



County of Fresno

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

August 27, 2018

Ghai Management, Inc.
25 E. Airway Boulevard
Livermore CA 95991

Dear Applicant:

Subject: Resolution No. 12727 - Initial Study Application No. 7357 and Unclassified
Conditional Use Permit Application No. 3591

On July 26, 2018, the Fresno County Planning Commission approved your Unclassified Conditional Use Permit with Conditions. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk to the Board of Supervisors within 15 days, the Planning Commission's decision is final.

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 Unclassified Conditional Use Permit.

If you have any questions regarding the information in this letter please contact me at jshaw@fresnocountyca.gov or 559-600-4207.

Sincerely,

Jeremy Shaw, Planner
Development Services and Capital Projects Division

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Enclosure



Inter Office Memo

DATE: July 26, 2018

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12727 - INITIAL STUDY APPLICATION NO. 7357 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3591

APPLICANT: Ghai Management, Inc.

OWNER: Hewitson Limited Partnership

REQUEST: Allow an Interstate Freeway Interchange Commercial Development, consisting of a 1,823 square-foot 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).

PLANNING COMMISSION ACTION:

At its hearing of July 26, 2018, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Lawson and seconded by Commissioner Vallis to adopt the Mitigated Negative Declaration prepared for the project, adopt the required Findings of Fact for approval of a Conditional Use Permit, and approve Unclassified Conditional Use Permit Application No. 3591, subject to the Conditions listed in Exhibit B.

EXHIBIT A

Initial Study Application No. 7357
Unclassified Conditional Use Permit Application No. 3591

Staff: The Fresno County Planning Commission considered the Staff Report dated July 26, 2018, 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 project conforms to the Fresno County General Plan, provides a service to travelers, and will provide jobs for the community.
- The project will connect to the community water and sewer systems.
- Access to the site will be via a shared private road which provides access to the other businesses in this development.

Others: No other individuals presented information in support of or in opposition to the application.

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 (IS) Application No. 7357/Unclassified Conditional Use Permit (CUP) Application No. 3591
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
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	<p>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.</p> <p>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.</p>	Applicant	Applicant/PW&P/ California Department of Transportation	Prior to issuance of building permits

		<p>Should the traffic analysis indicate warrants for an all-way stop are not 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	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).	Applicant	Applicant/PW&P/ California Department of Transportation	When observed traffic volumes have met the warrants for installation of traffic controls
5.	Transportation/ Traffic	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.	Applicant	Applicant/PW&P	Prior to operation
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.	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 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.	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"> • 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.
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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