



Inter Office Memo

ATTENTION: FOR FINAL ACTION OR MODIFICATION TO OR ADDITION OF CONDITIONS, SEE FINAL BOARD OF SUPERVISORS' ACTION SUMMARY MINUTES.

DATE: August 12, 2021
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12896 - INITIAL STUDY NO. 7877 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3680

APPLICANT/
OWNER: Deepinder S. Grewal

REQUEST: Allow an Interstate Freeway Interchange Commercial Development, consisting of the interior modification of an existing 9,681 square-foot restaurant; the installation of a new convenience store within the existing building and the installation and operation of a new gas station and fuel canopy, on a 2.62-acre parcel in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District.

LOCATION: The project site is located in the northwest quadrant of the Panoche Road and Interstate 5 Freeway Commercial Interchange Area, approximately 15 miles southwest of the City of Mendota (APN: 027-190-05S) (46272 W. Panoche Road) (Sup. Dist. 1).

PLANNING COMMISSION ACTION:

At its hearing of August 12, 2021, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Woolf and seconded by Commissioner Ede to adopt the Mitigated Negative Declaration for the project based on Initial Study No. 7877, adopt the recommended Findings, and approve Unclassified Conditional Use Permit No. 3680, subject to the Conditions listed in Exhibit B, with the inclusion of an additional Condition that the 64 parking spaces required for the project exclude electric vehicle charging spaces.

RESOLUTION # 12896

This motion passed on the following vote:

VOTING: Yes: Commissioners Woolf, Ede, Abrahamian, Carver, Eubanks, Ewell
 No: None
 Absent: Commissioners Burgess, Chatha, Hill
 Abstain: None

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

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

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NOTE: The approval of this project will expire two years from the date of approval unless a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Conditional Use Permit.

Attachments

EXHIBIT A

Initial Study No. 7877
Unclassified Conditional Use Permit Application No. 3680

- Staff: The Fresno County Planning Commission considered the Staff Report dated August 12, 2021 and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- The existing building was formerly operated as the Apricot Tree Restaurant for the past several decades, however it has been closed for approximately the last four years and has fallen into disrepair.
 - The overall concept for the site is for use as a full-service travel center, with the convenience store, food service establishment and gas station being central to that; the existing 56-space electric vehicle charging facility enhances that concept by accommodating the electric vehicle segment of the travelling public.
 - We wanted to retain the existing building exterior for its historical aesthetic value, with updated interior design.
 - The parking is adequate to meet County standards and we intend to develop additional parking at the rear of the site.
 - The gas station is being added to the project due to the difficulty in staying competitive with solely a restaurant; the other gas stations in the vicinity also include food service and convenience stores to complement the fuel service.
 - We believe that the addition of another gas station will better-serve the travelling public.
 - We intend to include additional parking spaces to the rear of the site, five of those spaces will be dedicated to electric vehicle charging.
- Others: Two individuals presented information in opposition to the application indicating the following:
- We are not in opposition to the project; however, we are in opposition to the inconsistencies in the planning done for this area.
 - We are not in opposition to the existing electric vehicle charging facility.

RESOLUTION # 12896

- The most recent gas station developed in the vicinity had mitigation that appears to be inconsistent with this project in that the amount of required parking is less than what was required for the previous gas station developed.
- We proposed a similar project to the County several years ago, and at that time the County indicated that another gas station in the area would not be desirable due to the number of existing gas stations.
- We disagree with the CEQA (California Environmental Quality Act) review indicating that adequate water is available for the project.
- We believe that adequate emergency access is not provided.
- Traffic Impact Analysis provided for this project was inadequate and did not address the potential impacts to traffic and circulation.

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

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Mitigation Monitoring and Reporting Program
Initial Study No. 7877/Unclassified Conditional Use Permit (CUP) Application No. 3680
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	Prior to operation, all outdoor lighting shall be hooded and directed downward and maintained for the life of the project so as not to shine toward adjacent properties and public 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/Fresno County Department of Public Works and Planning (PW&P)	During ground disturbance
*3.	Geology and Soils	If a paleontological resource is found, regardless of depth or setting, the Project contractor shall cease ground-disturbing activities within 50 feet of the find and contact a qualified paleontologist. The qualified paleontologist shall evaluate the significance of the resources and recommend appropriate treatment measures.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	During ground disturbance
*4.	Transportation/Traffic	Prior to the issuance of any development permits related to this project, the applicant/project proponent shall pay the sum of \$ 175,910.00 to the Fresno County Department of Public Works and Planning, which is a proportionate fair share of the cost of future signalization of the intersection of Panoche Road and Road 'A'.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Prior to issuance of development permits

Mitigation Measures

*5.	Transportation/Traffic	The project applicant shall enter into a traffic mitigation agreement with the California Department of Transportation (Caltrans), and pay the sum of \$8,655.00, the proportionate fair share of cost for future installation of all way stop control at the intersection of Panoche Road and the northbound Interstate 5 ramps. Evidence that the fees have been paid to Caltrans or a copy of the executed mitigation agreement with Caltrans shall be provided to the County demonstrating that payment of the equitable share of cost has been resolved with Caltrans, prior to issuance of any development permits.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Prior to issuance of development permits
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Conditions of Approval

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.	Before any building or structure related to this project is erected, a complete site plan shall be submitted to and approved by the Director of the Department of Public Works and Planning pursuant to the provisions of Section 874 of the Fresno County Zoning Ordinance. Such site plan shall encompass all that area shown on the approved master plan. 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.				
3.	This project will be subject to San Joaquin Valley Air Pollution Control District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Sources Review) and will require District Permits. Prior to the issuance of development permits, the project owner shall apply for an Authority to Construct (ATC) to the San Joaquin Valley Air Pollution Control District.				
4.	As called for by the General Plan Policy LU-D.6 the applicant shall design, develop, and maintain aesthetically excellent landscaping for the site. All plants and related materials shall be arranged in a manner which is consistent with and complimentary to the building design and materials. Landscaping shall be thematically consistent with the surrounding Master Plan Development.				
5.	<i>The required parking for the use (calculated at 64 spaces) shall be provided exclusive of any electric vehicle charging spaces. (Added by Planning Commission August 12, 2021.)</i>				

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

Notes

The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.

1.	<p>Unclassified Conditional Use Permit No. 3680 shall become void unless there has been substantial development within two years of the effective date of approval of said Conditional Use Permit; or, there is a cessation of occupancy or use of land or structures authorized by said Conditional Use Permit for a period in excess of two-years; except where the structure or land is limited to a single purpose use.</p>
2.	<p>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.</p>
3.	<p>The project shall connect to the I-5 Property Services off site wastewater treatment facility for sewage disposal & treatment.</p>
4.	<p>Prior to alcohol sales, the applicant shall first obtain a license to sell alcoholic beverages from the California Department of Alcoholic Beverage Control.</p>
5.	<p>Prior to the issuance of development permits, the applicant shall submit three (3) sets of complete plans and specifications regarding the installation of any underground storage tanks to the Fresno County Department of Public Health, Environmental Health Division.</p>
6.	<p>If any underground storage tank(s) are found during construction, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.</p>
7.	<p>Prior to operations, the fuel facility applicant shall apply for and secure a Permit to Operate an Underground Storage Tank System from the Fresno County Department of Public Health, Environmental Health Division.</p>
8.	<p>Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan electronically pursuant to the HSC, Division 20, Chapter 6.95 (http://ccers.calepa.ca.gov/).</p>
9.	<p>The following comments pertain to the remodel of existing structure:</p> <p>Should the structure have an active rodent or insect infestation, the infestation should be abated prior to remodel of the structure in order to prevent the spread of vectors to adjacent properties.</p> <p>In the process of remodeling the existing structure, the contractor may encounter asbestos containing construction materials and materials coated with lead-based paints.</p> <p>If asbestos containing materials are encountered, contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000 for more information.</p> <p>If the structure was constructed prior to 1979 or if lead-based paint is suspected to have been used in these structures, then prior to demolition work the contractor should contact the following agencies for current regulations and requirements:</p>

Notes

- California Department of Public Health, Childhood Lead Poisoning Prevention Branch.
- United States Environmental Protection Agency, Region 9.
- State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA).

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

- 11.
- 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.
 - A grading permit or voucher shall be obtained for any grading proposed with this application.
 - The property shall be developed in accordance with State Responsibility Area (SRA) Fire Safe Regulations as they apply to driveway construction and access.
 - Any proposed parking areas shall comply with the Fresno County Off-Street Parking Design Standards.
 - Any additional runoff generated by the proposed development of this site must be retained on site per County Standards.

12. 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.

13. Prior to issuance of development permits, the applicant will be required to submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval.

14. Prior to issuance of development 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 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.

15. 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.

16. Noise sources associated with construction are exempt from the Fresno County Noise Ordinance between the hours of 6:00 a.m. and 9:00 p.m., Monday through Friday, and between 7:00 a.m. and 5:00 p.m. on Saturday and Sunday. The proposed project shall comply with the Fresno County Noise Ordinance. Construction specifications for the project should require that all construction equipment be maintained according to the manufacturer's specifications, and that noise generating construction equipment be equipped with mufflers.

EXHIBIT "C"

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Unclassified Conditional Use Permit Application No. 3680

Listed below are the fees collected for the land use applications involved in this Agenda Item:

Unclassified Conditional Use Permit Application:	\$ 9,123.00 ¹
Initial Study:	5,151.00 ²
Health Department Review:	992.00 ³
Agricultural Commissioner	93.00 ⁴
Total Fees Collected	\$ <u>15,359.00</u>

¹ Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report.
² Review proposal to provide appropriate California Environmental Quality Act (CEQA) evaluation.
³ Review of proposal by the Department of Public Health, Environmental Health Division to provide comments.
⁴ Review of proposal by the County Department of Agriculture.