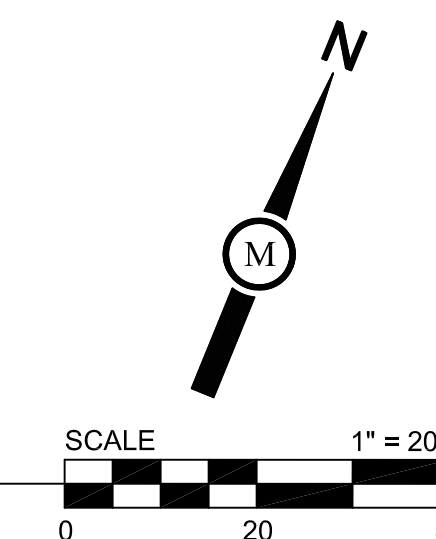
TACO BELL  
PANOCHÉ ROAD  
FIREBAUGH, CA

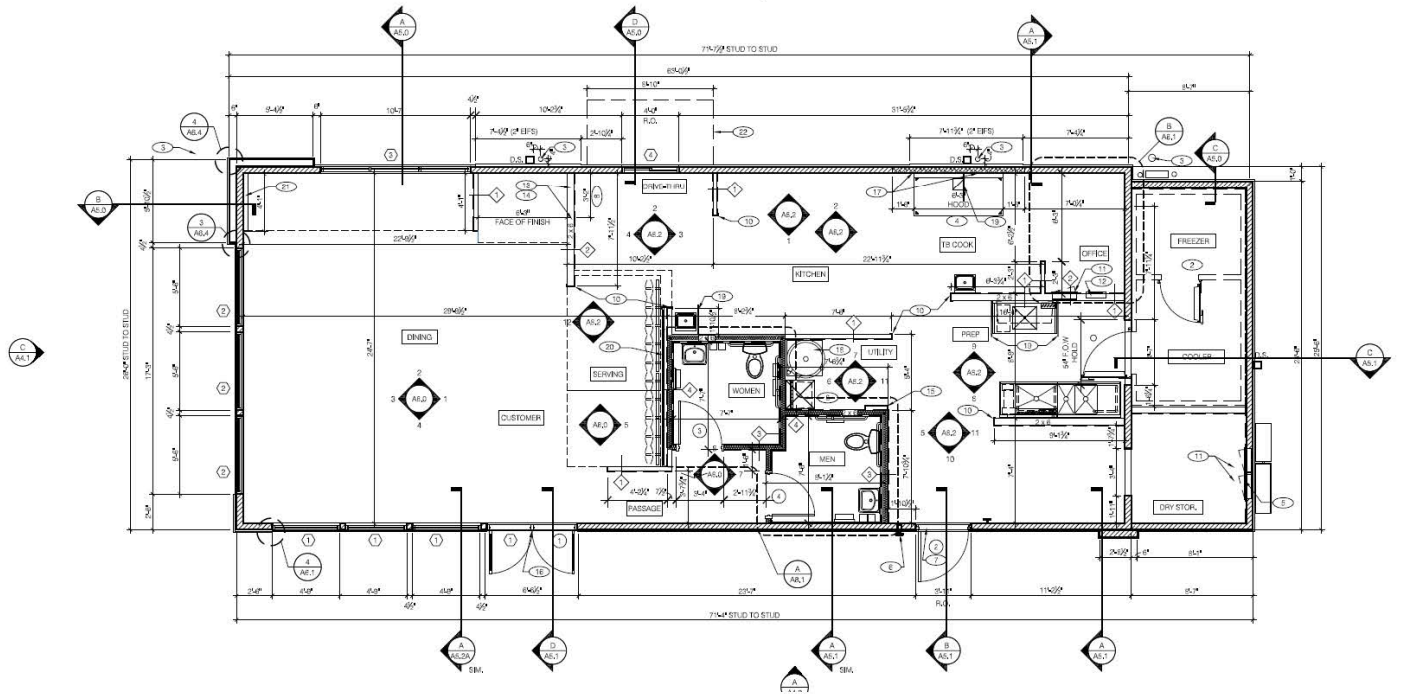


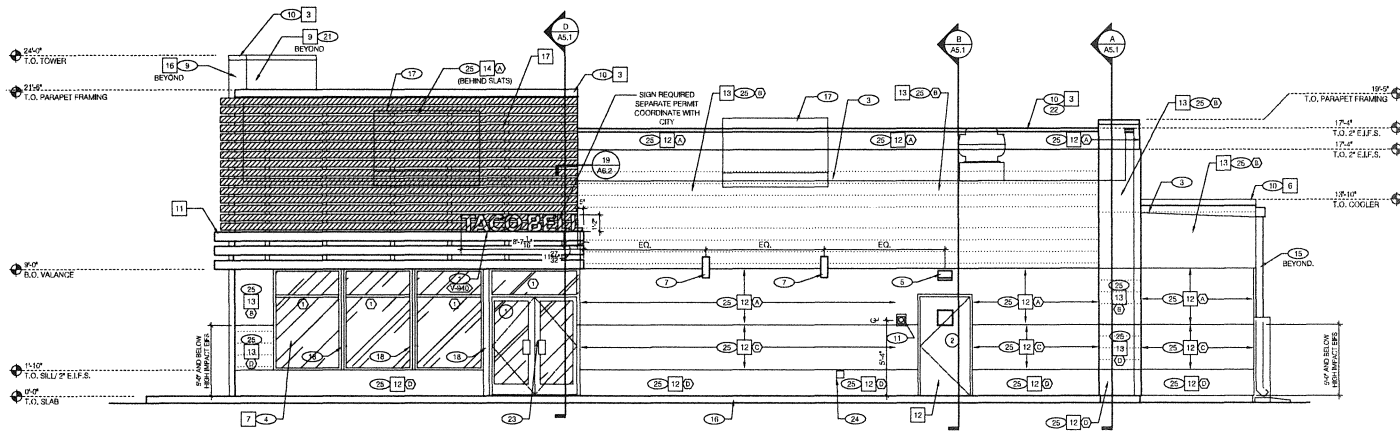
**SITE PLAN**

**DD1**

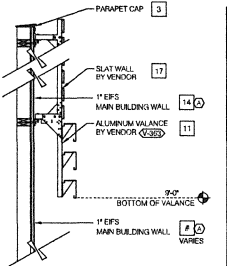
SITE PLAN



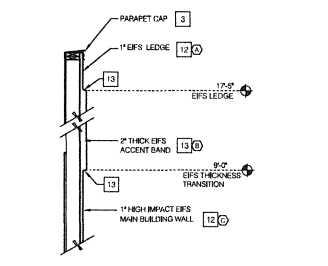




RIGHT SIDE ELEVATION 1/4"=1'-0" A



SLAT WALL COLOR TRANSITION N.T.S. I



EIFS THICKNESS COLOR TRANSITION N.T.S. G

MISCELLANEOUS  
 A. SEE SHT AT 1 "WINDOW TYPES" FOR WINDOW ELEVATIONS.  
 SEALERS (REFER TO SPECS):  
 A. SEALANT AT ALL WALL AND ROOF PENETRATIONS.  
 B. SEALANT AT ALL WINDOW AND DOOR FRAMES AT HEAD AND JAMB. DO NOT SEAL SILL OF WINDOWS.  
 C. APPLY NEOPRENE GASKET (CONT.) BETWEEN BUILDING & CANOPY.  
 CRITICAL DIMENSIONS:  
 A. REQUIRED CLEAR OPENING WIDTH TO ENSURE COORDINATION WITH STANDARD SIGNAGE/ BUILDING ELEMENTS DIMENSIONS.  
 NOTE: NO EXTERIOR SIGNS ARE WITHIN THE SCOPE OF WORK COVERED BY THE BUILDING PERMIT APPLICATION. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING THE INSTALLATION OF ALL EXTERIOR SIGNS AND INSTALLATION OF REQUIRED BLOCKING AND ELECTRICAL CONNECTIONS FOR FINAL APPROVED SIGNS.

GENERAL NOTES F

- 1 BASE THICKNESS - 1" THICK EIFS.
- 2 BASE THICKNESS - 2" THICK EIFS.
- 3 BASE THICKNESS - 1" THICK EIFS WITH HIGH IMPACT MESH (ONLY WHERE NOTED. SEE DETAIL 20A.2).
- 4 BASE THICKNESS - 2" THICK EIFS WITH HIGH IMPACT MESH (ONLY WHERE NOTED. SEE DETAIL 20A.2).

E.I.F.S. THICKNESS N.T.S. B

NOTE: SIGNAGE UNDER SEPARATE PERMIT

QTY	ITEM DESCRIPTION	ELEC
2	18" TYP. 4" X 4" LOCKY BELL + FACE LIT	X
3	18" TYP. CHANNEL LETTER - WHITE	X
1	DRIVE-THRU CANOPY - 4' X 10' X 8' 2" X 8' 2"	X

SIGN SCHEDULE N.T.S. C

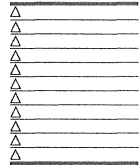
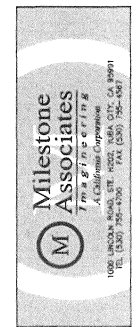
SYMBOL	AREA	MANUFACTURER	COLOR	ALTERNATE MFR.	ALTERNATE COLOR	CONTACT INFORMATION
1	CANOPY RAFTER BEAM PAINT	SHERWIN WILLIAMS	SW5022 WOODSCAPES BLACK ALDER			SHERWIN WILLIAMS, BRAD HARRINGTON, 216-343-6188 (PHONE), BRAD.HARRINGTON@SHERWIN.COM (EMAIL)
2	CANOPY COLUMN PAINT	SHERWIN WILLIAMS	SW 7062 ROCK BOTTOM			
3	PARAPET CAP (TOWER)	DURALAST	MEDIUM BRONZE (FACTORY FINISH)	SHERWIN WILLIAMS	SW 7069 "IRON CHE"	DURALAST, LEE OGBE, 800-434-3876 (PHONE)
4	PARAPET CAP (FRONT)	DURALAST	SHERWIN WILLIAMS SW6812 "MILKHAUSE PURPLE" EGG SHELL (P-4)			
5	PARAPET CAP COLOR	DURALAST	REGAL WHITE (FACTORY FINISH)			
6	PARAPET CAP (COOLER)	DURALAST	GALVALUME PLUS (FACTORY FINISH)			
7	STOREFRONT WINDOWS	TBD	CLEAR ANODIZED			
8	PIPE BOLLARDS	STREET SMART	YELLOW - 1/4" THICK PLASTIC COVER (AUS.FOSTMAN.COM) OR EQUAL			
9	PARAPET BACK HOODING	DURALAST	THE COLOR SHALL BE FACTORY COLORED "TAN" - EQUAL ALTERNATE ALLOWED.			DURALAST, LEE OGBE, 800-434-3876 (PHONE)
10	PAVING PATIO ROOF, COOLER WALL	REFRIDGE	3-020X PREWEATHERED GALVALUME			
11	VALANCE COLOR	SIGN VENDOR	SW 7034 "STATUS BRONZE" (EQUAL)			
12	MAIN BUILDING COLOR	SHERWIN WILLIAMS	SW 7067 "CITYSCAPE"	LEGUSAN	NA8-0011	SHERWIN WILLIAMS, BRAD HARRINGTON, 216-343-6558 X115 (PHONE), BRAD.HARRINGTON@SHERWIN.COM
13	ACCENT COLOR	SHERWIN WILLIAMS	SW 8008 "PAVER WHITE"	LEGUSAN	NA8-0010	
14	WALL COLOR BEHIND SCREEN WALL	SHERWIN WILLIAMS	SW 6631 "CLEMATIS"			EIFS CONTACT: STD. CORR.; CHUCK DUFFIN, 949-494-2992 (PHONE), 949-494-2995 (FAX), C.DUFFIN@STODCORP.COM
15	NOT USED					
16	METAL PANELS	WESTERN STATES METAL WORKS	12" ANOD-4 FLUSH WALL PANELS			WESTERN STATES METALWORKS, RUSTY PAUL, RUSTY@METALDECK.COM - WWW.METALDECK.COM
17	SLAT WALL	SIGN VENDOR	WOOD LIKE FINISH - TBD BY VENDOR			

EXTERIOR FINISH SCHEDULE H

NOT USED N.T.S. E

- 1 BUILDING SIGN BY VENDOR. REQUIRES ELECTRICAL. SEE ELECTRICAL PLANS.
- 2 DRIVE THRU WINDOW. SEE SHEET A1.0 AND A1.1.
- 3 DASHED LINE INDICATES ROOF BEYOND.
- 4 STOREFRONT, TYPICAL. REFER TO SHEET A1.1.
- 5 WALL PACK LIGHT FIXTURE.
- 6 SWITCH GEAR PAINT TO MATCH WALL.
- 7 LIGHT SOURCE. ALIGN BOTTOM OF FIXTURES MOUNTING BRACKET WITH EIFS RECAL/ CHANGE IN EIFS THICKNESS.
- 8 ASSUME 0FT LANE SLIPSPACES IS 4" BELOW THE FINISH FLOOR. REFER TO GRADING & SITE PLAN.
- 9 TOWER WITH METAL PANEL FINISH.
- 10 PARAPET COPING. IF DURO-LAST EDGE TRIMS USED, USE THE DURO-LAST PRE-FINISHED EDGE TRIM. SEE DETAIL 20A.2.
- 11 COOL FILLER VALVE & COVER. SEE DETAIL SPA.2.2B.
- 12 DRIVE-THRU CANOPY BY OTHERS.
- 13 GAS SERVICE.
- 14 WALL SHALL BE FINISHED PRIOR TO INSTALLATION OF SWITCHGEAR.
- 15 SCUPPER COLLECTION AND INSTANTIAL CATCH DOWNSPOUT #18.
- 16 CONCRETE CURB.
- 17 RTU BEYOND. PAINT TO MATCH MAIN BUILDING COLOR.
- 18 BREAK METAL COVER OVER WOOD STUDS TO MATCH STOREFRONT. SEE SAA.1
- 19 OVERFLOW SCUPPER. SEE ROOF PLAN.
- 20 BOLLARD
- 21 SINGLE MEMBRANE ROOFING.
- 22 IF THE DURO LAST PARAPET CAP TRIM IS USED IT SHALL NOT BE PAINTED.
- 23 STOREFRONT DOOR. REFER TO DOOR SCHEDULE.
- 24 HOSE REEL LOCATION. REFER TO PLUMBING AND DETAIL SPA.2
- 25 EIFS (TYP). SEE 2.6.7.8 & 18A.0.3.

KEY NOTES D



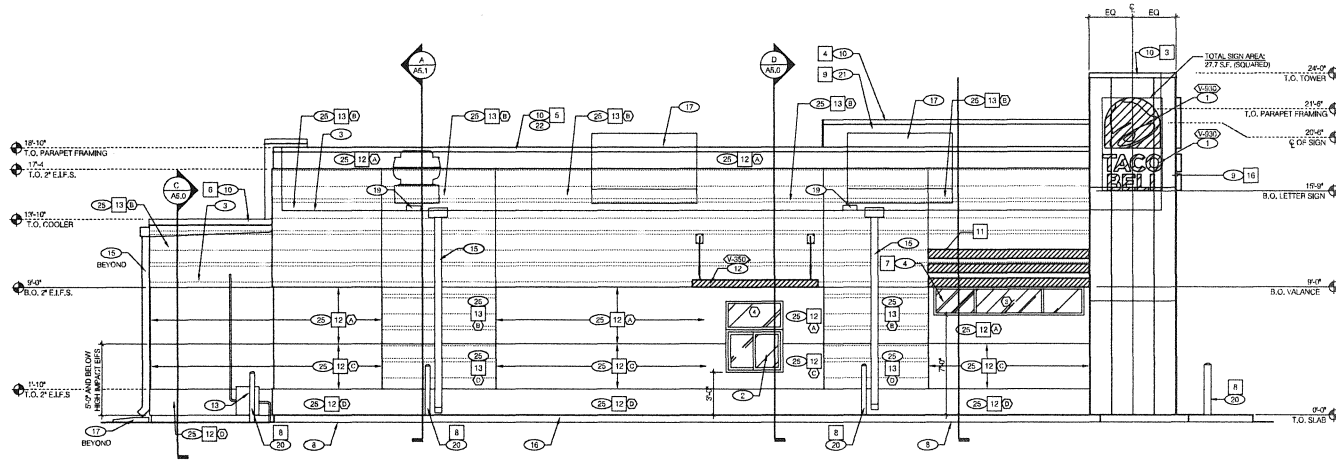
CONTRACT DATE: BUILDING TYPE: EXP. LITE SMALL 42  
 PLAN VERSION: MAY 2017  
 SITE NUMBER:  
 STORE NUMBER:

TACO BELL  
 PANOCHE ROAD  
 FREEMAN, CA

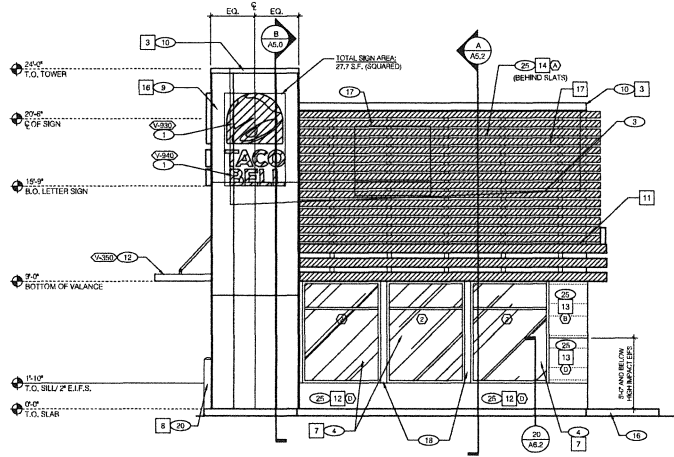


EXTERIOR ELEVATIONS

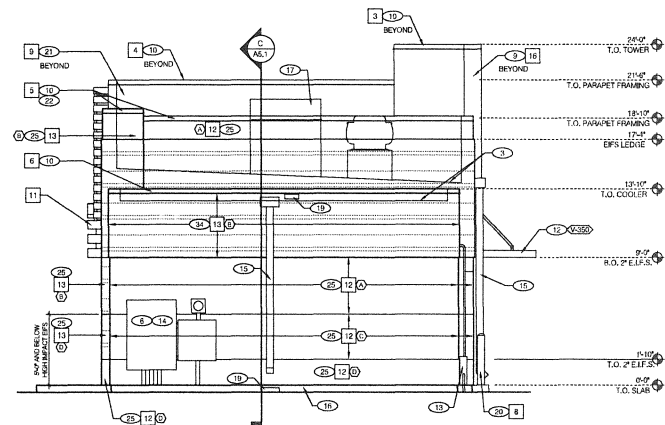
A4.0



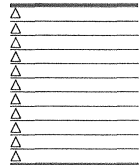
LEFT SIDE ELEVATION 1/4" = 1'-0" A



FRONT ELEVATION 1/4" = 1'-0" C



REAR ELEVATION 1/4" = 1'-0" B



CONTRACT DATE:  
BUILDING TYPE: EXP. LITE SMALL 42  
PLAN VERSION: MAY 2017  
SITE NUMBER:  
STORE NUMBER:

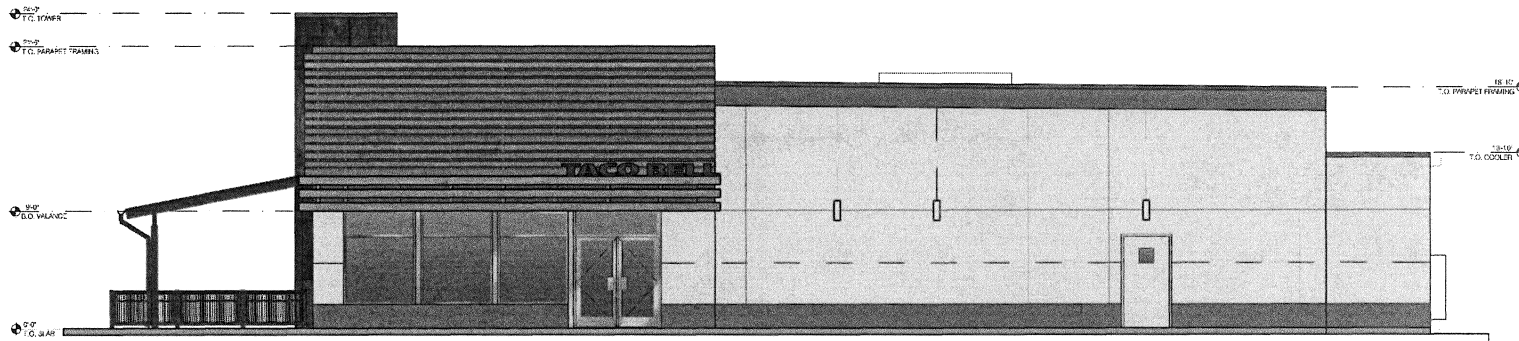
TACO BELL  
PANACHE ROAD  
FRESNO, CA



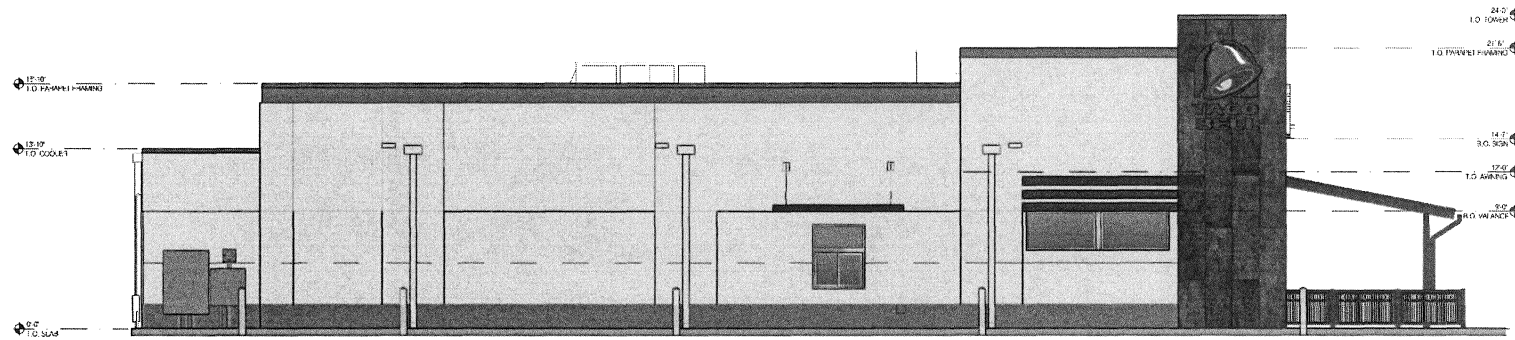
EXTERIOR ELEVATIONS

A4.1

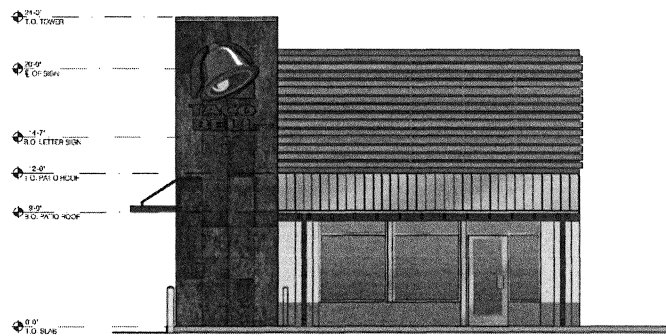




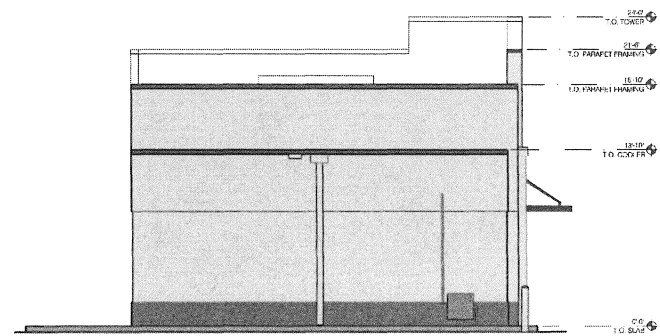
RIGHT ELEVATION



LEFT ELEVATION



FRONT ELEVATION



REAR ELEVATION

UPDATED OPERATIONAL STATEMENT  
PROPOSED TACO BELL RESTAURANT  
PANOCHÉ ROAD AND I-5  
CUP 3551  
JUNE 2018 REVISION

**NATURE OF OPERATION**

The proposed use is a 1,832 sq. ft. Taco Bell restaurant with a 42 seat dining room and drive thru. The restaurant will prepare food for consumption on site and to be taken away. In addition, the restaurant will serve hot and cold beverages. No alcoholic beverage service is proposed.

The proposed restaurant will be generally located at the northwest quadrant of the Panoche Road and I-5 interchange. This interchange is identified in §860.A.1a of the Fresno County Zoning as a Major Commercial Center in the Interstate Freeway Interchange Commercial Development District. This interchange is developed with other freeway related uses, as well.

**OPERATIONAL TIME LIMITS**

The proposed Taco Bell restaurant will operate 7 days a week year round. No special activities are proposed in association with the Taco Bell restaurant.

The restaurant will operate from 6:00 AM to Midnight. Total hours of operation per day will be 18.

Employees will arrive approximately one hour before the restaurant opens begins operations and will stay approximately one hour after the restaurant ends operations.

**NUMBER OF CUSTOMERS OR VISITORS**

The number of customers per day will vary depending on the time of year and weather conditions. The average number of customers per day will be 300-500. The customers will utilize both the drive thru lane and dining room to order and consume their food.

Customers will be onsite during the operational hours of 6:00 AM to Midnight.

**NUMBER OF EMPLOYEES**

The employees work various shifts. There will be between 12-15 full time employees and 15-20 part time employees. However, there will typically be a maximum of 6 employees on site at any given time. However, during peak holiday hours there may be additional employees during a shift. No future change in the number of employees is anticipated.

No employees will live on site.

### **SERVICE AND DELIVERY VEHICLES**

All food products, beverages, paper goods and supplies are delivered to the site in a single semi-truck and trailer. Deliveries are typically done twice week. Deliveries are typically done when the restaurant is closed and typically take less than an hour to be completed. The delivery drivers have access to the restaurant through the use of a lockbox. Therefore, no employees need to be onsite when deliveries are made.

### **ACCESS TO THE SITE**

As noted above, the proposed restaurant is located in the northwest quadrant of the Panoche Road and I-5 interchange. Access to the restaurant is from Panoche Road and a private road identified as Road A and a second private road identified as Farm Access Road. Other uses in this quadrant of the interchange also utilize Road A and Farm Access Road for access.

Panoche Road, Road A and Farm Access Road are paved.

### **PARKING AREA**

The proposed parking area will be paved and provide 19 parking spaces (18) are required.

### **GOODS SOLD ON-SITE**

As noted above, the restaurant will sell food and beverages. All goods are delivered to the site and prepared at the site.

### **EQUIPMENT USED**

The proposed restaurant will utilize typical restaurant equipment. These include, but are not necessarily limited to, fryers, steam tables, microwave ovens, flat grills and drink dispensers. Cleaning equipment consists of mops, buckets, brooms and window squeegees.

### **SUPPLIES AND MATERIALS**

The restaurant will store its food products in either a walk in cooler or on storage racks inside the restaurant.

Cleaning supplies will also be stored in the restaurant. But, in an area separate from the food products.

### **PROJECT IMPACTS**

The restaurant will operate in a typical restaurant manner. All cooking equipment will be equipped with exhaust hoods that have filters in them. Minor noise may be generated from the drive-thru speaker. However, as noted above, this is a commercial interchange and no residential properties are located in the area.

## **LIQUID AND SOLID WASTE**

### Liquid Waste

The proposed restaurant has sanitary sewer service provided by I-5 Property Services, Inc. which also provides these services to the other uses located at the interchange.

It is estimated that the proposed restaurant will generate 1,000 gallons of liquid waste per day. This liquid waste will be treated at a waste water treatment facility operated by I-5 Property Services, Inc. I-5 Property services provides this service to all of the developed properties in the area.

### Solid Waste

It is anticipated the proposed restaurant will generate approximately .75 cubic yards (cyds) of solid waste per day. The solid waste material will be stored in bins within a masonry trash enclosure on the property. The solid waste will be picked up on a regular basis by a solid waste hauler authorized to provide such services. The solid waste materials will either be disposed of in an approved land fill facility or be recycled. Typically, the solid waste will be picked up 1 or 2 times a week.

### Used Cooking Oil

Used cooking oil grease will be stored separately from the solid waste and will be picked up by a hauler approved for the disposal of such material.

## **PROPOSED BUILDING**

The proposed Taco Bell restaurant will be a new 1,823 sq. ft. building with 42 seats and a drive thru. The building exterior will be a combination of stucco, wood and metal. There will be a wainscot at the base of the exterior wall. Awnings will be provided over the windows. Specific color information is reflected on the attached elevations.

The main portion of the building will be 22' +/- high and have an accent tower that is integrated into the building design. The accent tower will have a height of 24'.

## **BUILDING OPERATIONS**

As noted above, the proposed Taco Bell development will consist of a 1,823 sq. ft. restaurant and a trash corral.

The restaurant will be used for the storage, preparation and consumption of food and beverages prepared on the site. The trash corral will be used to hold the trash bins.

## **OUTDOOR LIGHTING AND SOUND AMPLIFICATION**

Site lighting will be provided. The lighting will be a combination of lights mounted on the building and parking lot lights.

There will be a drive thru speaker. This speaker is used for the placement and confirmation of orders. This is a commercial interchange. There are no residential uses that may be impacted by the drive thru speaker.

## **LANDSCAPING AND FENCING**

The Panoche Road and Road A frontages will be landscaped with a combination of trees and drought tolerant plantings. The exit to the drive thru will also be landscaped with drought tolerant plantings.

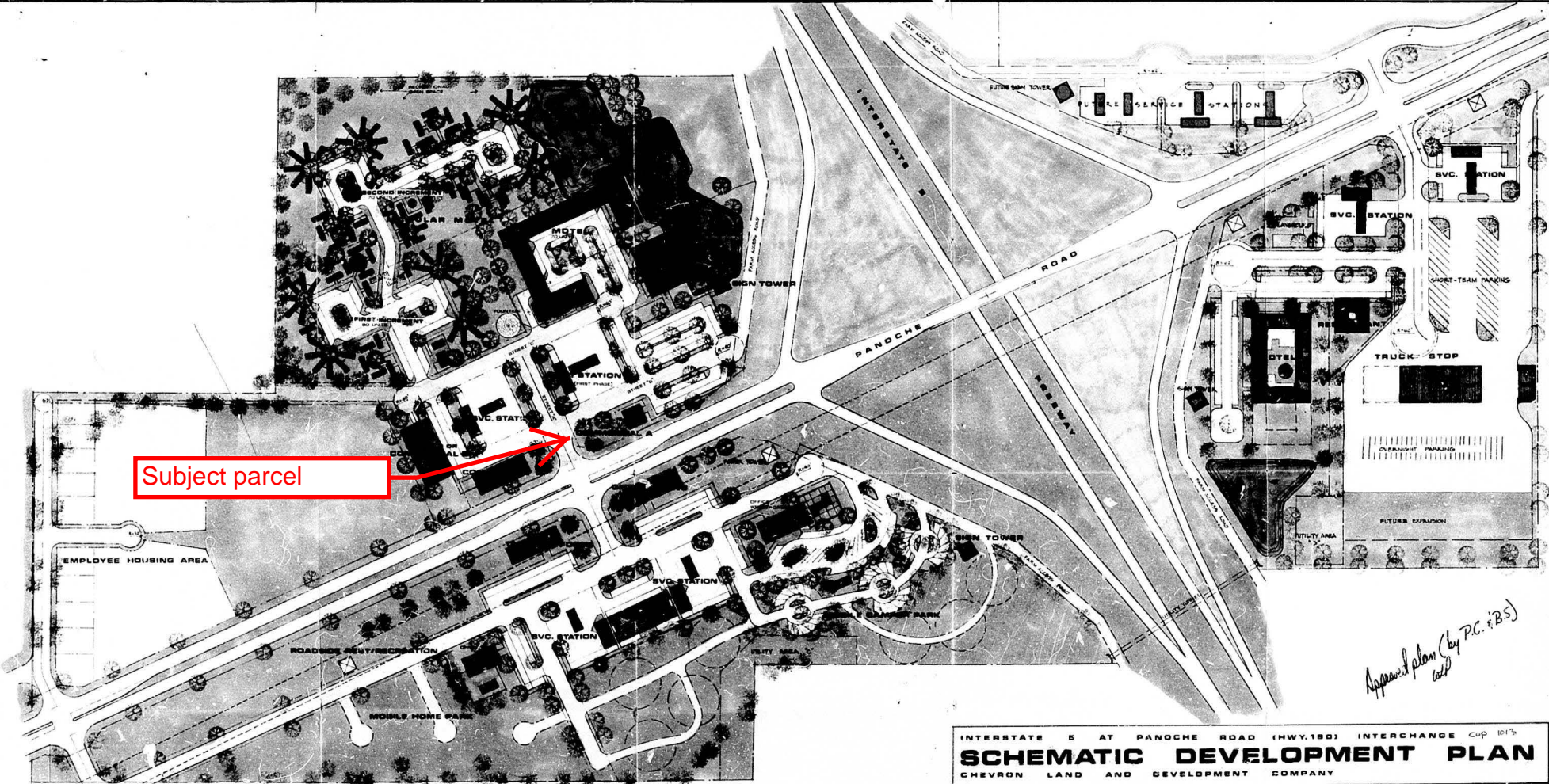
There will be landscape planters located on the Farm Access Road frontage. These will be planted with trees and drought tolerant plants.

The drive thru lane will have a 3' high masonry wall on the outside curb. In addition, a split rail fence will be provided along the outside of the masonry wall.

**OWNERS**

The proposed Taco Bell restaurant will be owned by Mr. Sunny Ghai. The property is currently owned by the Hewitson Limited Partnership, Mr. Richard Hewitson, Managing Partner.

Subject parcel



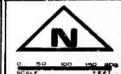
*Approved plan by P.C. & B.S.*

INTERSTATE 5 AT PANOCH ROAD (HWY.180) INTERCHANGE cup 1015  
**SCHEMATIC DEVELOPMENT PLAN**  
CHEVRON LAND AND DEVELOPMENT COMPANY

**EXHIBIT 7**

**GRUNWALD  
CRAWFORD  
ASSOCIATES**  
808 N. BOWEN ST. TORRANCE, CA 90503

DATE: OCTOBER, 1971  
DRAWN: DC-JW-FA





# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Ghai Management, Inc.
- APPLICATION NOS.: Initial Study Application No. 7357 and Unclassified Conditional Use Permit Application No. 3591
- DESCRIPTION: Allow an Interstate Freeway Interchange Commercial Development consisting of a 1,823 square-foot Taco Bell restaurant with drive-through service on a 0.58-acre parcel in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District.
- LOCATION: The project site is located on the north side of West Panoche Road, approximately 1,000 feet southwest of Interstate 5 and approximately 15 miles southwest of the nearest city limits of the City of Mendota (SUP. DIST. 1) (APN 027-190-29S).

### I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway; or
- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

FINDING: LESS THAN SIGNIFICANT:

Policy LU-D.6 of the Fresno County General Plan requires that a commercial interchange development be designed to achieve aesthetic excellence and incorporate considerations for noise contours abutting traffic ways, architectural cohesiveness, and signing restraints. The proposal involves the construction of a new 1,823 square-foot Taco Bell restaurant with drive-through service on a currently vacant parcel within an existing commercial development that includes restaurants, gas stations, convenience stores and a motel. The project site is located approximately 1,000 feet southwest of Interstate 5 and westerly adjacent to the southbound exit ramp. Given the limited size of the proposed development, and the requirement that it be aesthetically consistent with surrounding commercial development in an area designated for such development by Section 860 of the Fresno County General Plan, it would not degrade the visual

character or quality of the site and its surroundings. Additionally, no scenic vistas, scenic resources or landscape features were identified in the project analysis, and accordingly, no such resources will be adversely impacted by this proposal. Interstate 5, easterly adjacent to the project site is designated as a scenic highway in the Fresno County General Plan. General Plan Policy OS-L.3.d. requires that commercial developments provide for maintenance of a natural open space area that is 200 feet in depth parallel to the right-of-way of the scenic drive or roadway. However, the proposed development is not within the 200-foot-wide natural Open Space Area, and therefore will not impact the scenic quality of the landscape adjacent to Interstate 5, consistent with General Plan Goal OS-I.

Section 860.E.2 of the Fresno County Zoning Ordinance addresses development standards for Freeway Interchange Development, and requires that landscaping be provided and maintained, and that plants and related materials shall be arranged in a manner consistent with and complementary to the building design and materials.

- D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Development of this proposal will generate new sources of light and glare resulting from outdoor lighting around the building and parking and circulation areas. Mitigation would require that all outdoor lighting be hooded and directed downward as to not shine toward adjacent property and public streets. The Road Maintenance and Operations Division expressed concerns that headlights from vehicles queuing in the proposed drive-through would shine toward oncoming traffic on the adjacent roadway. As such, a Mitigation Measure has been included under Section XVI. D. Transportation/Traffic to address these concerns. See further discussion under the above-referenced section.

\* **Mitigation Measure:**

1. *All outdoor lighting shall be hooded and directed downward so as not to shine toward adjacent properties and public streets or roadways.*

## II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of state-wide importance to non-agricultural use; or
- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts; or
- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use; or



- E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The subject parcel is zoned AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District, however, it is located in an area designated for commercial development and is not restricted under Williamson Act Contract. The 0.58-acre subject parcel is classified as Urban and Built-Up Land according to the 2014 Fresno County Important Farmlands Map. Therefore, this proposal is not in conflict with existing Agricultural zoning. General Plan Policy LU-D.4 states that the County shall generally limit development at major or minor commercial interchanges to one square mile of land centered on the freeway interchange structure. The subject proposal is therefore consistent with this policy.

There are existing agricultural operations in the vicinity of the project site, however, much of the land within the one square-mile Interstate Freeway Interchange Area has been commercially developed as prescribed by the Fresno County General Plan and the approved Master Plan. Therefore, the project will not result in the conversion of farmland to non-agricultural uses, other than that area which has been designated for commercial development. The subject property is not located on forestland. This proposal was reviewed by the Fresno County Department of Agriculture, which did not express any concerns.

### III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project violate any air quality standard or contribute to an existing or projected air quality violation; or
- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard; or
- D. Would the project expose sensitive receptors to substantial pollutant concentrations; or
- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal was reviewed by the San Joaquin Valley Air Pollution Control District, which determined that project-specific criteria pollutant emissions are not expected to have an adverse impact on air quality. The Air District required that the applicant submit an application for an Air Impact Assessment per District Rule 9510 (Indirect Source Review). An Air Impact Assessment application was submitted by the applicant and

approved by the Air District on February 14, 2018. The proposed restaurant with drive-through service will be part of an existing commercial development, and once construction is complete, any impacts to air quality will be less than significant. Per the Air District's recommendation, the following District Enforced Emission Reduction Measures will be included as Conditions of Approval: (1) Within 30-days of the issuance of building permits and certification of occupancy, the applicant shall submit a summary report of the construction start and end dates, and date of the first permit issuance and occupancy certification; and (2) The project shall maintain records on site during construction, and for a period of ten years following either the end of construction and/or issuance of permits and certification of occupancy, whichever date is later. Records shall be made available for Air District inspection upon request.

Additionally, the applicant may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in District Rule 8021 - Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities. Per District Rule 2010, the applicant may be required to obtain a District Authority to Construct prior to installation of equipment that controls or may emit air contaminants, including, but not limited to, emergency internal combustion engines, boilers, and baghouses.

According to the Air District, particulate matter 2.5 microns or less in size (PM<sub>2.5</sub>) from under-fired char-broilers (UFC) pose an immediate health risk because the cooking of meat can release carcinogenic compounds, and controlling such emissions will have a positive impact on public health. In order to reduce potential impacts from the release of carcinogenic compounds into the air, a Condition of Approval will be included requiring that the applicant install emission control systems during the construction phase of the project.

The project will not expose sensitive receptors to substantial pollutant concentrations or create objectionable odors that would affect a substantial number of people in or near the project area.

#### IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or
- B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS); or
- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or

- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or
- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

The subject parcel is located within an existing Interstate Freeway Interchange commercial development, consisting of gas stations, convenience stores, restaurants and a motel, located on both the north and south sides of Panoche Road. Large parcels utilized for farming and other agriculture-related operations characterize the surrounding area. As a result of the existing commercial development, the ground on and surrounding the project site, has been previously disturbed.

The project was reviewed by the California Department of Fish and Wildlife, and United States Fish and Wildlife Service. Neither agency expressed any concerns relating to adverse effects upon any sensitive or special-status species through habitat modification, either riparian habitat or other sensitive species. Additionally, no federally-protected wetlands, native resident or migratory fish, or wildlife species were identified in the analysis.

**V. CULTURAL RESOURCES**

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5; or
- B. Would the project cause a substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries; or
- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

**FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:**

The project site is located in an area designated as “moderately” sensitive for the existence of archaeological resources, and has been previously disturbed. The project

was routed to the Southern San Joaquin Information Center, which recommended that a cultural resources survey be undertaken. A Phase-One Archaeological Survey was complete by Soar Environmental Consulting on October 20, 2017. No historical, tribal-cultural resources or unique paleontological resources were identified during the survey; however, this does not preclude the existence of subsurface cultural deposits. To address this possibility, a Mitigation Measure has been included requiring further evaluation upon the discovery of any historical or tribal cultural resources, or human remains during ground-disturbing activities.

\* **Mitigation Measure:**

1. *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An archaeologist 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 Heritage Commission within 24 hours.*

## VI. GEOLOGY AND SOILS

- A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:
  1. Rupture of a known earthquake; or
  2. Strong seismic ground shaking; or
  3. Seismic-related ground failure, including liquefaction; or
  4. Landslides?

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

The subject parcel and surrounding area is in California Building Code Seismic Zone 4 according the Fresno County General Plan Background Report (FCGPBR) Figure 9-4, and in an area of Probabilistic Seismic Hazards (10% probability in 50 years). It is not located in a known earthquake fault zone per the California Department of Conservation, California Geological Survey (CGS) Information Warehouse: Interactive Regulatory Maps. The project will be subject to current building code with regard to seismic design category requirements. Additionally, the subject parcel is not in an area subject to liquefaction as described in the FCGPBR, Chapter 9, or as indicated on State of California Department of Conservation, California Geological Survey, and other Regulatory Maps.

- B. Would the project result in substantial erosion or loss of topsoil; or
- C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or
- D. Would the project be located on expansive soils, creating substantial risks to life or property?

FINDING: NO IMPACT:

The proposed project is not in an area subject to expansive soils nor in an area prone to liquefaction, landslides, lateral spreading, or collapse. According to the Fresno County General Plan Background Report (FCGPBR), Figure 9-6, the project site is located in an area of shallow subsidence; however, no impacts related to the potential for soil subsidence were identified in the analysis or in reviewing agency comments.

Additionally, the project area is confined to the 0.58-acre subject parcel, limiting any potential erosion resulting from grading activity; However, a Condition of Approval will be included, requiring that any grading activity proposed with this project would necessitate a grading permit or grading voucher from the Fresno County Department of Public Works and Planning, and any additional runoff generated by the proposed development is required to be stored on site or disposed of per County standards.

- E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative disposal systems where sewers are not available for wastewater disposal?

FINDING: NO IMPACT:

The project proposes to connect to existing wastewater treatment facilities located in the vicinity for the provision of sanitary sewer services. No new on-site wastewater treatment systems are proposed with this application.

## VII. GREENHOUSE GAS EMISSIONS

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Would the project conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project was reviewed by the San Joaquin Valley Air Pollution Control District for potential adverse impacts to air quality (see discussion under Section III. Air Quality). The Air District did not express any concerns related to greenhouse gas emissions.

## VIII. HAZARDS AND HAZARDOUS MATERIALS

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials; or
- B. Would the project create a significant public hazard involving accidental release of hazardous materials into the environment; or
- C. Would the project create hazardous emissions or utilize hazardous materials, substances or waste within one quarter-mile of a school; or
- D. Would the project be located on a hazardous materials site?

FINDING: NO IMPACT:

The project is not located on or near a hazardous materials site, will not involve the transport, use or disposal of hazardous materials, and is not located within one quarter-mile of a school.

- E. Would a project located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area; or
- F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located within two miles of any public or private airstrip or airport.

- G. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan; or
- H. Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

FINDING: NO IMPACT:

The project will not impair implementation of or physically interfere with an adopted Emergency Response Plan or expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. While the project site is located in a wildland fire area, and is in a moderate-severity fire hazard zone, according to the CAL FIRE Hazard Severity Zone Map for Fresno County, dated November 6, 2007, the immediate area has been commercially developed and residential development is limited. The nearest residence is located more than one half-mile from the project site. If approved, the project will be subject to current fire code,

Title 24 California Code of Regulations (CCR), at the time that permits or a certificate of occupancy is issued.

## IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality?

FINDING: NO IMPACT:

The project will connect to an existing community system for the provision of water and sewer services, and it is not anticipated that the proposed operation will violate any water quality standards, waste discharge requirements or degrade water quality in any way. With regard to sewer and water services, the applicant's operational statement indicates that the existing off-site water treatment facility has a design capacity of 90,000 gallons per day and is currently operating at 40,000 gallons per day. The California State Water Resources Control Board, Division of Drinking Water, reviewed this proposal, and did not express any concerns related to water quality standards or waste discharge requirements.

- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposes to use up to 2,000 gallons of water per day, and will connect to a non-transient, non-community public water system operated by I-5 Property Services, Inc., which supplies surface-water to the surrounding commercial development. I-5 Property Services has indicated that it would provide up to two acre-feet of water per year for the proposed Taco Bell restaurant. Westlands Water District, which supplies water to I-5 Property Services, Inc., stated that I-5 Property Services must secure an alternate water supply to support the demand created by the proposed development if current allocations from Westlands Water District are exceeded.

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site; or
- E. Would the project create or contribute run-off, which would exceed the capacity of existing or planned storm-water drainage systems or provide substantial additional sources of polluted run-off?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposal entails the establishment of a 1,823 square-foot restaurant with drive-through services, within an existing commercial development. Given the limited size of the proposed development, it is not anticipated to alter drainage patterns, alter the course of a stream, or result in substantial erosion or siltation, and no streams or other watercourses were identified in the vicinity of or traversing the subject parcel. Panoche Creek is located approximately one half-mile west of the project site. This project will require the submission of an Engineered Grading and Drainage Plan prior to the issuance of a grading permit or grading voucher. Any additional runoff generated by the project must be retained on site or disposed of per County Standards.

- F. Would the project otherwise substantially degrade water quality?

FINDING: NO IMPACT:

The project proposes to connect to existing facilities for the provision of water and sewer services. None of the reviewing agencies or departments expressed any concerns that this project would have an impact on water quality in the area.

- G. Would the project place housing within a 100-year floodplain; or
- H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows; or
- I. Would the project expose persons or structures to levee or dam failure?

FINDING: NO IMPACT:

The subject parcel is not located in an area within a 100-year floodplain according to Figure 9-7 of the Fresno County General Plan Background Report, nor is it located in a Dam Failure Flood Inundation Area, identified by Figure 9-8 of the FCGPBR. Additionally, comments from the Development Engineering Section of the Fresno County Department of Public Works and Planning indicate the subject parcel is not subject to flooding from the 100-year, one-percent-chance storm event, per FEMA, FIRM Panel1950H.

- J. Would the project cause inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

The project site is not in an area subject to tsunami or mudflow, and earthquake-induced seiche is not considered a risk in Fresno County, according to the Fresno County General Plan Background Report (FCGPBR) Chapter 9.



## X. LAND USE AND PLANNING

- A. Will the project physically divide an established community?

FINDING: NO IMPACT:

The project will not divide an established community. The project site is located approximately 15 miles southwest of the nearest city limits of the City of Mendota.

- B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project?

FINDING: NO IMPACT:

The subject parcel is designated as agricultural land in the Fresno County General Plan, and located within the Westside Freeway Corridor Overlay, extending for one mile east and west of Interstate 5 where it traverses the County. The overlay area allows for commercial uses at designated interchanges along the Interstate. Section 860 of the Fresno County Zoning Ordinance, Regulations for Interstate Freeway Interchange Commercial Development, specifically designates one square-mile of land centered on the intersection of Panoche Road and Interstate 5 as a Major Commercial Center. The Zoning Ordinance lists specific uses allowed at a Major Commercial Center, subject to discretionary approval through a Conditional Use Permit application, this proposal is consistent with those allowed uses. The Commercial Interchange area consists of four quadrants surrounding the intersection. The subject parcel is located in the northwest quadrant of the interchange. Each quadrant is limited to one master-planned area for development. This proposal is consistent with the allowable uses at such designated interchanges, subject to a Conditional Use Permit, Site Plan Review and applicable development standards.

- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT:

The project is located within the PG&E San Joaquin Valley Operations and Maintenance Habitat Conservation Plan, however, the proposal was reviewed by the California Department of Fish and Wildlife (CDFW) and the United States Fish and Wildlife service (USFWS), and neither agency expressed any concerns with the project proposal. The proposed project will not conflict with any Habitat Conservation Plan or Natural Community Conservation Plan.

## XI. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource; or
- B. Would the project result in the loss of availability of a locally important mineral resource recovery site designated on a General Plan?

FINDING: NO IMPACT:

The proposed project does not involve the extraction of any known mineral resources, and is not located in an area identified as Mineral Resource Zone by Figures 7-7 and 7-9 of the Fresno County General Plan Background Report (FCGPBR).

XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or
- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise levels; or
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No noise-related impacts were identified by any of the reviewing agencies. Noise impacts from construction-related activities are exempt from compliance with the Fresno County Noise Ordinance (Chapter 8.40.060 Noise Source Exemptions) provided that noise-generating construction activity is limited to the hours between 6:00 a.m. and 9:00 p.m., Monday through Friday, and between the hours of 7:00 a.m. and 9:00 p.m., Saturday and/or Sunday.

- E. Would the project expose people to excessive noise levels associated with a location near an airport or a private airstrip; or
- F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

The project site is not located in the vicinity of a public airport or private airstrip and will not be impacted by airport-related noise.

XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- B. Would the project displace substantial numbers of existing housing; or
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

The project will not induce population growth directly or indirectly, nor displace any existing housing or people. The nearest dwelling to the proposed project site is more than one half-mile southwest.

#### XIV. PUBLIC SERVICES

A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically-altered public facilities in the following areas:

1. Fire protection; or
2. Police protection; or
3. Schools; or
4. Parks; or
5. Other public facilities?

FINDING: NO IMPACT:

The project will not result in substantial adverse physical impacts related to provision of new facilities for fire or police protection, schools, parks or other public facilities. No concerns were expressed by any reviewing agencies regarding impacts to the provision of public services.

#### XV. RECREATION

- A. Would the project increase the use of existing neighborhood and regional parks; or
- B. Would the project require the construction of or expansion of recreational facilities?

FINDING: NO IMPACT:

The project is not located in the vicinity of any existing public parks and is therefore not expected to result in an increase in the use of existing parks or recreational facilities.

#### XVI. TRANSPORTATION/TRAFFIC

- A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation; or
- B. Would the project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demands measures; or

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The proposed project will not have direct access from Panoche Road, however it will be accessed from a road labeled on the applicant's submitted site plan as "Farm Access Road Easement", a private easement owned by the State of California, which connects to Panoche Road via Road A as labeled on the Applicants site plan. The Farm Access Road Easement and Road A are both part of the same easement owned by the State of California. After review of the proposal, the Road Maintenance and Operations and Design Divisions, of the Department of Public Works and Planning determined that a Traffic Impact Study (TIS) was required in order to evaluate potential impacts to County roadways.

A Traffic Impact Study (TIS) was prepared by Peters Engineering, for the proposed project on December 15, 2017. After review by County staff and Caltrans, it was determined that some revisions were necessary. A final revised version was submitted to the Department of Public Works and Planning on April 19, 2018. Conclusions of the Traffic Impact Study indicated that the project is expected to cause or contribute to significant impacts, based on Level of Service estimates for the intersection of Panoche Road and Interstate 5 northbound ramps, and the intersection of Panoche Road and Road A. The recommendation of the TIS was that the applicant be required to contribute a fair share of cost (estimated to be 21.5 percent for the northbound ramps and 23.09 percent for the southbound ramps) for the construction of all-way stop control at the intersection of Panoche Road and Road A. However, the all-way stop control should not be installed until the project is in operation and observed traffic volumes indicate that the warrants (standard criteria) for installing said stop controls are met.

The project was reviewed by the California Department of Transportation (Caltrans), which indicated that the Traffic Impact Study shows that the project would cause an increase in traffic congestion at the intersection of Panoche Road and Interstate 5 northbound ramps during peak traffic hours; however, the criteria necessary for the immediate installation of traffic signals at the Panoche Road and Interstate 5 northbound ramps would be met by the addition of the proposed project in the near term. Caltrans did find that the criteria for traffic signals at said intersection would likely be satisfied by 2035, and that installation of signals would then be warranted.

Therefore, the following mitigation is required:

\* **Mitigation Measures:**

1. *To address future long-term cumulative traffic impacts identified by the project's Traffic Impact Study, the Applicant/Operator shall be responsible for preparing a traffic analysis at the intersection of Panoche Road and private Road A subsequent to occupancy/opening day and to occur at the approximate one-year anniversary of commencing operations. The Applicant shall provide the traffic analysis to the Fresno County Department of Public Works and Planning at the conclusion of the initial one-year operational period to document changed traffic volumes and determine warrants for intersection control measures.*

*Should the traffic analysis indicate that the warrants for an all-way stop are met; the Applicant shall install an all-way stop control at the intersection of West Panoche Road and Private Road A.*

*Should the traffic analysis indicate warrants for an all-way stop are not be met at the conclusion of the one-year operational period, the Applicant/Operator will be responsible for future participation in the proportionate share (8.60 percent) for installing an all-way stop control at the intersection of West Panoche Road and Road A in conjunction with existing businesses and future development serviced by private Road A for the northwest quadrant of the Panoche Road/I-5 Interstate Interchange.*

*Note: Due to the length of time that may elapse between opening day and realization of signal warrants, the Applicant/future operator may conduct additional traffic analysis to re-examine the proportionate share amount. As Road A is a private road, shared installation costs shall be between existing and future operators of the northwestern quadrant.*

2. *To address project-related traffic impacts as identified by the California Department of Transportation (Caltrans), the Applicant shall enter into a traffic mitigation agreement with Caltrans to ensure the project contributes its fair share toward the cost of future installation of all-way stop control at the intersections of Panoche Road and the Interstate 5 southbound ramps and Panoche Road and the Interstate 5 northbound ramps. Based on the Traffic Impact Study prepared for this project, the Applicant's fair share contribution is currently estimated to be \$4,189.00 (\$2,150.00 for the northbound ramps and \$2,039.00 for the southbound ramps).*

- C. Would the project result in a change in air traffic patterns?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal will not result in a change in air traffic patterns. The nearest airport to the project site is William Robert Johnson Municipal Airport (Mendota), located approximately 16 miles to the northeast.

- D. Would the project substantially increase traffic hazards due to design features?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning reviewed this proposal and expressed concerns that cars queuing in the proposed drive through would project their headlights at traffic on Panoche Road, thereby impacting driver visibility. A Mitigation Measure has been included requiring that screening will be added to the drive through to minimize the impacts to traffic on the County roadway.

\* **Mitigation Measure:**

1. *To prevent headlights from vehicles in the drive through from impairing the visibility of traffic along Panoche Road, the proposed drive through shall be screened by a fence that is architecturally consistent with the surrounding development. Examples of acceptable screening include a wooden rail fencing, a low-profile solid wall, or other barrier deemed acceptable to the Department of Public Works and Planning.*

E. Would the project result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project does not propose any changes to existing road configuration and will not result in inadequate emergency access. The project was reviewed by the Fresno County Fire Protection District/CALFIRE, which indicated that the Farm Access Road Easement along the northerly boundary of the project site would be adequate in width, provided there is a minimum of 12 feet of paved road width for each direction of travel with no parking allowed on either side of the easement. As a Condition of Approval, the applicant will be required to paint the south curb along the Farm Access Road Easement red, and install "No Stopping" signage.

F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: NO IMPACT:

The project will not conflict with any adopted transportation plans, policies or programs.

## XVII. UTILITIES AND SERVICE SYSTEMS

A. Would the project exceed wastewater treatment requirements; or

B. Would the project require construction of or the expansion of new water or wastewater treatment facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will be provided community water and sewer services by I-5 Property Services, Inc. According to the applicant's Operational Statement, the project is estimated to use 2,000 gallons of water per day, and will connect to a community water system operated by I-5 Property Services, Inc. with water purchased from Westlands Water District. The project is not anticipated to exceed wastewater facility capacity or require expansion of existing water treatment facilities. A Condition of Approval will be included requiring that the project secure a water supply to support any additional municipal and industrial demand if the water allocation that I-5 Property Services, Inc. receives from Westlands Water District is insufficient to meet the increased demand.

- C. Would the project require or result in the construction or expansion of new storm-water drainage facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section IX. C., IX. D. and IX. E. Hydrology and Water Quality.

- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section XVII. A. and XVII. B. above.

- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The applicant-submitted operational statement (addendum) indicates that the proposed Taco Bell restaurant will generate approximately 1,000 gallons of liquid waste per day. The project proposes to connect to the existing off-site wastewater treatment facility operated by I-5 Property Services, Inc. The applicant's supplemental information to the operational statement, it is indicated that the existing sanitary sewer system has a design capacity of 76,000 gallons per day and is currently operating at 30,000 to 40,000 gallons per day. The proposed operation is not anticipated to exceed the capacity of the system.

See additional discussion in Section XVII. A. and XVII. B. above.

- F. Would the project be served by a landfill with sufficient permitted capacity; or
- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The applicant's operational statement indicates that the proposed operation will generate approximately .75 cubic yards of solid waste per day. The solid waste material will be stored in bins which will be picked up by a properly licensed solid waste hauler on a regular basis, and be disposed of in an approved landfill and/or recycling facility.

#### XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal

community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California prehistory or history?

**FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED**

No impacts to biological resources were identified in the analysis or in reviewing agency comments. Potential impacts to Cultural Resources will be reduced to a less than significant level with incorporation of the Mitigation Measure listed in Section V.

- B. Does the project have impacts that are individually limited, but cumulatively considerable?

**FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED**

Cumulatively considerable impacts related to Aesthetics, Cultural Resources and Transportation/Traffic were identified in the analysis. Impacts to these resources will be reduced to a less than significant level with incorporation of the Mitigation Measures listed in Sections I, V and XVI.

- C. Does the project have environmental impacts, which will cause substantial adverse effects on human beings, either directly or indirectly?

**FINDING: NO IMPACT:**

No environmental impacts which would cause substantial adverse effects on human beings were identified in the analysis or in reviewing agency/department comments.

**CONCLUSION/SUMMARY**

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3591, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to agricultural and forestry resources, hazards and hazardous materials, land use and planning, mineral resources, population and housing, public services and recreation.

Potential impacts related to air quality, biological resources, geology and soils, greenhouse gas emissions, hydrology and water quality, noise, and utilities and service systems have been determined to be less than significant.

Potential Impacts relating to Aesthetics, Cultural Resources and Transportation/Traffic have been determined to be less than significant upon compliance with the identified Mitigation Measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Street, Fresno, California.

JS

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File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below For County Clerk Only.  CLK-2046.00 E04-73 R00-00	
Agency File No: <b>IS 7357</b>	<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>		County Clerk File No: <b>E-</b>
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Jeremy Shaw, Planner	Area Code: 559	Telephone Number: 600-4207	Extension: N/A
Applicant (Name): Ghai Management, Inc.	Project Title: Unclassified Conditional Use Permit Application No. 3591		
Project Description:	Allow an Interstate Freeway Interchange Commercial Development, consisting of a 1,823 square-foot Taco Bell restaurant with drive through service on a 0.58-acre parcel in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District. The project site is located on the north side of West Panoche Road approximately 1,000 feet southwest of its intersection with Interstate 5, and approximately 15 miles southwest of the nearest city limits of the City of Mendota (SUP. DIST. 1) (APN 027-190-29S).		
Justification for Negative Declaration:	<p>Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3591, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to agricultural and forestry resources, hazards and hazardous materials, land use and planning, mineral resources, population and housing, public services and recreation.</p> <p>Potential impacts related to air quality, biological resources, geology and soils, greenhouse gas emissions, hydrology and water quality, noise, and utilities and service systems have determined to be less than significant.</p> <p>Potential Impacts relating to Aesthetics, Cultural Resources and Transportation/Traffic have been determined to be less than significant upon compliance with the identified mitigation measures.</p>		
FINDING:	The proposed project will not have a significant impact on the environment.		
Newspaper and Date of Publication: Fresno Business Journal – June 25, 2018	Review Date Deadline: Planning Commission – July 26, 2018		
Date:	Type or Print Signature: Marianne Mollring Senior Planner	Submitted by (Signature): Jeremy Shaw Planner	

State 15083, 15085

County Clerk File No.: \_\_\_\_\_

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**