

THE BUSINESS JOURNAL

FRESNO | KINGS | MADERA | TULARE

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(Space Below for use of County Clerk only)

IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA

UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION
NO. 3680 and INITIAL STUDY NO. 7877

DATE AND TIME OF PUBLIC
HEARING:
NOVEMBER 2, 2021 AT 10:00 AM

DECLARATION OF PUBLICATION (2015.5 C.C.P.)

MISC. NOTICE

STATE OF CALIFORNIA

COUNTY OF FRESNO

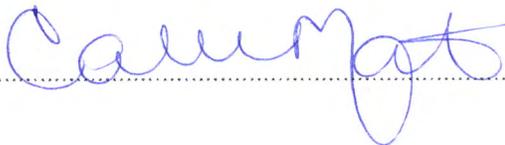
I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of **THE BUSINESS JOURNAL** published in the city of Fresno, County of Fresno, State of California, Monday, Wednesday, Friday, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of March 4, 1911, in Action No.14315; that the notice of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

OCTOBER 20, 2021

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Fresno, California,

OCTOBER 20, 2021

ON



Publication of Land Use Appeal For information contact **Jeremy Shaw**,
Notice of Public Hearing Department of Public Works and
Notice of hearing before the Board of Planning, 2220 Tulare Street (corner of
Supervisors of the County of Fresno on Tulare & "M" Streets, Suite A), Fresno,
UNCLASSIFIED CONDITIONAL CA 93721, telephone (559) 600-4207,
USE PERMIT APPLICATION email jshaw@fresnocountyca.gov.
NO. 3680 and INITIAL STUDY The Agenda and Staff Reports will be
NO. 7877 filed by DEEPINDER S. on the Fresno County web site https://
GREWAL. Note: On August 12, fresnocounty.legistar.com/Calendar.
2021, the Fresno County Planning aspx by Wednesday, October 27, 2021
Commission approved this application, by 6:00 p.m.
and on August 27, 2021, an appeal Steve Brandau, Chairman
was filed by Chase, Inc. and J.S.T., Board of Supervisors
LLC to the Fresno County Board of ATTEST:
Supervisors for consideration. BERNICE E. SEIDEL
Notice is hereby given that the Board of Clerk, Board of Supervisors
Supervisors of the County of Fresno has 10/20/2021
set this hearing for Tuesday, the 2nd
day of November, 2021, at the hour of
10:00 A.M. (or as soon thereafter as
possible), in the Board of Supervisors
Chambers, Room 301, Hall of Records,
2281 Tulare St., Fresno, California, as
the time and place for holding a public
hearing on the following matter:
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. 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).

Appeal of Planning Commission's Approval of Unclassified Conditional Use Permit No. 3680

Jordan M. Freeman
The Freeman Law Group LLP
8050 N. Palm Avenue, Suite 300
Fresno, CA 93711
(559) 389-3811
jordan@freemanlawgroupllp.com

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

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Consistent with Section 860.E.1 of the Zoning Ordinance and with the setbacks and yards shown in the Master Plan	As shown on Site Plan and Master Plan	Yes
Parking	C-4 Zone District For commercial uses: a. Minimum of two (2) square-foot of off-street parking for each one (1) square-foot of gross floor space or fraction thereof.	93 parking spaces which includes six (6) ADA compliant parking spaces and nine (9) electric vehicle charging spaces, and four (4) RV/Bus Spaces	Yes

Section 836 “C-4” –Central Trading District

Section 836.5 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and structures in the "C-4" District:

I. Off-Street Parking

1. For Commercial Uses.

a. There shall be at least two (2) square feet of off-street parking for each one (1) square foot of gross floor space or fraction thereof, provided, however, that if such use falls into any of the special uses in the General Conditions, Section 855-I, such General Conditions shall apply.

Section 855-I. Property Development Standards - Off-Street Parking

2. Special Use Requirements

h. For Establishments for the Sale and Consumption on the Premises of Food and Beverages

(1) Having less than one thousand (1,000) square feet of gross floor area: there shall be one (1) parking space for each two hundred (200) square feet.

(2) Having less than four thousand (4,000) square feet of gross floor area: There shall be one (1) parking space for each one hundred (100) square feet.

(3) Having more than four thousand (4,000) square feet of gross floor area: There shall be forty (40) parking spaces, plus one (1) for each fifty (50) square feet in excess of four thousand (4,000) square feet.

Exhibit 6 to Staff Report

Agenda for Panoche.pdf 4888-5490-9933 v.1 - Adobe Acrobat Standard DC

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I-5 SOUTH-BOUND OFFRAMP

D FUEL TANKS
OR UNLEADED FUEL
PUMP FOR
DIESEL FUEL
COMMON FUEL

PARKING DATA

REQUIRED:
 ONE PARKING SPACE = 9' x 18' = 162 SF

CONVENIENCE STORE (1,358 SF) (2 SF PER 1 SF OF RETAIL SPACE / 162 SF)	= 17 SPACES
RESTAURANT (6,000 SF RETAIL SPACE) (2 SF PER 1 SF OF RETAIL SPACE / 162 SF)	= 74 SPACES
RESTROOMS, STORAGE, KITCHEN AREAS (2,523 SF)	N/A
REQUIRED:	91 SPACES

PROVIDED:

STANDARD SPACE	20 SPACES
ACCESSIBLE SPACE	4 SPACES
TESLA SPACES	54 SPACES
EV CHARGING SPACE	2 SPACES
ACCESSIBLE EV SPACE	2 SPACES
ADDITIONAL CHARGING SPACES	9 SPACES
RV / BUS SPACES	4 SPACES
PROVIDED:	93 SPACES

SCOPE OF WORK

1. REMODEL EXISTING RESTAURANT BUILDING TO INCLUDE A NEW CONVENIENCE STORE. EXISTING RESTAURANT WILL REMAIN, BUT WILL BE REMODELED AS REQUIRED FOR NEW CONVENIENCE STORE.
2. ADD NEW FUEL ISLANDS, WITH OVERHEAD CANOPY, TO EXISTING PARKING LOT

PLANNING DEPT: 06-01-20
 BUILDING DEPT: .
 PUBLIC WORKS: .
 SURVEY: .

REVISIONS		
No.	Description	Date

PLOT PLAN

PROPOSED TRAVEL CENTER
LION BUILDERS, INC.
46272 WEST PANOCHÉ ROAD
FIREBAUGH, CA 93622
A.P.N. 027-190-05S

36.00 x 24.00 in

EXHIBIT 6

Exhibit 6, Page 2

Agenda for Panoche.pdf 4868-5490-9933 v.1 - Adobe Acrobat Standard DC

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Sign In

The floor plan shows a complex layout of a building. Key areas include:

- EXISTING STORAGE:** Multiple rooms of varying sizes, some with double doors.
- EXISTING FREEZER:** Three individual freezer rooms.
- EXISTING BACK OF HOUSE:** A large central area containing restrooms (MEN, WOMEN), a JANITOR room, and a FAMILY RESTROOM.
- KITCHEN AREA:** Located below the back of house, containing a COFFEE station and a QSR - SALES COUNTER AREA.
- SEATING AREA:** A large open area with a long table and many chairs.
- ENTRY:** A central entrance area with a FOYER and JUICE station.
- Service Areas:** Includes a CASHIER, CONVENIENCE STORE, COOLER, and FREEZER.
- Other:** A STORAGE ROOM, REACH-IN COOLERS, and a BULK FOODS AREA.

EXISTING STORAGE (multiple locations)

EXISTING FREEZER (multiple locations)

EXISTING BACK OF HOUSE

KITCHEN AREA

COFFEE

QSR - SALES COUNTER AREA

SEATING AREA

ENTRY

FOYER

JUICE

CASHIER

CONVENIENCE STORE

COOLER

FREEZER

REACH-IN COOLERS

BULK FOODS AREA

EXISTING EMPLOYEE RESTROOMS

MEN

WOMEN

JANITOR

FAMILY RESTROOM

STORAGE ROOM

EXIT (multiple locations)

Milestone Associates
Imaginer
 a California Corporation
 1000 LINCOLN ROAD, SUITE 1100
 YUBA CITY, CALIFORNIA 95991
 TEL: 530-755-4700
 FAX: 530-755-4067
 JIM J. THAYER
 LEAD DESIGNER
 STAMP: _____
 SUBMITTAL DATE
 PLANNING DEPT: 06-01-20
 BUILDING DEPT:
 PUBLIC WORKS:
 SURVEY:
REVISIONS

No.	Description	Date

OVERALL REMODEL FLOOR PLAN
PROPOSED TRAVEL CENTER
LION BUILDERS, INC.
 48272 WEST PANOCHÉ ROAD
 FIREBAUGH, CA 95622
 A.P.N. 027-190-068
 DATE: **06-01-20**
 SCALE: **8/16" = 1'-0"**
 DRAWN BY: **STAFF**

EXHIBIT 6 Page 2

Option 1 – 855I(h)(2) : Applied to the Entire Building

Square Footage		Number of Parking Spaces	
4,000			40
5,881		$(5,881/50) = 117.62$	
Total sq. ft.:	9,881	Total required parking spaces:	158

Option 2 – 855I(h)(2) : Not Applied C-Store

Square Footage		Number of Parking Spaces
4,000 – Restaurant Space		40
2,000 – Restaurant Space		$(2,000/50) = 40$
2,523 – Kitchen, Restrooms, etc.		$(2,523/50) = 51$
1,358 – Convenience Store Space		$((1,358 \times 2)/162) = 17$
Total sq. ft.:	9,881	Total required parking spaces: 148

Option 3 – 855I(h)(2) : Applied to Restaurant Only

Square Footage		Number of Parking Spaces
4,000 – Restaurant Space		40
2,000 – Restaurant Space		$(2,000/50) = 40$
1,358 – Convenience Store Space		$((1,358 \times 2)/162) = 17$
2,523 – Kitchen, Restrooms, etc.		$((2,523 \times 2)/162) = 32$
Total sq. ft.:	9,881	Total required parking spaces: 129

Option 4 – 855I(h)(2) : Not Applicable

Square Footage		Number of Parking Spaces
6,000 – Restaurant Space		$((6,000 \times 2) / 162) = 74$
1,358 – Convenience Store Space		$((1,358 \times 2) / 162) = 17$
2,523 – Kitchen, Restrooms, etc.		$((2,523 \times 2) / 162) = 32$
Total sq. ft.:	9,881	Total required parking spaces: 123

California Vehicle Code § 22511.1. Electric vehicle parking stalls or spaces; unauthorized parking or obstructing

- (a) A person shall not park or leave standing a vehicle in a stall or space designated pursuant to Section 22511 unless the vehicle is connected for electric charging purposes.
- (b) A person shall not obstruct, block, or otherwise bar access to parking stalls or spaces described in subdivision (a) except as provided in subdivision (a).

Section 873-F

Fresno County Zoning Ordinance, Section 873-F sets forth the five (5) required findings for the Application to be approved.

Finding 1 is as follows:

- 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.
- As set forth above, under Fresno County Zoning Ordinance, Section 855-I.2.h, the Application is required to provide 158 parking spaces, but only provides 93. Consequently, under any analysis, the Subject Site is not adequate in size and shape to accommodate the proposed restaurant and food court, service station, and electric charging station use and the parking spaces required for those uses. Finding 1 cannot be made.

Conclusion

For the reasons stated above, Appellants respectfully request that the Board of Supervisors reverse the decision of the Planning Commission and disapprove the Application by resolution pursuant to Zoning Ordinance, Section 873.H.2.

ATTACHMENT TO APPEAL

Chase, Inc., a California corporation (“**Chase**”) and J.S.T., LLC, a California limited liability company (“**JST**”) (sometime referred to collectively as “**Appellants**”), are property owners in close proximity to the real property commonly known as 46272 W. Panoche Road (the “**Subject Site**”), the subject site of CUP No. 3680 (the “**Application**”). Appellants wish to appeal the decision of the Planning Commission to Approve the Application at the meeting held on August 12, 2021.

Chase is the owner of the real property commonly known as 42681 W. Panoche Rd, Firebaugh, CA 93622, on which is located a Foster Freeze fast food restaurant, to the south of the Subject Site. Additionally, Chase leases the real property commonly known as 46310 W. Panoche Rd., Firebaugh, CA 93622, located approximately 150 yards to the west of the Subject Property, upon which Chase has developed and operates a Valero service station.

JST is the owner of the real property commonly known as 46370 W. Panoche Rd., Firebaugh, CA 93622, located approximately 150 yards to the west of the Subject Property, upon which JST has developed and operates a 76 service station and Westside Food Mart.

Appellants are appealing because the application for the Application contains far too few parking spaces, which violates applicable zoning ordinances and will exacerbate traffic in the area. Therefore, the Application cannot satisfy Findings 1 or 3 required under Fresno County Zoning Ordinance, Section 873-F.

A. The Application and the Staff Report Erroneously Calculated Parking Spaces Based Upon Net Floor Space

At the meeting, the county staff submitted the Planning Commission Staff Report (“**Staff Report**”), a copy of which is attached hereto. The Staff Report included the design plan for the project that was submitted by Milestone Associates Imagineering (“**Milestone**”).

The Staff Report, in determining Finding 1 (See Staff Report, page 4), indicates that the parking standard for the Subject Site is C-4 Zone District, which requires a “[m]inimum of two (2) square-feet of off-street parking for each one (1) square-foot of gross floor space or fraction thereof.” (Emphasis added.)

The gross floor space for the building on the Subject Site is 9,881 square feet. (See Staff Report, page 1.) The building is a restaurant that will be “renovated to include a restaurant food court and convenience store.” (See Staff Report, pages 1 and 2.) Given the square footage of the building, the required square-feet of off-street parking per the Staff Report is two times 9,881, or, 19,762 square-feet of parking space.

In its calculations, Milestone did not use the gross floor space of 9,881 square feet. Instead, it used a net floor space by excluding 2,523 square feet attributed to “restrooms, storage, [and] kitchen areas.” (See Staff Report, Exhibit 6, page 1.) With this exclusion, Milestone used the remaining 7,358 square-feet of net floor space to determine 14,716 square-feet of parking space,

which is 5,046 square feet less than the required minimum of 19,762 square feet based upon the gross floor space.

Milestone's design indicates a parking space size of 9' x 18', or, 162 square feet. (See Staff Report, Exhibit 6, page 1.) Based on the building size and the size of the parking space, there should be 122 parking spaces. ($19,762 \div 162 = 122$.) However, under Milestone's improper calculations, the design indicates a minimum of 91 parking spaces and calls for 93 parking spaces, on which the Staff Report erroneously concluded that the parking standard was met. (See Staff Report, page 4.) The planned number of spaces is 29 spaces less than the minimum amount when properly accounting for the gross floor space. (93 planned - 122 minimum = - 29.)

B. The Application And The Staff Report Erroneously Include Charging Stations As Parking Spaces In Evaluating The Parking Space Requirements

There second problem with the parking calculations. Milestone improperly counted electric vehicle charging stations as parking spaces for purposes of determining whether the off-street parking standard has been met. The design calls for 69 charging stations and only 24 parking spaces. (See Staff Report, Exhibit 6, page 1.)

No analysis or reference to any zoning ordinances is provided to justify deeming a charging station as the equivalent of a parking space. Drivers of non-electric vehicles are not going to perceive a charging station spot as the equivalent of a parking space, just as no one would regard a spot adjacent to a fuel pump to be the equivalent of a parking space. With only 24 actual parking spaces in the Application, the Application is 98 parking spaces short of the 122 minimum parking spaces. In percentage terms, the Application only has 19.7% of the parking spaced required under the C-4 Zone District

C. The Application And The Staff Report Failed To Apply The Requirements Of Fresno County Zoning Ordinance Section 855-I.2.H In Calculated The Required Number Of Parking Spaces

There is yet another problem with the parking calculations. The Staff Report and Milestone apply the wrong standard to determine the minimum square footage for off-street parking. The Staff Report states that Section 860 of the Zoning Ordinance provides the regulations for Interstate Freeway Commercial Development. (See Staff Report, page 4.) One of the commercial developments governed by Section 860 is the interchange of Interstate 5 and Panoche Road (Section 860.A.1.a.), wherein the Subject Site is located. (See Staff Report, page 4.)

Section 860 provides the Development Standards for all land and structures being developed under the section. (See Section 860.E.) These include standards for Off-Street Parking, which states: "The provisions of the 'C-4' District, Section 836.5-I.1 and 2, shall apply." (See Section 860.E.4.)

Although the Staff Report referenced C-4 District for the parking standard, it incorrectly applied that district's regulations. Section 836.5-I.1.a. states: "There shall be at least two (2) square feet of off-street parking for each one (1) square foot of gross floor space or fraction thereof,

provided, however, that if such use falls into any of the special uses in the General Conditions, Section 855-I, such General Conditions shall apply.” (See Section 836.5-I.1.a, emphasis added.) Consequently, reference must be made to Section 855-I to determine if the planned use falls into any of the special uses in that section.

Section 855-I.2 provides several “Special Use Requirements”. Among them, Section 855-I.2.h provides the Special Use Requirements “For Establishments for the Sale and Consumption on the Premises of Food and Beverages” and states that for such establishments “[h]aving more than four thousand (4,000) square feet of gross floor area: There shall be forty (40) parking spaces, plus one (1) for each fifty (50) square feet in excess of four thousand (4,000) square feet.” (See Section 855-I.2.h.)

As referenced above, the building on the Subject Site is intended to become a restaurant food court and convenience store. (See Staff Report, Exhibit 6, p. 2.) The design includes a seating area near a sales counter area and kitchen area. (*Ibid.*) The Subject Site will thus include an establishment for the sale and consumption on the premises of food and beverages. It is therefore subject to the additional off-street parking requirements of Section 855-I.2.h.

Given the building’s gross floor area of 9,881 square feet, the required number of parking spaces is 158. (40 for the first 4,000 sq. ft. plus 118 for the remaining 5,881 sq. ft. (5,881 ÷ 50).) The planned 24 parking spaces is therefore 134 spaces below the required minimum of 158 parking spaces for an establishment of 9,881 square feet for the sale and consumption on the premises of food and beverages. In percentage terms, the Application only has 15.2% of the parking spaced required under the Fresno County Zoning Ordinance, Section 855-I.2.h.

D. As A Result Of Inadequate Parking, The Required Findings Cannot Be Made

Fresno County Zoning Ordinance, Section 873-F sets forth the five (5) required findings for the Application to be approved.

Finding 1 is as follows:

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.

As set forth above, under Fresno County Zoning Ordinance, Section 855-I.2.h, the Application is required to provide 158 parking spaces, but only provides 24. Consequently, under any analysis, the Subject Site is not adequate in size and shape to accommodate the proposed restaurant and food court, service station, and electric charging station use and the parking spaces required for those uses. Finding 1 cannot be made.

Finding 3 is as follows:

That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.

The severely inadequate parking on the Subject Site will necessitate that the customers, employees, services providers, and other invitees to the Subject Property park on the street or utilize the onsite parking of the adjacent property. Increased street parking will exacerbate traffic flow in the area. Increased overflow parking from the Subject Property onto the abutting and nearby property will clearly have an adverse effect on abutting property and surrounding neighborhood. Finding 3 cannot be made.

E. Conclusion

For the reasons stated above, Appellants respectfully request that the Board of Supervisors reverse the decision of the Planning Commission and disapprove the Application by resolution pursuant to Zoning Ordinance, Section 873.H.2.



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 August 12, 2021

SUBJECT: Initial Study No. 7877 and Unclassified Conditional Use Permit Application No. 3680

Allow the construction and operation of an Interstate freeway interchange commercial development consisting of the interior modification of an existing 9,881 square-foot restaurant; the installation of a new convenience store within the existing building and the installation and operation of a new gas station with six fuel pumps and a 3,280 square-foot by 19-foot tall 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).

**OWNER/
APPLICANT:** Deepinder S. Grewal

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

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study No. 7877 and
- Approve Unclassified Conditional Use Permit Application No. 3680 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. Zoning Map
4. Land Use Map
5. Master Plan
6. Site Plan and Floor Plan
7. Elevations
8. Operational Statement
9. Summary of Initial Study No. 7877

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
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	2.62-acres	No change
Project Site	See above	No change
Structural Improvements	Existing 9,881 square-foot building Tesla Electric Vehicle Charging Station	Existing building to be renovated to include a restaurant food court and convenience store; with the addition of a 3,280 square-foot by 19-foot tall fuel canopy with two 20,000-gallon underground fuel tanks to provide a variety of fuel types.
Nearest Residence	Approximately one half-mile southwest	No change

Criteria	Existing	Proposed
Surrounding Development	Interstate Freeway Commercial development	No change
Operational Features	9,881 square-foot vacant building formerly operated as a restaurant	Restaurant, Gas Station and Convenience Store/ nine (9) Electric Vehicle Charging spaces
Employees	N/A	Convenience Store/Gas Station: 9-10 employees - 3 per eight-hour shift Restaurant: 30 employees -10 employees per eight-hour shift
Customers	N/A	1,200 per day
Traffic Trips	Currently there are no traffic trips associated with this specific proposal	689 additional Sunday afternoon peak hour traffic trips
Lighting	N/A	There will be exterior lighting on the restaurant building, the parking area and fuel canopy
Hours of Operation	N/A	Convenience Store/Gas Station/fuel pumps: 24 hours per day Restaurant: 6:00 am to 10:00 pm

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

ENVIRONMENTAL ANALYSIS:

An Initial Study has been prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). Based upon the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 9.

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 Application may be approved only if five Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

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

Section 860 of the Zoning Ordinance provides the regulations for Interstate Freeway Commercial Development and requires that designation of a Major or Minor Commercial Center must occur through an amendment of the Zoning Ordinance.

BACKGROUND INFORMATION:

The project site is located within the Westside Freeway Corridor Overlay area, which is comprised of a two mile wide strip of land centered along Interstate 5 within Fresno County, and within a designated Interstate Interchange Major Commercial Center adjacent to Interstate 5 at Panoche Road. The Freeway Interchange Area is comprised of four quadrants within one square mile, centered around the intersection of Interstate 5 and Panoche Road; the intersection was first established as a Major Commercial Center by CUP No.1013 approved by the Board of Supervisors on January 4, 1972. The existing Major Commercial Center contains a variety of land uses including convenience markets, gas stations, fast food restaurants, a hotel and electric vehicle charging stations. This application proposes to add a gas station with a new fueling canopy, a convenience market and restaurant to be located within an existing building, formerly operated as a restaurant, there will also be nine (9) new electric vehicle charging spaces added adjacent to the existing Tesla EV charging station on the project site.

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*

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Consistent with Section 860.E.1 of the Zoning Ordinance and with the setbacks and yards shown in the Master Plan	As shown on Site Plan and Master Plan	Yes
Parking	C-4 Zone District For commercial uses: a. Minimum of two (2) square-foot of off-street parking for each one (1) square-foot of gross floor space or fraction thereof.	93 parking spaces which includes six (6) ADA compliant parking spaces and nine (9) electric vehicle charging spaces, and four (4) RV/Bus Spaces	Yes

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
	b. Said space shall be provided on a site not more than five hundred feet from the external boundaries of the lot upon which the building it serves is located.		
Lot Coverage	No requirements	As shown on Site Plan and Master Plan	N/A
Space Between Buildings	No requirements	As shown on Site Plan and Master Plan	Yes
Wall Requirements	No requirements	N/A	N/A
Septic Replacement Area	N/A	The project will be required to connect to an existing community sewer system	N/A
Water Well Separation	NA	The project will be required to connect to an existing public water system	N/A

Reviewing Agency/Department Comments Regarding Site Adequacy:

Development Engineering: According to FEMA, FIRM Panels 1950H and 1975H, the subject parcel is not subject to flooding from the 100-year storm.

Building and Safety Section: The project site is served by an off-site surface wastewater treatment plant under private management. The owner or owner’s agent must secure a “will serve” letter from the wastewater treatment plant operator as a condition of building permit issuance.

Site Plan Review Section: The submitted plot plan indicates that the total number of parking spaces provided is adequate to satisfy requirements, provided that all parking stalls meet dimensional standards.

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

Analysis Finding 1:

Based upon relevant comments from County Departments no issues related to site adequacy were identified. The proposed development will be compliant with all applicable property

development standards of Section 860 of the Zoning Ordinance pertaining to Regulations for Interstate Freeway Interchange Commercial Development, and the applicable off-street parking requirements of the C-4 (Central Trading District).

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion Finding 1:

Finding 1 can be made, staff has determined that the subject property is adequate in size and shape to accommodate the proposed use *as a gas station, convenience store and restaurant.*

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*

		Existing Conditions	Proposed Operation
Private Road	Yes	Road 'A'	No change
Public Road Frontage	No	The subject parcel abuts the right-of-way for the southbound Interstate 5 exit ramp however it does not have frontage along Panoche Road and there is no direct access to Panoche Road	No change
Direct Access to Public Road	No	Access to Panoche Road via a private road (Road 'A') southwest of the project site	No change
Road ADT		Panoche Road: 3,200 trips	See Traffic Trips below
Road Classification		Panoche Road: Collector	No change
Road Width		Panoche Road: 62.5 feet	No change
Road Surface		Panoche Road: Asphalt concrete Private Road 'A': Asphalt concrete	No change No change
Traffic Trips		Panoche Road: 3,200 average daily trips ADT	689 additional Sunday afternoon peak-hour trips

		Existing Conditions	Proposed Operation
Traffic Impact Study (TIS) Prepared	Yes	See above conditions	Applicant will be required to pay an equitable fair share of the cost of future signalization of the intersection of Panoche Road and Road 'A'; and at the intersection of Panoche Road and the north and south bound Interstate 5 ramps
Road Improvements Required		Panoche Road: Yes Private Road 'A': No	Future signalization of the intersection of Panoche Road and Road 'A'

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

Development Engineering, Office of the County Surveyor: The improved access road running south of the subject parcel, identified as Farm Access Road on the submitted plot plan, and which road is identified on Parcel Map No.1364 as a 'State of California Farm Access Road' is owned in fee by the State of California, and is not a public access road. The applicant may not have any access rights of ingress or egress from said road and access may be revoked or blocked at any time by the State.

Development Engineering: Panoche Road is classified in the County General Plan as a collector with varying right-of-way width north of the centerline along the southerly property line of the subject parcel. According to Precise Plan Line Serial No. 83, sheet 2 & 3 of 4 sheets, the ultimate right-of-way width north of the center line is 63 feet minimum.

Panoche Road is County maintained and records indicate that this section of Panoche Road from Interstate 5 to approximately one-quarter mile southwest, has an average daily traffic (ADT) count of 3,200 vehicles per day, a paved width of 62.5 feet, a structural section of 0.13 feet asphalt concrete and is in excellent condition.

Road Maintenance and Operations Division: The proposed development fronts on Panoche Road but has no direct access. The section of Panoche Road along the subject parcel frontage has a total right-of-way of 126 feet which satisfies General Plan requirements and Specific Plan Lines.

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

Analysis Finding 2:

The Traffic Impact Study prepared for this project by Peters Engineering dated November 3, 2020 analyzed three intersections serving the project, Panoche Road and the north and southbound ramps of Interstate 5 and Panoche Road and Road 'A' a private road which serves the commercial development and will be the primary point of ingress and egress for the project. The intersections were evaluated based upon Sunday peak-hour traffic volumes and counting

turning movements between 2:30 pm and 4:30 pm. The counts included pedestrians, bicycles, and heavy vehicles. Additionally, a trip generation analysis was performed utilizing data provided in the Institute of Transportation Engineers (ITE) Trip Generation Manual 10th Edition. Using ITE land use codes deemed appropriate by the Applicant's traffic engineer, the trip generation estimated that the project including the existing electric vehicle charging station on the site, would result in 689 additional Sunday afternoon peak-hour trips.

As per CEQA requirements, the Traffic Analysis also evaluated the project's contribution to Vehicle Miles Travelled (VMT). The analysis utilized the State of California Governor's Office of Planning and Research (OPR) Technical Advisory on Evaluating Traffic Impacts in CEQA dated 2018 as a basis for its finding that the project, classified as local-serving retail development for vehicles already travelling on Interstate 5, rather than drawing trips from more distant communities, tends to shorten trips and reduce VMT, and therefore the project creates a less than significant transportation impact with respect to VMT.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion Finding 2:

Finding 2 can be made based on the above information, staff has determined that the streets and highways are adequate to accommodate the proposed restaurant, convenience store and gas station.

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

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	2.54 acres	Vacant	AE-40	N/A
South	0.58 acres	Drive through restaurant	AE-40	N/A
East	N/A	Interstate Highway	N/A	N/A
West	1.33 acres	Restaurant/ Gas Station	AE-40	N/A
	2.00 acres	Hotel	AE-40	N/A

Reviewing Agency/Department Comments:

Water and Natural Resources Division: The Division has conducted a water supply evaluation for the subject proposal and determined that the proposed connection to a community water is adequate to serve the project.

San Joaquin Valley Air Pollution Control District: Based on review of the project materials provided to the District, project specific annual emissions of criterial pollutants are not expected to exceed any District significance thresholds.

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

Analysis Finding 3:

The project proposes a commercial development within a designated Interstate Freeway commercial center. The proposal is consistent with those uses allowed at such commercial centers and is consistent with existing development in the vicinity within the commercial center. With adherence to the included mitigation measures and conditions of approval, no potential for adverse impacts to surrounding property is anticipated.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion Finding 3:

Finding 3 can be made based on the above information, staff has determined that the proposal will not have an adverse effect upon surrounding properties.

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

Relevant Policies:	Consistency/Considerations:
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 project will be required to undergo and receive approval through the Site Plan Review process which will address compliance with such requirements as building setbacks, landscaping, and compatibility with surrounding development and signage.
Policy OS-F.2 – The County shall require developers to use native and compatible non-native plant species, especially drought resistant species, to the extent possible, in fulfilling landscaping requirements imposed as conditions of discretionary permit approval, or for project mitigation.	A condition of approval has been included requiring that landscape be provided and maintained in accordance with the requirements of Section 860 of the Zoning Ordinance.
Policy TR-A.5 - The County shall require	The Traffic Impact Study dated November 3,

Relevant Policies:	Consistency/Considerations:
dedication of right-of-way or dedication and construction of planned road facilities as a condition of land development and require an analysis of impacts of traffic from all land development projects including impacts from truck traffic. Each such project shall construct of fund improvements necessary to mitigate the effects of traffic from the project. The County may allow a project to fund a fair share of improvements that provide significant benefit to others through traffic impact fees.	2020, and Addendum dated March 24, 2021, prepared for this project, determined that the project should contribute an equitable fair share of cost toward future signalization of the three intersections serving the commercial development. The fair share of cost payment has been made a condition of project approval through inclusion as a Mitigation Measure.
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 Unit: The project is not in conflict with any General Plan Policies, or with the Williamson Act program.

Road Maintenance and Operations Division: The section of Panoche Road along the subject parcel frontage has a total right-of-way of 126 feet which satisfies General Plan requirements and Specific Plan Lines.

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

Analysis Finding 4:

The Traffic Impact Study for this project, concluded that with the proposed mitigations the project will not result in an unacceptable level of service required by the General Plan Transportation and Circulation Element Policies. The processing of this CUP is consistent with the General Plan Policies regarding commercial development at freeway Interchanges. A condition of approval is proposed requiring landscaping to be maintained thematically consistent with the surrounding development, which is consistent with General Plan Policies LU-D.6 and OS-F.2 regarding aesthetics and landscaping.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion Finding 4:

Finding 4 can be made in that, the proposed Interstate freeway interchange commercial development consisting of a Restaurant, Gas Station, and Convenience Store is consistent with the General Plan's Goals and Policies.

Finding 5: *That the conditions stated in the resolution are deemed necessary to protect the public health, safety, and general welfare.*

Analysis Finding 5:

The proposed Mitigation Measures and Conditions of Approval were developed based on studies and consultation with specifically qualified staff, consultants, and outside agencies. They were developed to address the specific impacts of the proposed project and were designed to address the public health, safety and welfare. Additional comments and project notes have been included to assist in identifying existing non-discretionary regulations that also apply to the project. The Applicant has signed an acknowledgement agreeing to the proposed Mitigation Measures and has not advised staff of any specific objection to the proposed Conditions of Approval.

Conclusion Finding 5:

Finding 5 can be made, based on staff's analysis the conditions stated in the resolution are deemed necessary to protect the public health, safety, and general welfare.

PUBLIC COMMENT:

None

SUMMARY CONCLUSION:

Based on the factors cited in the analysis, staff has determined that all five of the required Findings for granting the Conditional Use Permit can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit No. 3680, subject to the recommended Conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for the project based on Initial Study No. 7877; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit Application No. 3680, 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 Application No. 3680; 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.

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
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
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.		Landscaping shall be provided and maintained, and 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 consistent with surrounding development.			

*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

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. 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.
2.	Plans, permits and inspections shall be required for all on-site improvements. Buildings and or facilities providing Public Use must comply with the accessibility requirements of Chapter 11B of the California Building Code.
3.	The project shall connect to the I-5 Property Services off site wastewater treatment facility for sewage disposal & treatment.
3.	Prior to alcohol sales, the applicant shall first obtain a license to sell alcoholic beverages from the California Department of Alcoholic Beverage Control.
4.	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.
5.	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.
6.	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.
7.	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://cers.calepa.ca.gov/).
	The following comments pertain to the remodel of existing structure:
	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.
	In the process of remodeling the existing structure, the contractor may encounter asbestos containing construction materials and materials coated with lead-based paints.

Notes

If asbestos containing materials are encountered, contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000 for more information.

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:

- 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).

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

- 9.
- 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.

10. 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.

11. 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.

12. 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.

13. The proposal shall comply with California Code of Regulations Title 24 – Fire Code after County approval of the project and

Notes

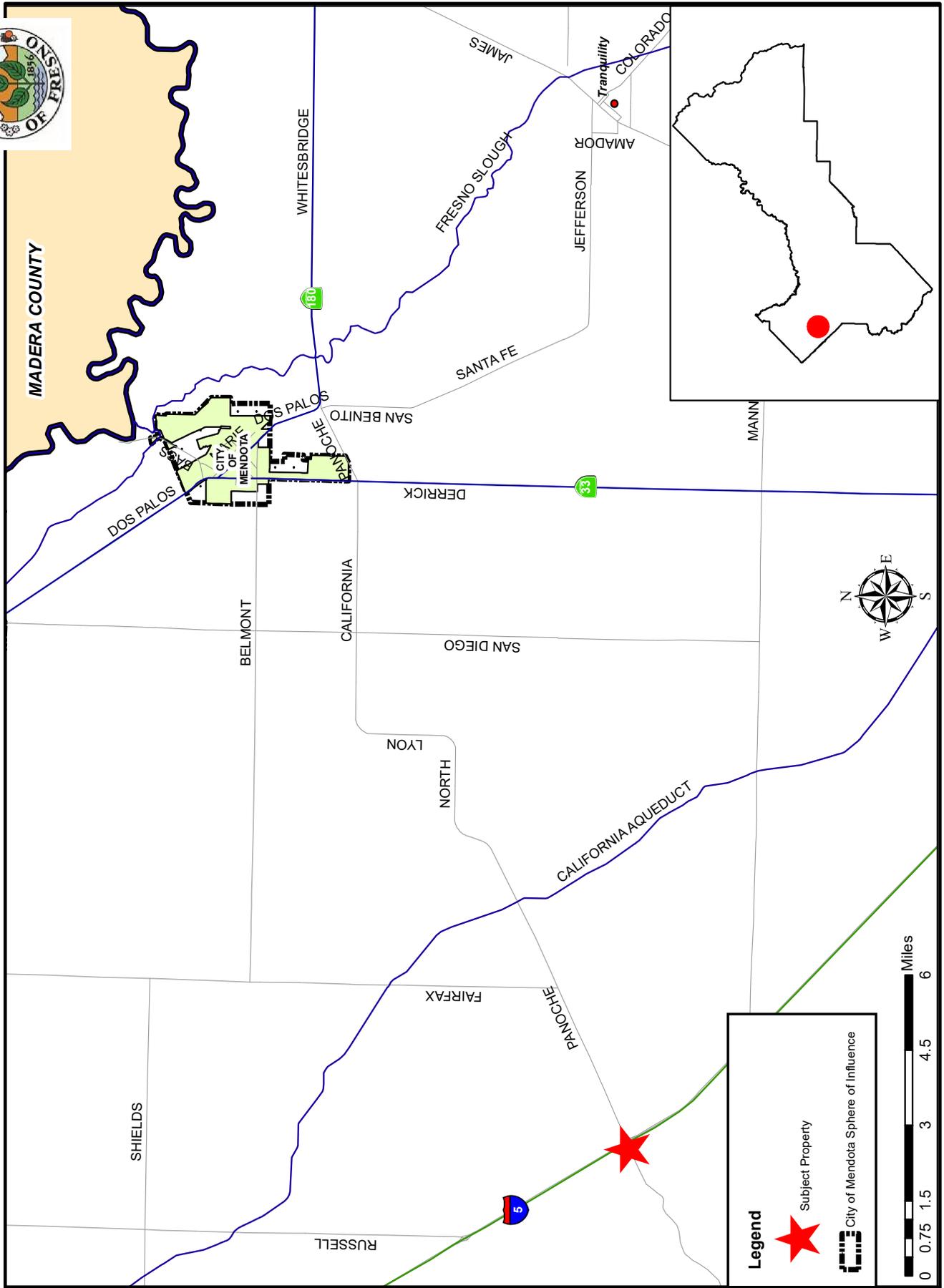
prior to issuance of any Building Permits. The Applicant shall submit three Site Plans stamped "reviewed" or "approved" from the Fresno County Department of Public Works and Planning to the Fresno County Fire Protection District for review and approval. The Applicant shall submit evidence that their 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.

14.

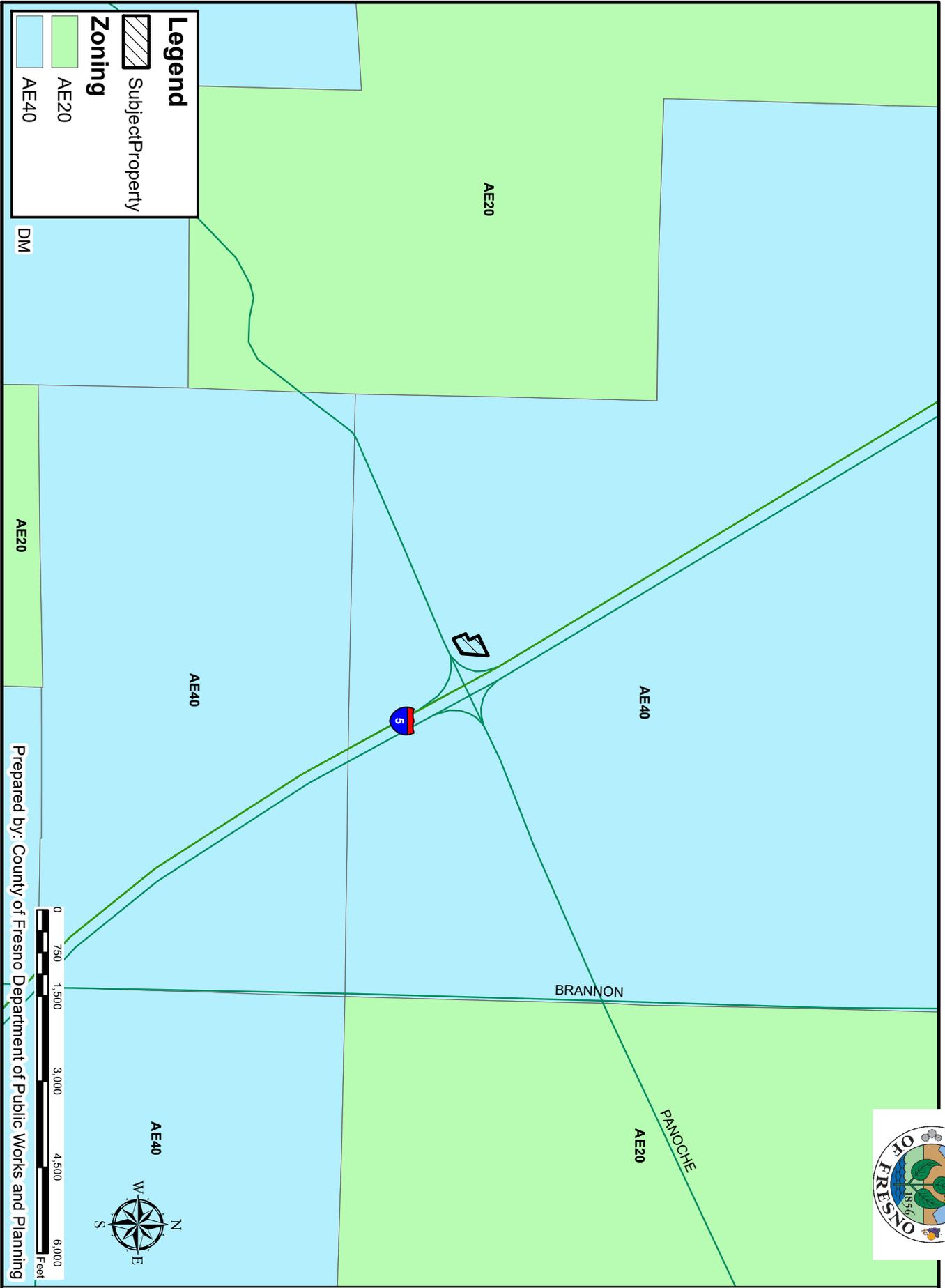
Noise sources associated with construction are exempt from the Fresno County Noise Ordinance between the hours of 6:00 a.m. and 9:00 p.m., Monday through Friday, and between 7:00 a.m. and 5:00 p.m. on Saturday and Sunday. The proposed project shall comply with the Fresno County Noise Ordinance. Construction 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.

LOCATION MAP

CUP 3680



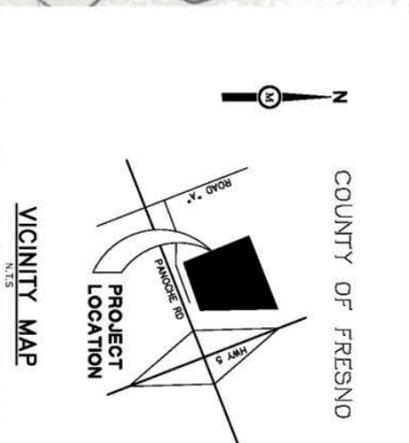
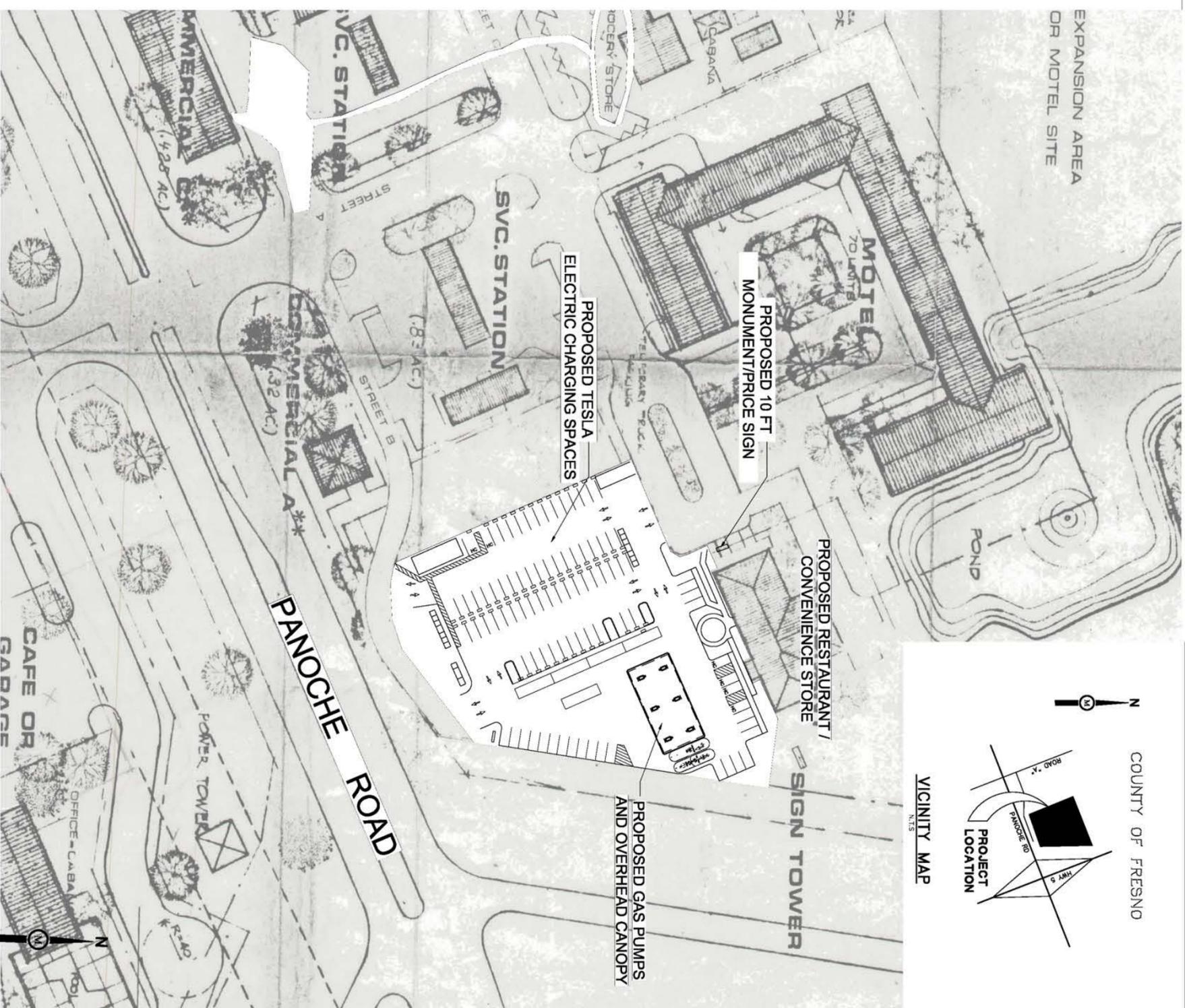
EXISTING ZONING MAP



Prepared by: County of Fresno Department of Public Works and Planning



10 FT TALL MONUMENT / PRICE SIGN



MASTER PLAN MODIFICATION

Milestone Associates
Imagining a California Corporation

1000 LINCOLN ROAD, SUITE 1202
MBA CITY, CALIFORNIA 95931
TEL: 530-755-4700
FAX: 530-755-4367

JULIO J. THIAERO
LEAD DESIGNER

STAMP:

SUBMITTAL DATE
PLANNING DEPT.: 06-01-20
BUILDING DEPT.:
PUBLIC WORKS:
SURVEY:

REVISIONS

No.	Description	Date

MASTER PLAN MODIFICATION

PROPOSED TRAVEL CENTER
LION BUILDERS, INC.
46272 WEST PANOCHÉ ROAD
FIREBAUGH, CA 93622
A.P.N. 027-190-055

DATE: 06-01-20

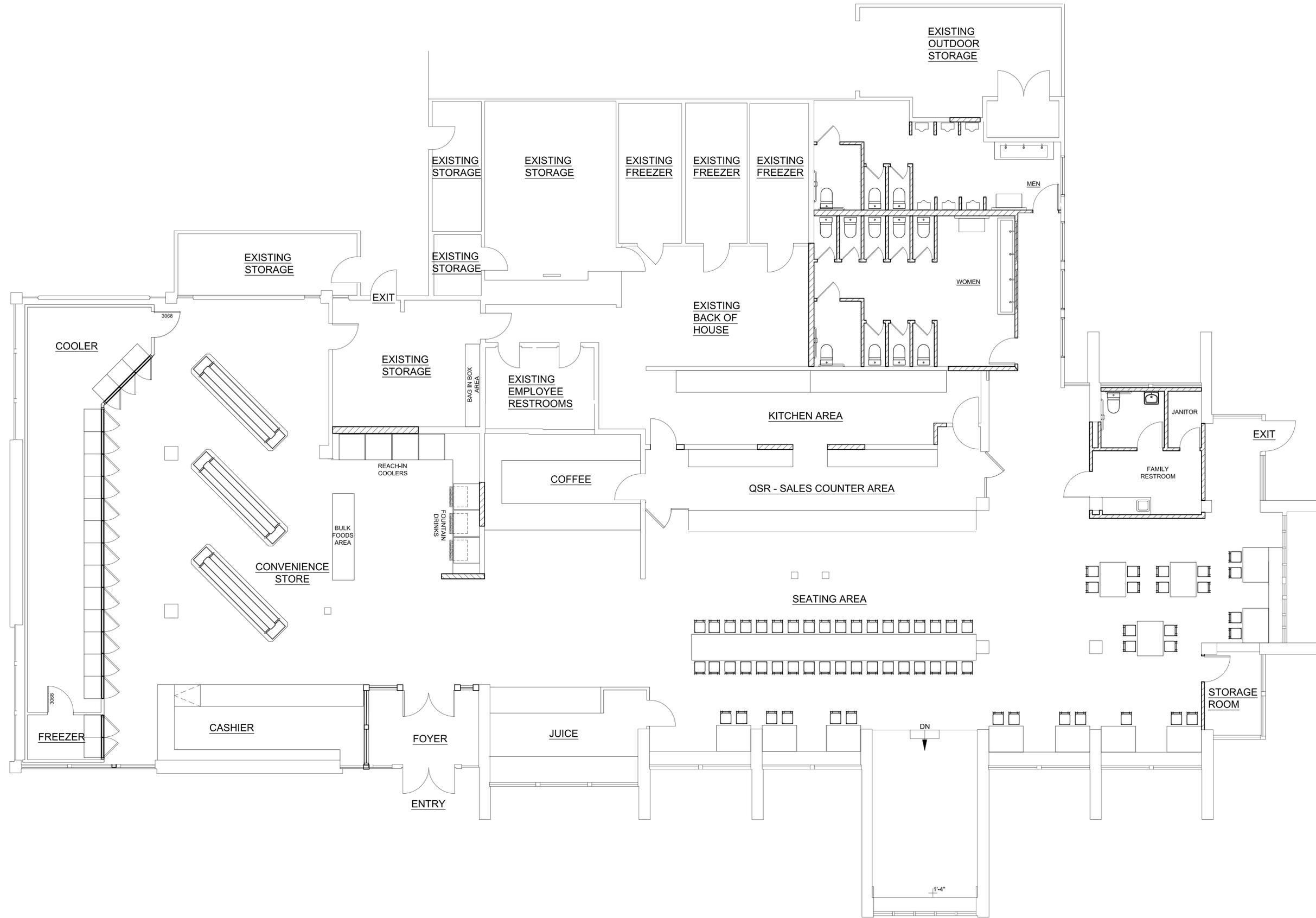
SCALE: 1" = 50'

DRAFTER: STAFF

JOB NUMBER: 18-030

SHEET:

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M

Milestone Associates
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a California Corporation

1000 LINCOLN ROAD, SUITE H202
YUBA CITY, CALIFORNIA 95991

TEL: 530-755-4700
FAX: 530-755-4567

JULIO J. TINAJERO
LEAD DESIGNER

STAMP:

SUBMITTAL DATE

PLANNING DEPT:	06-01-20
BUILDING DEPT:	
PUBLIC WORKS:	
SURVEY:	

REVISIONS

No.	Description	Date

OVERALL REMODEL FLOOR PLAN

PROPOSED TRAVEL CENTER
LION BUILDERS, INC.
46272 WEST PANOCHE ROAD
FIREBAUGH, CA 93622
A.P.N. 027-190-058

DATE: **06-01-20**

SCALE: **3/16" = 1'-0"**

DRAFTER: **STAFF**

JOB NUMBER: **19-030**

SHEET: **A0.1**



Milestone Associates
Imagining
 a California Corporation

1000 LINCOLN ROAD, SUITE 14202
 YUBA CITY, CALIFORNIA 95991

TEL: 530-755-4700
 FAX: 530-755-4567

JULIO J. TIVALERO
 LEAD DESIGNER

STAMP:

SUBMITTAL DATE

PLANNING DEPT: .
 BUILDING DEPT: .
 PUBLIC WORKS: .
 SURVEY: .

REVISIONS	
No.	Description

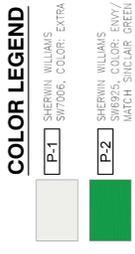
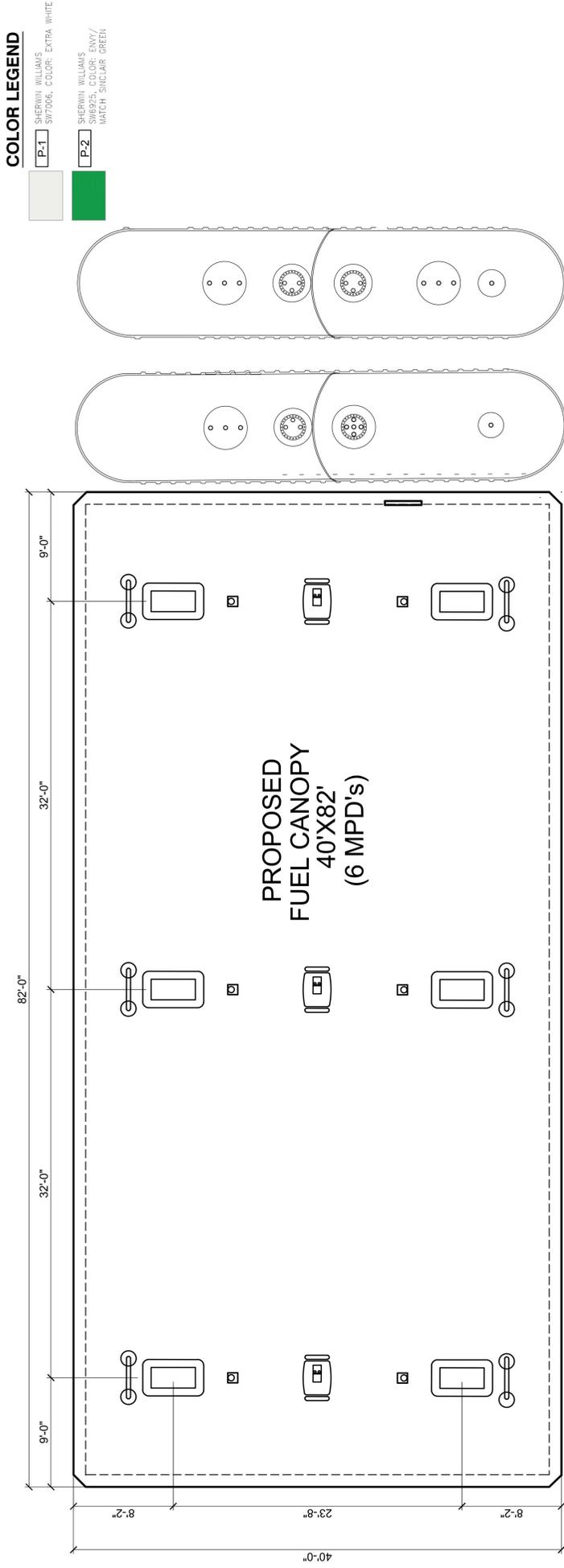
FUEL CANOPY PLAN

PANOCHÉ ROAD

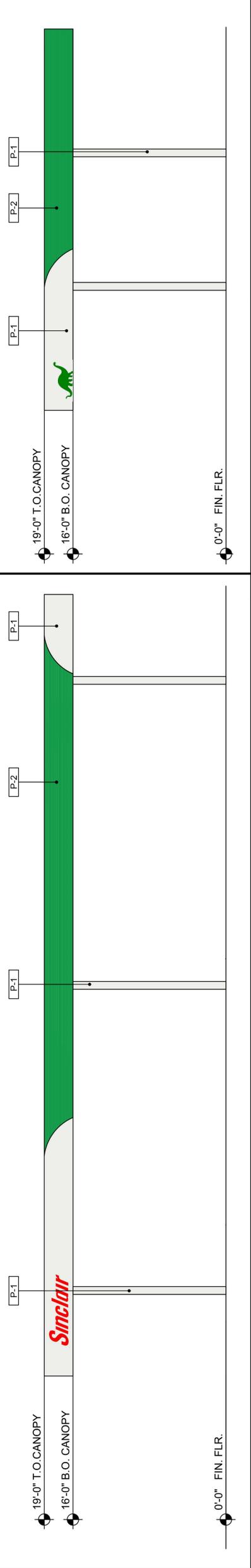
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 DRAFTER: STAFF
 JOB NUMBER: 19-090

SHEET:

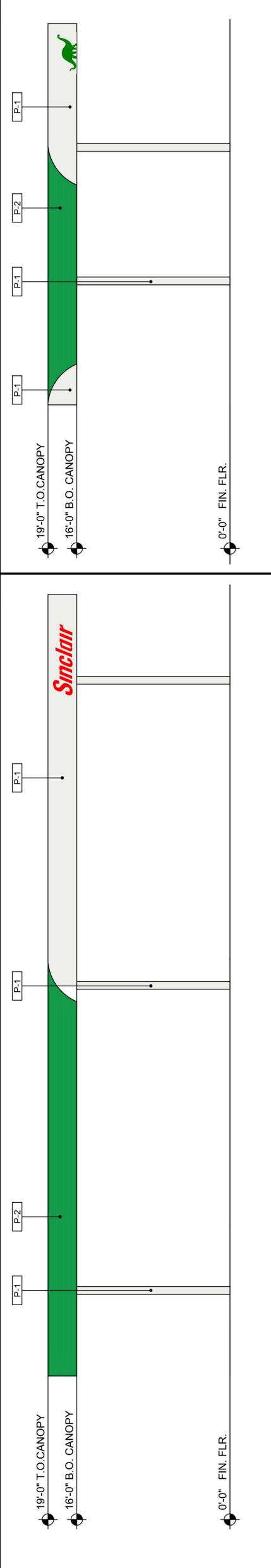
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FUEL CANOPY PLAN 3/16" = 1'-0" 1



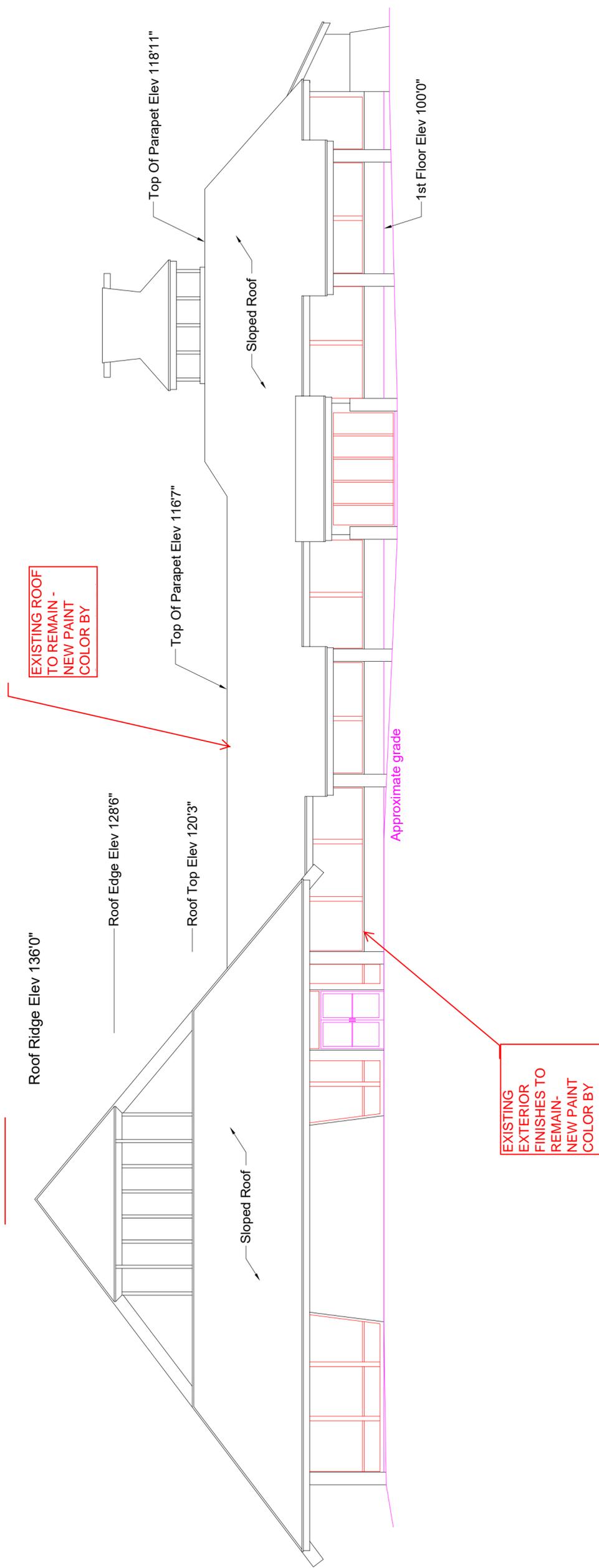
SOUTH ELEVATION 3/16" = 1'-0" 3



NORTH ELEVATION 3/16" = 1'-0" 5

WEST ELEVATION 3/16" = 1'-0" 4

SOUTH ELEVATION

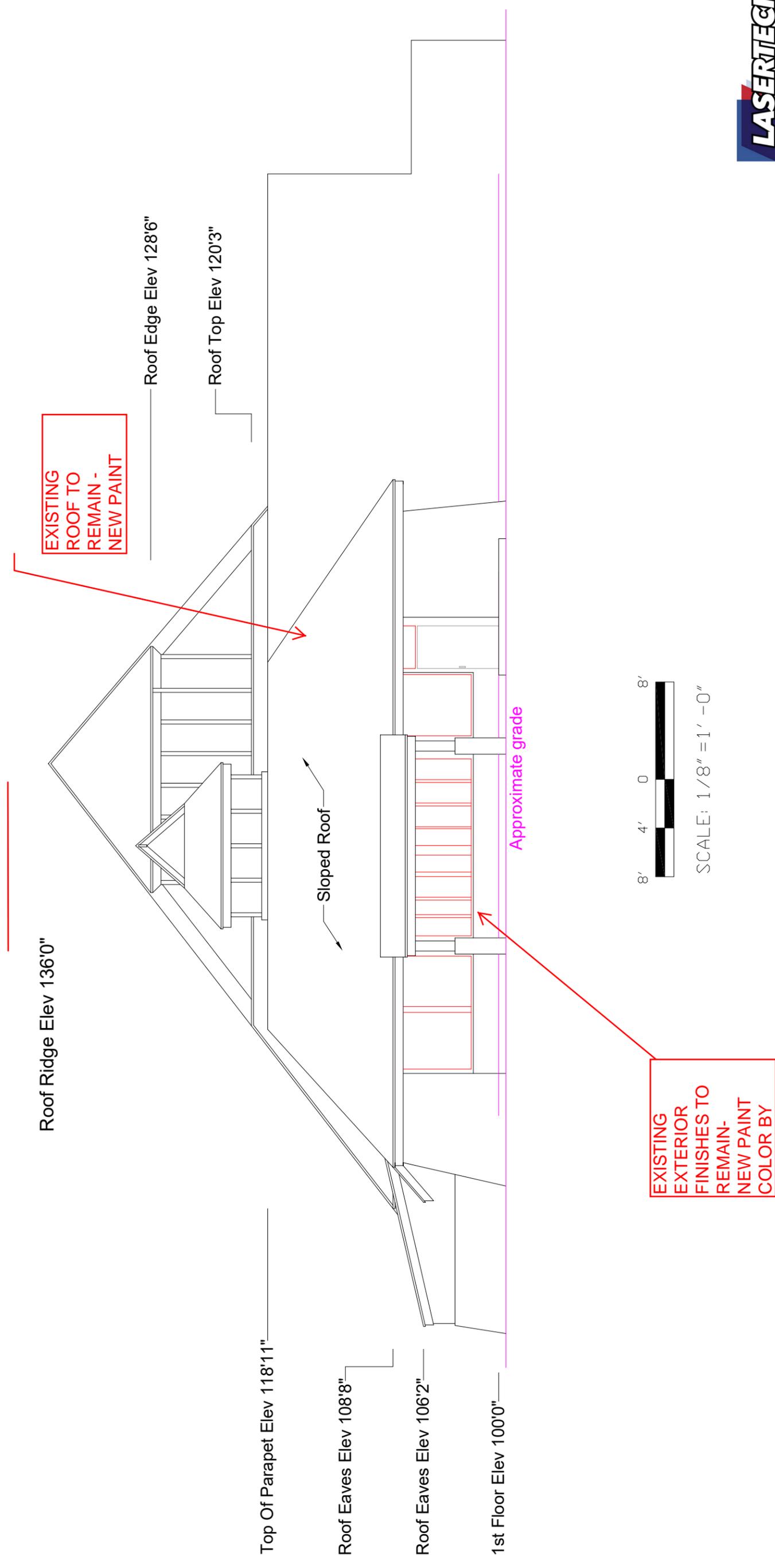


PREPARED FOR:
 Lion Builders Inc
 3323 Pendragon St,
 Bakersfield, CA 93313
 Tel (661) 900-9578

APRICOT TREE
 46272 W PANOCHE RD
 FIREBAUGH, CA

(As Measured: February 2018)

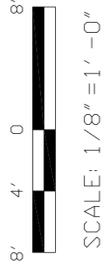
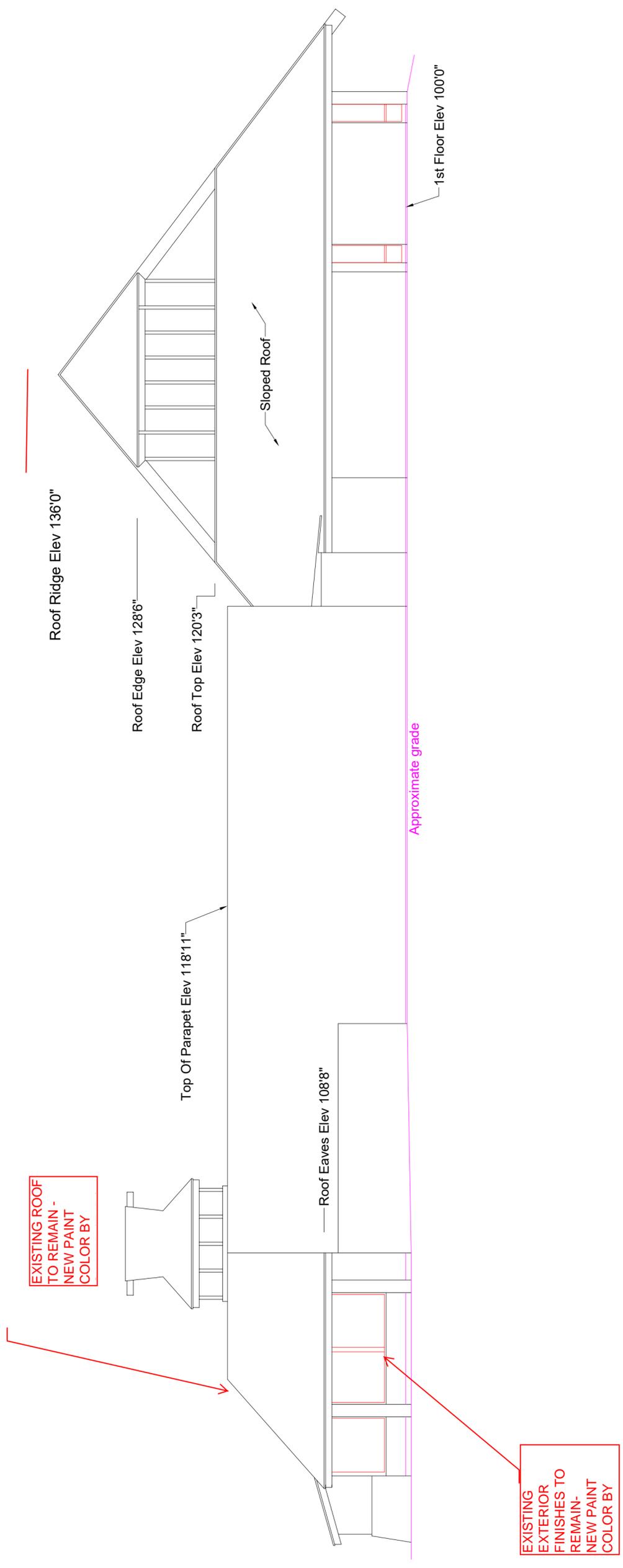
EAST ELEVATION



TEL: (888) 393-6655
 FILE: 18-085

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NORTH ELEVATION

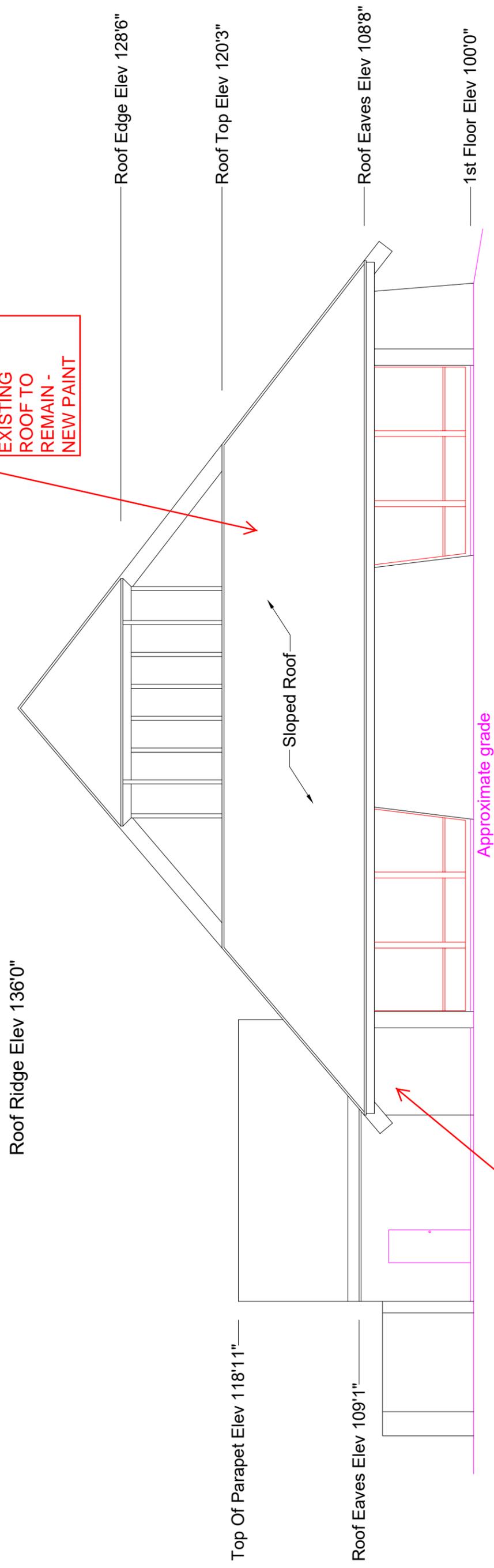


PREPARED FOR:
 Lion Builders Inc
 3323 Pendragon St,
 Bakersfield, CA 93313
 Tel (661) 900-9578

APRICOT TREE
 46272 W PANOCHE RD
 FIREBAUGH, CA

(As Measured: February 2018)

WEST ELEVATION



EXISTING
 ROOF TO
 REMAIN -
 NEW PAINT

EXISTING
 EXTERIOR
 FINISHES TO
 REMAIN-
 NEW PAINT
 COLOR BY



SCALE: 1/8" = 1' - 0"



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**Milestone
Associates**

Imagineering
A California Corporation

Date: July 12, 2021

To: County of Fresno
Department of Public Works and Planning

From: Julio Tinajero
Milestone Associates

**RE: Operational Statement for proposed
restaurant/convenience store/gas station
46272 W. Panoche Road
Firebaugh, CA
A.P.N. 027-190-05S**

The proposed project consists of adding a new convenience store within the interior space of an existing restaurant building, with the remainder of the restaurant space being remodeled into various restaurants choices and lounge area. New fuel pumps and overhead canopy will be added to the existing parking lot. New Electric Vehicle (EV) charging stations will be added to the existing parking lot.

The proposed convenience store and fuel pumps will be open 24 hours a day, seven days a week. The proposed restaurants will be open 6am to 10pm, daily. The EV charging stations will be operational 24 hours a day, seven days a week. The EV charging stations are self-serve and will be unmanned.

The estimated average number of customers is 1,200 a day, with no specific peak hours of operations.

The convenience store/gas station will have 9 employees, with 3 employees working per eight hour shift. The restaurant/food service will have 30 employees, with 10 employees working per eight hour shift.

Access to the site will be from the existing paved private access drive located at the west side of the site, and from the existing paved farm access drive located at the south of the site.

The existing asphalt parking lot will be repaired, resurfaced, and restriped to provide for 24 standard parking spaces, 4 of which will be ADA accessible. A total of 56 Tesla EV charging spaces will be provided, 2 of which will be ADA accessible (under separate permit). A total of 9 additional EV charging spaces will be provided, which are not part of Tesla spaces. 4 RV/bus parking spaces will

be provided. 6 parking spaces located on the north side of existing building will be provided for employees.

The proposed gas station will offer different grades of gas and types of oil to give customers a variation of choices. Two (2) underground tanks will be installed as part of the new gas station. One tank will hold 20,000 gallons of unleaded fuel, and one tank will hold 12,000 gallons of diesel fuel and 8,000 gallons of premium fuel. Products to be sold within the convenience store include, snacks, chips, beverages, souvenirs, and automotive products.

The convenience store will have an interior storage room to house all supplies and materials required for their operation.

No unsightly appearance or nuisance will be caused by this development since it was previously a restaurant, and the proposed gas station is adjacent to an existing travel center that currently has similar commercial uses.

All solid waste materials will be stored in an exterior enclosure and will be picked up and hauled off on a weekly basis.

The projected liquid waste of 5,000 gallons a day will be waste water from existing restaurant.

The projected water volumes for this project is 5,000 gallons per day, which is currently being provided by the existing water district.

The existing highway sign will remain in place and will be re-faced to add this project. A new 10-foot high monument sign, along with price sign, is proposed at the west side of the existing restaurant building.

The proposed project will use the existing building. No addition to the existing square footage of the existing building is proposed.

The site currently is surrounded with a 6-foot fence along its property lines. No new fences or walls are proposed. The existing landscaping will be refurbished and brought to current county standards.

The owner and applicant of this project is Deepinder S. Grewal. Mr. Grewal has multiple commercial properties and will be the operator of this location.



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Deepinder S. Grewal
- APPLICATION NOS.: Initial Study No. 7877 /Unclassified Conditional Use Permit Application No. 3680
- DESCRIPTION: Allow the construction and operation of an interstate freeway commercial development consisting of the interior modification of an existing 9,881 square-foot restaurant; the installation of a new convenience store within the existing building and the installation and operation of a new gas station with six fuel pumps and a 3,280 square-foot by 19-foot tall 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 nearest city limits of the City of Mendota (Sup. Dist. 1) (APN: 027-190-05S) (46272 W. Panoche Road).

I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; or
- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposes a freeway interchange commercial development which will involve the renovation of an existing building and modification of an existing parking area to include an automobile fueling station. The project is consistent with the intent of the freeway interchange commercial development regulations contained in Section 860 of the Fresno County Zoning Ordinance, which designates specific Interstate 5 freeway interchanges as either major or minor commercial centers and includes development standards which regulate such things as landscaping, signage, and building height.

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. 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 be arranged in a manner consistent with and complementary to the building design and materials.

The project proposal would be aesthetically consistent and cohesive with the surrounding development and given that the building is existing and the fuel canopy would be the only new structural addition associated with this project, there would be no impact to the visual character of the area or the quality of public views resulting from this project. It should be noted that there is an electric vehicle (EV) charging facility which has been constructed on the same site as part of unrelated project. The EV charging facility included free standing carports with solar panels mounted on top.

No scenic vistas were identified however, Interstate 5 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. The subject parcel's western boundary is located approximately 330 feet west of the nearest right of way of southbound Interstate 5. The development is within the footprint of an existing commercial development and there is already an approximately 100-foot-wide natural Open Space Area adjacent to the subject parcel providing a buffer between the proposed parking area and the southbound I-5 exit ramp. The existing open space buffer is consistent with General Plan Goal OS-I and General Plan Policy OS-L.3.d. Therefore, impacts to public views and the scenic quality of the landscape adjacent to Interstate 5, would be less than significant.

- D. 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:

The project proposes to utilize existing pole mounted light fixtures in the parking area and new lighting attached to the fuel canopy, therefore both new and existing light fixtures have the potential to create glare and increase light pollution in the vicinity. As

the project site is adjacent to the southbound Interstate 5 off ramp, new and existing sources of light and glare may impact traffic exiting the freeway onto Panoche Road. To address this potential impact, the following mitigation measure has been included.

* **Mitigation Measure(s)**

1. *Prior to operation all outdoor lighting shall be hooded, directed downward, and permanently maintained so as not to shine toward adjacent properties and public roads.*

II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; or
- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract; or
- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forestland to non-forest use?

FINDING: NO IMPACT:

The subject parcel is zoned agriculturally; however, it is not involved in agricultural operations, and is located within an area designated for freeway interchange commercial development, within a one square-mile area centered around the intersection of Panoche Road and Interstate 5 and is not restricted under Williamson Act contract. The property is classified as Urban and Built-Up Land according to the California Natural Resources Agency, 2016 Fresno County Important Farmlands Map. Urban and Built-Up Land is occupied by structures with a building density of at least one unit to 1.5 acres, or six structures to a 10-acre parcel.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project was reviewed by the San Joaquin Valley Air Pollution Control District (SJVAPCD). Based upon review of the project application materials, the District determined that project specific annual emissions of criteria pollutants were not expected to exceed District significance thresholds for carbon monoxide, oxides of nitrogen, reactive organic gases, oxides of sulfur or particulate matter (PM) 10 or PM 2.5, therefore the project would have a less than significant impact on air quality when compared to those thresholds. Although project emissions from construction would have a less than significant impact, the District recommends utilizing the cleanest reasonably available off-road construction fleets and practices such as eliminating unnecessary idling to further reduce construction related exhaust emissions. Stationary source emissions include any building, structure, facility or installation which emits or may emit any affected pollutant directly or as a fugitive emission.

An Air Quality and Greenhouse Gas (GHG) analysis was prepared for this project by LSA, dated December 4, 2020, which concluded that the project would generate the release of short-term emissions resulting from construction activities, including operation and fueling of construction equipment and from worker and vendor vehicle trips; and long-term emissions from mobile sources like vehicle traffic generated by the project, area sources, indirect sources associated with energy consumption, and waste disposal. Such emissions would include criteria pollutants and GHG emissions, however, emissions from construction, and operation of the project are not anticipated to exceed Air District significance thresholds for criterial pollutants.

- C. Expose sensitive receptors to substantial pollutant concentrations; or
- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is located in an area of commercial development which includes restaurants, gas stations, a hotel and convenience stores, where there is a likelihood of the presence of sensitive receptors that could be affected by emissions from existing

vehicle traffic and increased vehicle traffic resulting from the project. However, the addition of the restaurant convenience store and gas station does not represent a significant intensification of development in the area that would lead to increase pollutant concentrations or other emissions that would affect a substantial number of people. Both the San Joaquin Valley Air Pollution Control District, and the applicants Air Quality Analysis concluded that the project would not cause significance thresholds for criterial pollutants to be exceeded. Additionally, the project site is located in a designated Interstate freeway commercial interchange where regular vehicle traffic is anticipated and occurs regularly. The surrounding area outside of the commercial interchange development primarily consists of farmland, and the nearest residential development where sensitive receptors would be present is located approximately one half-mile away from the project site, and based on web base aerial imagery, there appear to be two to three other residences located approximately three quarter-miles west southwest of the project site, adjacent to some commercial storage buildings that may be agriculturally related. Generally, there is sparse residential development in the vicinity, and because the project is not anticipated to generate substantial concentrations of pollutants, it is likewise unlikely to adversely effect sensitive receptors, either in the vicinity or on the project site and its immediate surroundings. The project will be required to comply with Air District regulation VIII and the Rules contained therein, addressing fugitive particulate matter (PM)¹⁰.

IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- B. 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 or U.S. Fish and Wildlife Service?

FINDING: NO IMPACT:

No riparian habitat or sensitive natural communities were identified in the analysis.

- C. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

FINDING: NO IMPACT:

No wetlands were identified in the analysis. The project site is developed with a paved parking lot and a 9,881 square-foot building, adjacent to similar development. A review of the United States Fish and Wildlife Service, National Wetlands Inventory, Wetland Mapper indicates one wetland feature located approximately 560 feet southwest of the

project site, identified as Riverine, Unknown Perennial, Unconsolidated Bottom, Semi permanently Flooded, Excavated feature, which is otherwise not clearly identified on the surface, but may be part of a shallow culvert running along the south side of Panoche Road to the southwest of the project site. Panoche Creek, which contains other wetland features is located approximately 0.67 miles west northwest of the project site. The project proposes a minor physical expansion of the existing building with the construction of the proposed fueling station, canopy and underground fuel storage tanks, which will require minimal grading and is not anticipated to substantially change the drainage patterns of the site causing any adverse effect upon nearby wetland features. The project will be required to demonstrate through certification by a licensed Civil Engineer, that existing drainage patterns will not be changed, and net impervious surface will not be increased as a result of the project. If this cannot be demonstrated, an engineered grading and drainage plan will be required.

- D. 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

FINDING: NO IMPACT:

A search of the California Department of Fish and Wildlife BIOS, California Natural Diversity Database shows the project site is within the geographic range of the Giant Kangaroo Rat which is listed as Federally and State Endangered, however there have been no recent siting's and the presence of this species is classified as possible extirpated.

- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. 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: NO IMPACT:

The project site is located within the boundaries of the Pacific Gas and Electric (PG&E) Habitat Conservation Plan area and in an area categorized as Agricultural Fields therefore, the project will not conflict with the provisions of any adopted habitat conservation plan, natural community plan or other approved local, regional or state habitat conservation plan.

V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

FINDING: NO IMPACT:

No historic resources were identified in the analysis. The existing restaurant building is approximately 45 years old based upon available permit records, however it is not included on any historical properties list maintained by the California State Office of Historic Preservation. Additionally, the existing building exterior will be preserved and only an interior remodel/renovation will occur.

- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

No archeological or cultural resources were identified in the analysis. Notice of the project application was provided to local tribal governments who has previously requested notification under the provisions of AB 52. None of the tribes who were notified responded to the notification or requested consultation. However, due to the possibility for unknown subsurface archaeological or cultural resources to be discovered during ground disturbing activities, the following mitigation measure has been included.

* **Mitigation Measure(s)**

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 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 shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation; or
- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: NO IMPACT:

Project construction will involve the use of energy resources in the form of electricity, water and fossil fuel consumption; however, it is not anticipated to be excessive or

wasteful. The project will entail the construction of a Fuel Station Canopy with six fuel pumps and three underground fuel storage tanks, along with the renovation of an existing building. The project will be subject to the energy efficiency requirements of the California Green Building Standards Code. Once the project is constructed it is not anticipated to result in unnecessary consumption of energy. A portion of the project site parking area is dedicated to an existing solar powered electric vehicle charging facility, which will also count toward meeting required parking space capacity standards, and although it is not part of this project, it has the potential to offset or reduce project operational energy consumption, in terms of the fossil fuels consumption by the travelling public, the supply of which is a feature of this project. No conflicts with state or local renewable energy efficiency plans were identified.

VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - 1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
 - 2. Strong seismic ground shaking?
 - 3. Seismic-related ground failure, including liquefaction?
 - 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 according to 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. Result in substantial soil erosion or loss of topsoil?

FINDING: NO IMPACT:

The building and parking area for the proposed project are existing, and minimal grading is associated with the construction of the fuel canopy and installation of the underground tanks. Substantial soil erosion or loss of topsoil is not anticipated.

- C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse; or
- D. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect 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 site is located within an existing developed designated commercial interchange area where most of the ground cover consists of asphalt and concrete paving.

Additionally, the project area is confined to the 2.62-acre subject parcel which is currently paved and very little grading is proposed 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. The project will be subject to current seismic design standards and California Building Standards Code.

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

FINDING: NO IMPACT:

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

- F. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

No paleontological resources were identified in the analysis, and as there is minimal ground disturbance of previously disturbed soils proposed, discovery of any previously unknown subsurface paleontological resources is unlikely; however, as the possibility for discovery does exist, the following mitigation measure has been added:

* **Mitigation Measure**

1. *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.*

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will generate greenhouse gas (GHG) emissions both during construction and during operation. Construction GHG emissions will be generated by diesel and gas-powered vehicles and construction equipment, and operational GHG emissions will be generated primarily by vehicle traffic, and other area sources as discussed below. An Air Quality and Greenhouse Gas (GHG) analysis was prepared for this project by LSA, dated December 4, 2020; the Analysis estimated that the proposed project would generate approximately 73.2 metric tons of CO₂e (carbon dioxide equivalent) in construction emissions. When these project emissions are distributed over the anticipated 30-year life of the project, the total construction emissions for the project would equate to 2.4 metric tons of CO₂e per year.

Operational GHG emissions are typically generated from mobile sources such as vehicle trips, area sources such as landscaping activities, indirect emissions from energy consumption, waste disposal, and water supply, treatment and distribution. Operational GHG emissions were estimated using CalEEMod emissions modeler software. Project operational emissions were estimated to be approximately 1,411 metric tons of CO₂e per year. Because the San Joaquin Valley Air Pollution Control District (SJVAPCD) has not adopted significance thresholds for construction or operational GHG emissions, lead agencies must quantify those emissions. This project's GHG emissions estimates were evaluated based on consistency with the SJVAPCD adopted Climate Change Action Plan (CCAP), and applicable State GHG reduction goals. The Air Quality and GHG Analysis concluded that the proposed project would be in compliance with existing State regulations adopted for the purpose of meeting GHG reduction goals and would also be consistent with state plans and programs designed to reduce GHG emissions, as well as the CCAP, specifically because the project would be consistent with the GHG reduction measures contained in the CCAP such as the provision of pedestrian access to and from the site and the minimization of pedestrian barriers to pedestrian access, site location by virtue of being within an existing commercial development would serve to minimize the need for

additional vehicle trips to obtain other services, such as lodging or banking and the provision of nine (9) electric vehicle (EV) charging spaces, which meets the Zero Emission Infrastructure GHG measure in the CCAP. Additionally, the project will be required to comply all with applicable State energy efficiency standards, and therefore based on the foregoing analysis, the project is anticipated to create a less than significant impact on the environment as a result of project related GHG emissions or from potential conflicts with applicable GHG reduction plans policies or regulations.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The facility will be required to submit plans and specifications related to the installation of underground storage tanks to and apply for and secure a Permit to Operate an Underground Storage Tank System from the Fresno County Department of Public Health, Environmental Health Division. Additionally, the proposed facility will be subject to all applicable California Health and Safety Code (HSC) and the California Code of Regulations (CCR) and be required to submit a Hazardous Materials Business Plan. All hazardous waste shall be handled in accordance with the requirements in the CCR.

- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

FINDING: NO IMPACT:

The project site is not located within one-quarter mile of an existing or proposed school.

- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

FINDING: NO IMPACT:

According to a report generated by the U.S. EPA NEPAAssist mapping application, the project site is not located on or within a half-mile of a known brownfield, superfund site, or toxic release inventory site. However, it is located within a half-mile of two sites identified as RCRA regulated hazardous waste facilities, identified as a Chevron service station and a Shell Oil service station respectively.

- E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located within the boundaries of an airport land use plan or within two miles of a public airport.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

FINDING: NO IMPACT:

The project does not propose any physical changes to the environment that would have the possibility of interfering with an adopted emergency response or evacuation plan.

- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located within State Responsibility Area (SRA) and therefore subject to all applicable SRA Fire Safe Regulations, and the current Fire Code and Building Code. The site is also located in a wildland fire area; however, the site is immediately adjacent to other similar commercial development, irrigated farmland and the Interstate freeway to the east. The risk loss from wildfires exists, however review of the proposal by the Fresno County Fire Protection District/CALFIRE did not express concerns related to risk of loss to people or structures resulting from wildland fire.

X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

FINDING: NO IMPACT:

The project will connect to a community water system and community sewer system for the provision of services. The project is not anticipated to impact surface or groundwater quality or violate any waste discharge requirements.

- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: NO IMPACT:

The project operational statement indicates that the proposed restaurant will use approximately 5,000 gallons of water per day, consisting of a surface water allocation from an existing community water system which uses surface water supplied by I-5 Property Services, a Municipal and Industrial (M&I) customer of the Westlands Water District. If the applicant's incremental water use is anticipated by I-5 Property Services, to exceed its historic use of 68.47 acre-feet, then I-5 Property Service must submit a supplemental M&I Water application to Westlands Water District which identifies the source of water available to meet the incremental increase in use. No other concerns related to water supply were expressed by any reviewing agencies or departments.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
1. Result in substantial erosion or siltation on or off site?
 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?
 3. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or
 4. Impede or redirect flood flows?

FINDING: NO IMPACT:

The project will not alter the course of a stream or river or add impervious surface area to the site. The site is currently asphalt paved and the paving will be resurfaced or replaced however no new grading or additional paving is proposed. Therefore, the project will not substantially increase the rate or amount of surface runoff, nor exceed the capacity of the existing storm water drainage system. The project site is not in area at increased risk of flooding (from the 100-year storm event) according to FEMA FIRM Panels 1950H and 1975H.

- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

FINDING: NO IMPACT:

The project site is not located within a flood hazard zone and is not at risk from tsunami or seiche.

- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: NO IMPACT:

The project will receive its water supply from a surface water allotment provided by the Westlands Water District and provided through I-5 Property Services.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community; or
- B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: NO IMPACT:

The project is located within a designated Interstate Freeway Commercial development area and will not impact any established community nor conflict with any land use plans, policies or regulations.

XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- B. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: NO IMPACT:

The project site may be located within an area of known mineral resources as identified by Figure 7-7 of the Fresno County General Plan Background Report (FCGPBR), however this project does not entail any substantial ground disturbance or the extraction or removal of any mineral resources.

XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Although construction and operation of the project are expected to generate both temporary and permanent increases in ambient noise levels in the vicinity, the noise levels are not anticipated to be in excess of any County Noise Ordinance limits; and the project will be subject to the applicable restrictions related to exterior noise standards of the County Ordinance Code, Chapter 8.40 Noise Control. Construction noise generation is exempted, provided that it take place only between the hours specified in Section 8.40.060.

- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels; or

FINDING: NO IMPACT:

The project site is not located within two miles of a private airstrip or airport, nor within the boundaries of an airport land use plan. The nearest airport, William Robert Johnson Airport in Mendota is located approximately 15 miles northeast.

XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?; or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

The project does not involve any residential development. The project site is located within a designated Interstate Freeway Major Commercial center and not in an area of substantial residential development. The project does propose a new business, however, whether or not operation of the project would induce substantial unplanned population growth on it's own or cumulatively when considered as part of the surrounding commercial development in the area is speculative; and while employee housing is an allowed use as part of a conditional use permit within a freeway commercial center, none is planned with this project. This project is consistent with other development in the vicinity which has been historically developed as a commercial center and no substantial population growth has occurred, nor displaced any previously existing housing, the current project is therefore unlikely to induce substantial population growth, or displace any housing or people necessitating replacement or construction of new housing.

XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:
 - 1. Fire protection;
 - 2. Police protection;
 - 3. Schools;
 - 4. Parks; or
 - 5. Other public facilities?

FINDING: NO IMPACT:

The project will not impact governmental facilities nor result in the need for new or physically altered government facilities, nor affect the provision of any public services. The project was reviewed by the Fresno County Fire Protection District (Cal fire) which did not express any concerns related to the provision of emergency services to the project site. The Project was also reviewed by the California Highway Patrol and the Fresno County Sheriff's Office which expressed no concerns with the project. Because the project site is adjacent to Interstate 5, a portion of the roads which provide access to the site are under the jurisdiction of the California Department of Transportation (Caltrans). Caltrans recommended that a Traffic Impact Study be prepared for the project. The Traffic Impact Study is discussed in more detail in Section XVII - Transportation, and in the context of traffic impacts, Caltrans recommendations for the project's mitigation of impacts to state facilities is addressed under Transportation. However, with regard to the provision of public services, and/or public facilities, neither Caltrans or any other federal, state or local government expressed concern that the project would result in adverse impacts to any existing or planned government facilities.

XVI. RECREATION

Would the project:

- A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: NO IMPACT:

There are no neighborhood or regional parks or other recreational facilities in the vicinity that would be impacted by the proposed development.

XVII. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

The Fresno County General Plan establishes Level of Service (LOS) C as an acceptable level of service on most County roadways. Level of Service is defined in the County General Plan as “a qualitative measurement of the operational characteristics of traffic flow on a roadway or at the intersection of roadways, based on traffic volumes and facility type (road classification). Levels range from A to F, with A representing the highest level of service”.

The County Guidelines for the preparation of Traffic Impact Studies (August 2012) (County Guidelines) identifies Level of Service A-C as acceptable and LOS D-F as unacceptable within the unincorporated areas of the County and LOS D as acceptable within the spheres of influence of the Cities of Fresno and Clovis. The County Guidelines indicate that a project is considered to have a significant environmental impact if its attributable traffic increase when added to the existing conditions would result in any of the following: Cause a roadway segment that is currently operating at an acceptable LOS to deteriorate to an unacceptable LOS or cause the volume to capacity ratio to increase by more than 0.05 on a roadway that is currently operating at an unacceptable LOS; at signalized and unsignalized intersections that are operating at an acceptable LOS to deteriorate to an unacceptable LOS or cause the average delay to increase by more than 5.0 seconds. At unsignalized intersections, cause a movement or approach that is operating at an acceptable LOS to deteriorate below an acceptable level.

A Traffic Impact Study (TIS) was prepared for this project by Peter’s Engineering Group, dated November 3, 2020. The TIS references the Transportation Research Board Highway Capacity Manual (HCM 2010) which describes LOS C as having a traffic volume to capacity ratio of no greater than 1, where progression is favorable or cycle length is short, and having an average vehicle delay of 10-15 seconds for unsignalized intersections and 20-35 seconds for signalized intersections.

Based on the conclusions and recommendations of the Traffic Study, the intersection at the south bound approach of Panoche Road and Road A (private road entrance to commercial development) is currently operating at LOS ‘D’, and that after construction of the project the northbound I-5 off ramp to Panoche Road and the southbound

approach at the intersection of Panoche Road and Road A is anticipated to be impacted by longer queues and delays associated with LOS 'E' or 'F'. As a potential mitigation for this projected condition, a single lane roundabout at the intersection of Panoche Road and the I-5 Northbound Ramps is anticipated to operate as LOS 'A' during the Sunday peak hour (highest observed traffic volume) through 2040. A single lane roundabout is expected to operate at LOS B or better during the Sunday peak hour through 2040

An Addendum to the November 3, 2020 Traffic Impact Study dated March 24, 2021 reevaluated the probable costs for future improvements to County facilities and Project-specific equitable share costs for those improvements and provided support for that conclusion. The Traffic Study Addendum concluded that for the Intersection of Panoche Road and Interstate 5, the project should be required to contribute an equitable share of 56.2 percent of \$15,400, the total cost of installation of all-way stop control at Panoche Road and the Northbound ramp, which is \$8,655.00.

For the intersection of Panoche Road and Road A, the private road providing access to the commercial development north of Panoche Road, the project should be required to contribute an equitable share of the cost of future installation of traffic signals, estimated to be 38.4 percent of \$458,100, the total cost of installation of traffic signals, which is \$175,910.

* **Mitigation Measure(s)**

1. *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'.*
2. *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.

- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Traffic Impact Study prepared for this project suggested that, based on the State of California Governors Office of Planning and Research (OPR) *Technical Advisory on Evaluating Traffic Impacts in CEQA*, December 18, 2018. the proposed operation of a

restaurant, convenience store and fueling station could be considered to have a similar impact on traffic trip generation as would a local serving use in terms where for the evaluation of Vehicle Miles Travelled (VMT) because it would be primarily serving those already travelling along the Interstate 5 corridor, and as such those traffic trips would constitute primarily pass by trips, and not new trips, and that in accordance with the State of California Governor's Office of Planning and Research (OPR) Technical Advisory on Evaluating Traffic Impacts in CEQA, dated December 2018; such a local serving use would tend to shorten trips and therefore reduce VMT, resulting in a less than significant impact.

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

FINDING: NO IMPACT:

The project will be accessed via private roads. There are no design features of the proposed development which would increase traffic hazards. No alteration of the existing traffic patterns is proposed.

- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

Access to the project site, which is an existing facility, is made via private roads which connect to Panoche Road. No changes to the existing access points are proposed. The project was reviewed by the Fresno County Fire Protection District which did not express any concerns that the project would result in inadequate emergency access. The project site is located in a State Responsibility Area (SRA) and is therefore subject to the applicable Fire Safe Regulations and Fire Code which address road access. The project will also be required to submit a full set of plans to the Fresno County Fire Protection District for approval prior to the issuance of County building permits.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or
 2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision

(c) of Public Resources Code Section 5024.1? (In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.)

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project was reviewed by the Southern San Joaquin Valley Information Center (SSJVIC), which based on a search of the California Historical Resources Information System (CHRIS) indicated that the project area had not been surveyed by a qualified cultural resource consultant and that the archaeological sensitivity of the project site is unknown. SSJVIC also noted and that the site contains built environment resources (buildings) approximately 45 years in age and recommended that the site be evaluated by an architectural historian to determine local, state and national significance of the site.

Because the existing building which was operated as a restaurant will not undergo significant structural alterations, only minor interior remodeling, and will continue to be operated as a restaurant with the addition of a convenience store, no historical architectural evaluation was required.

The SSJVIC did not recommend that a cultural resources inventory be completed for this project, however, it was recommended that conditions be placed on project approval that would require a halt to work if cultural resources are unearthed during ground disturbing activities.

Local Tribal Governments were notified of the project under the provisions of AB 52. Two of those Tribes, the Table Mountain Rancheria and the Santa Rosa Rancheria Tachi-Yokut, requested to consult on this project. On November 2020 a meeting took place between the County and representatives of both Tribal Governments. Both Tribal representatives indicated that they may desire to have site monitoring take place during ground disturbing activity.

Neither of the Tribes identified any cultural or tribal cultural resources on or in the vicinity of the project site, nor did the tribes request any further consultation or mitigation. However, to address the potential for undiscovered subsurface resources to be unearthed during ground disturbing activities, the following mitigation measure has been included.

* **Mitigation Measure(s)**

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 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 shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

FINDING: NO IMPACT:

The project will not require the relocation or construction of new or expanded utility services and storm water drainage will follow existing patterns, and no new grading is proposed.

- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will be supplied surface water by I-5 Property Services, through a municipal industrial allotment from Westlands Water District.

- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

FINDING: NO IMPACT:

Wastewater generated by the project will be directed to an existing wastewater treatment facility located in the southwest quadrant of the commercial interchange, approximately

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or

- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

The project will be required to comply with all applicable State and local regulations pertaining to the management of solid waste. The project is not anticipated to generate solid waste that would be in excess of local solid waste infrastructure capacity or impair State or local solid waste reduction goals.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

FINDING: NO IMPACT:

The project site is located in a State Responsibility Area (SRA) Moderate Hazard Class and as such will be subject to all applicable County SRA Fire Safe Regulations. The Fresno County Fire Protection District did not express concern that the project would impair an adopted emergency response plan, emergency evacuation plan, or telecommunication facilities.

- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

FINDING: NO IMPACT:

Although the project site is situated in an area at moderate risk of wildfire according to the State of California Fire Hazard Severity Zone (FHSZ) Viewer, it is located in a commercial developed area with relatively flat terrain which is bordered on the west by irrigated farmland and on the east by Interstate 5, where the prevalence of dry vegetation is minimal. The risk to people and structures from wildfire is very low, additionally the project will be required to adhere to applicable Fire Safe Regulations, Current Fire Code and Building Code.

- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

FINDING: NO IMPACT:

The project will not require the installation of new facilities or maintenance of existing facilities, such as roads, fuel breaks, emergency water source, power lines or other utilities which would result in increased fire risk or other impacts to the environment, short or long term. The project was evaluated by Pacific Gas and Electric (PG&E) which provides electrical utility service to the site. Electrical utility infrastructure is existing, however there may be additions and modifications to said infrastructure to serve the electrical vehicle charging station located on the parcel and the project. However, any such modifications are subject to approval by PG&E and subject to the requirements of current Fire Code and Building Code.

- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT:

The project site is not located on steeply sloped land, or within a flood channel or area at increased risk of flood or landslide, according to Figure 9-6 of the Fresno County General Plan Background Report (FCGPBR).

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. Have the potential to substantially 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, substantially 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 history or prehistory?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

No significant impacts to Biological Resources were identified. No fish or wildlife species, or plant or animal communities, reductions in the range of rare or endangered plants or animals, or pre-historic resources are anticipated to occur. However, to address the potential for impacts to undiscovered, subsurface cultural or tribal cultural resources, a mitigation measure has been included:

Mitigation Measure(s)

1. See Mitigation Measure under Sections V, and XVII above.

- B. Have impacts that are individually limited, but cumulatively considerable (“cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No cumulatively considerable impacts were identified in the analysis. The project proposes a commercial development, in conjunction with an existing building, in an area that has been designated for such development, subject to certain design principals, and subject to applicable General Plan Policies, County Ordinance, and California Green Building Standards Code.

- C. Have environmental effects which will cause substantial adverse effects on human beings either directly or indirectly?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No environmental effects which would cause substantial adverse effects on human beings, directly or indirectly, were identified.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3680, 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, Biological Resources, Energy, Hazards and Hazardous Materials, Land Use and Planning, Mineral Resources, Population and Housing, Public Services and Recreation and Wildfire.

Potential impacts related Air Quality, Greenhouse Gas Emissions, Hydrology and Water Quality, Noise, Utilities and Service Systems have been determined to be less than significant.

Potential impacts relating to Aesthetics, Cultural Resources, Geology and Soils, Transportation and Tribal Cultural Resources have been determined to be less than significant with 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

G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3600-3699\3680\IS CEQA\SCH Docs\CUP 3680_IS 7877 Writeup.docx

Subject: CUP application No. 3680, Public Hearing august 12, 2021

From: Mike Hamzy <Mike@harbisonint.com>

Date: 8/10/2021, 5:46 PM

To: "Shaw, Jeremy" <jshaw@fresnocountyca.gov>, "Luna, Hector" <HLuna@fresnocountyca.gov>

CC: Bob Shiralian <bobshiralian@aol.com>, Michael Navarro <michael.navarro@dot.ca.gov>, Prisca Shiralian <pshiralian@aol.com>

Dear Mr Shaw and Mr Luna

As per our phone conversation this afternoon. My Client Mr Shiralian had forwarded to me a copy of the Planning Commission Agenda for the Public hearing on this project. Will you please email me the link to the CUP application No. 3680 that includes the master site plan revisions for this area that was prepared for this project.

As, you recall, and as you see per the attached documents, My client Bob Shiralian purchased the Faster Freeze Site and tried to redevelop this site with a fast food and a convince store/ gas station ,(Similar to this CUP No. 3680 that the county is reviewing), the County Senior planner Marianne Mollring after meetings with both of you and her and meeting with the County Supervisor Brian Pacheco, Marianne insisted on my client up-antedating the old master plan for this area and reflect all road circulations prior to excepting his project. My client could not obtain approval nor assistant from the adjacent property owners to up-date the old master plan. and there for this requirement killed his project. The other concern by the county was at that time, that this area has way too many gas stations.

Since then, the County had approved a Taco Bell fast food restaurant, that was was not even on the original master site plan. Today the county is considering to allow the modifications to this existing restaurant site to a gas station, convenience store, and a restaurant (9600 sq.ft. building) and and Eclectic charging stations, without the modifications to the original master site plan, and without addressing the traffic circulations and the traffic impact on the existing private road.

By approving this project, without the modifications to the old master plan, and without addressing the new additional traffic that will be generated from this site at this location, the result of approving this project will be devastating to the existing business, and this additional traffic will place this intersection (Road A and Panoche Road) at level D or below and make it very difficult for existing bushiness to operate.

Further more, having a traffic signal near the state route I-5 will may cause traffic backing up to the freeway. The idea of building a turn about at the intersection of the off-ramps and Panoche Road will be very costly.

My client did not receive any notice on this project, he heard about it from an adjacent property owner yesterday. Mr. Shiralian contacted the county and he discovered that the county sent the notice to the wrong address. Since my client is out of town and did not receive a notice in adequate time, he is requesting to delay the planning hearing on CUP application No. 3680 to next month and to give him adequate time to review the conditions of approvals on this project.

We will be looking forward to your reply.

Thank you,

Mike A. Hamzy
Principal
Harbison International, Inc.
<http://www.Harbisonint.com>
Harbison Logo

 **Harbison International, Inc.**
Engineers - Surveyors - Planners

2755 E. Shaw Ave., Suite 101 - Fresno, CA 93710, USA
Tel: 559-294-7485 Fax: 559-294-7481
Website: www.harbisonint.com
Email: Mike@Harbisonint.com

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— Attachments: —

CCE08102021.pdf	6.7 MB
SITE PLAN (8-3-18)-.pdf	264 KB
TOPO (7-24-18)-Layout1.pdf	3.5 MB



JOB: 18-153
 DATE: 11-1-21

SCALE: 1"=60'

EXISTING SITE – PARKING SUMMARY

ACCESSIBLE STALLS: 5
 STANDARD STALLS: 121
 TOTAL EXISTING STALLS: 126



HARBISON INTERNATIONAL INC.,
 ENGINEERS – SURVEYORS – PLANNERS

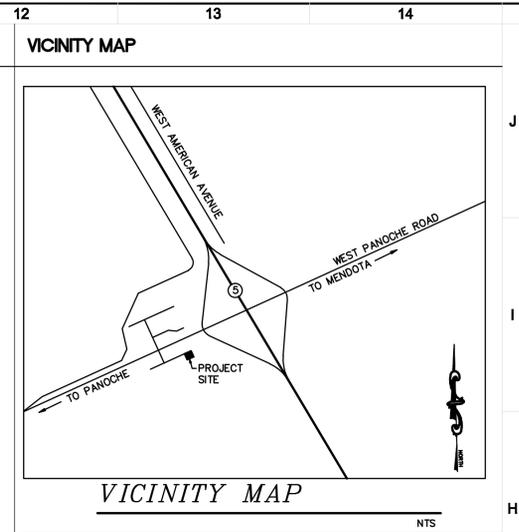
2755 E. SHAW AVE., SUITE 101, FRESNO, CA 93710

PHONE: (559) 294-7485 FAX: (559) 294-7481



LEGEND

N 45° 53' 08" E	BEARING AND DISTANCE PER SAID REFERENCED TITLE REPORT
VG	CONC. VALLEY GUTTER
PBMH	PACIFIC BELL MANHOLE
DI	DRAIN INLET
HCP	HANDICAP PARKING
PP	POWER POLE
OH	OVER HEAD
SSMH	SANITARY SEWER MANHOLE
W.M.	WATER METER
SD	STORM DRAIN
FDC	FIRE DEPT. CONNECTION
STANDARD CITY OF FRESNO TRAFFIC SIGNAL	
BFP	BACK FLOW PREVENTOR
TSB	TRAFFIC SIGNAL BOX
—	PROP. LINE
—	EASEMENT LINE
10" SS	EXISTING 10" SEWER MAIN
WTR	EXISTING WATER SERVICE
—	EXISTING STORM DRAINAGE PIPE & SIZE
⊠	STORM DRAIN INLET
⊙	STORM DRAIN MANHOLE
⊙	SANITARY SEWER MANHOLE
⊙	WATER VALVE
⊙	WATER METER
⊙	FIRE HYDRANT
⊙	TREE
⊙	STORM DRAIN DROP INLET
⊙	LIGHT POLE WITH CONC. BASE
⊙	CONC. TIRE STOP BAR
→	DIRECTION OF FLOW
(E)	EXISTING
WV	WATER VALVE
T	TELEPHONE PAD
TP	TRANSFORMER PAD
E B	ELECTRICAL BOX
CV	GAS VALVE
U R	UTILITY RISER
U B	UTILITY BOX
U V	UTILITY VALVE
CLEAN OUT	PIPE CLEAN OUT
G S	GAS SERVICE TO BUILDING
E S	ELECTRICAL SERVICE TO BUILDING
SLB	STREET LIGHT BOX



PREPARED FOR OWNER

CHASE INC.
CONTACT: BOB SHIRALIAN
2563 W. LAKE VAN NESS
FRESNO, CA 93711

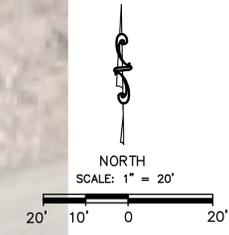
(559) 307-1620 - PH
(559) 435-3783 - FAX

GENERAL NOTE:

APN
027-190-245

SHEET INDEX

C-1	SITE PLAN COVER SHEET
C-2	TOPO SURVEY DEMO SHEET
A-1	BUILDING FLOOR PLAN
A-2	BUILDING ELEVATIONS

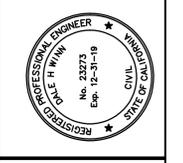


California Council of Civil Engineers & Land Surveyors

Construction contractor agrees that in accordance with generally accepted construction practices, construction contractor will be required to assume sole and complete responsibility for job site conditions during the course of construction of the project, including safety of all persons and property; that this requirement shall be made to apply continuously and not be limited to normal working hours, and construction further agrees to defend, indemnify and hold design professional harmless from any and all liability, real or alleged, in connection with the performance of work on this project, excepting liability arising from the sole negligence of design professional.

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SITE PLAN
42681 PANOCH ROAD
FIREBAUGH, CA

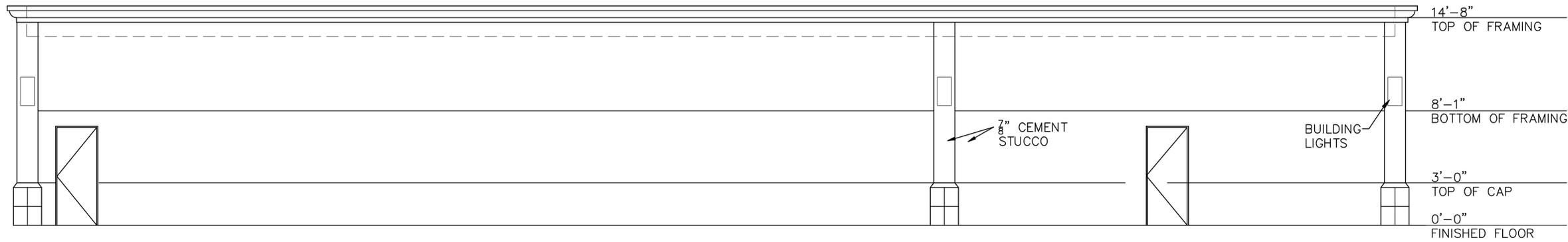
REVISIONS

No.	Date	Desc.

Drawn: JMM
Approved: MAH
Project No. 18-153
Date: 8-2-18
Date: 10-1-18

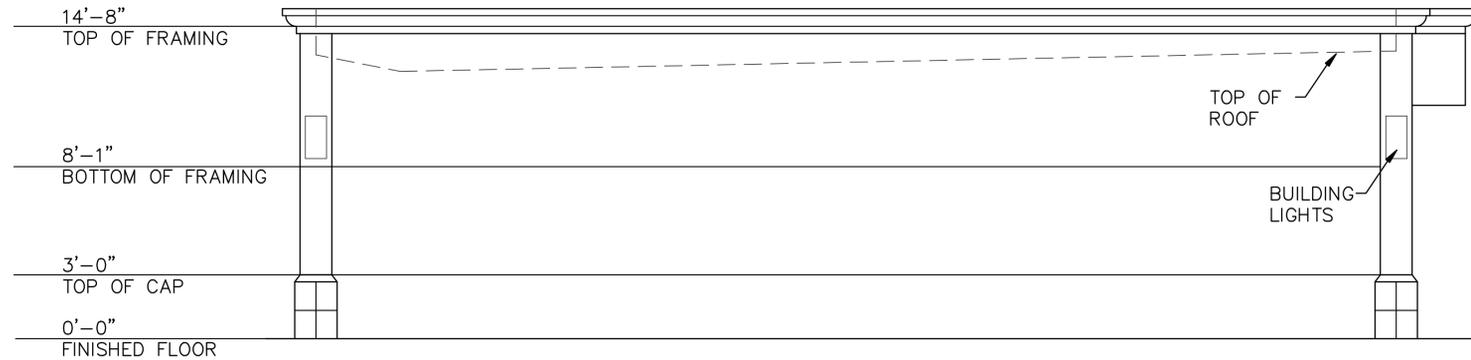
Title
SITE PLAN

Sheet No.
C-1
OF 4 SHEETS



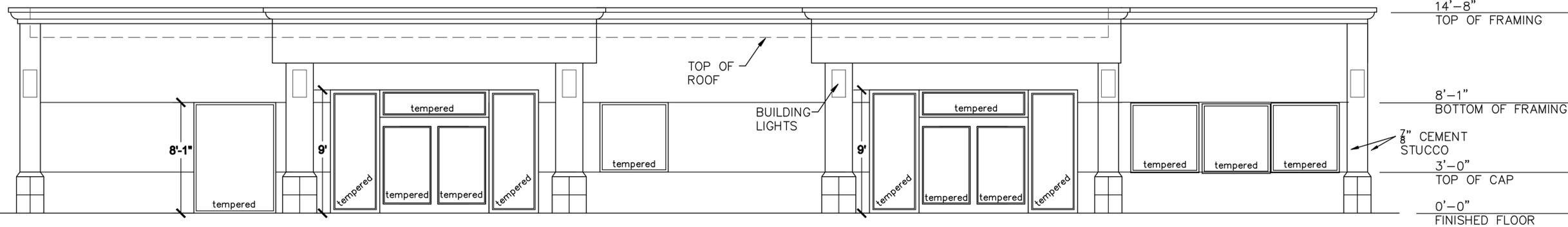
SOUTH ELEVATION

SCALE: 1/4" = 1'



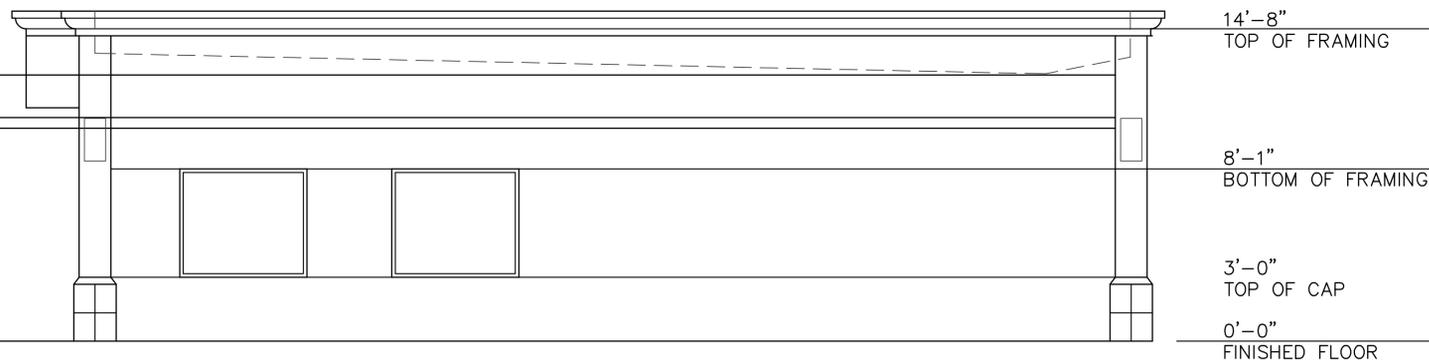
EAST ELEVATION

SCALE: 1/4" = 1'



NORTH ELEVATION

SCALE: 1/4" = 1'



WEST ELEVATION

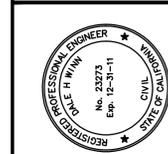
SCALE: 1/4" = 1'

**PROPOSED GAS STATION /
FAST FOOD BUILDING
ELEVATIONS**

FRESNO COUNTY, CALIFORNIA
SHEET 4 OF 4 SHEETS

PLOT DATE: 10-1-18 JOB. NO. : 18-153

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PHONE: (559) 294-7485 FAX: (559) 294-7481



**PROPOSED GAS STATION /
FAST FOOD
BUILDING ELEVATIONS**
FRESNO COUNTY, CALIFORNIA

REVISIONS	No.	Date	Desc.

Drawn: NAH
Checked: MAH
Approved: M. A. HAMZY
Project No.: 18-153
Date: 10-1-18

Title
ELEVATIONS

Sheet No.
A-2

OF 4 SHEETS

Subject: Conversion of Foster Freeze Restaurant to C-store w/ fuel pumps & fast food restaurant
From: "Luna, Hector" <HLuna@fresnocountyca.gov>
Date: 10/11/2018, 12:28 PM
To: "Mike@harbisonint.com" <Mike@harbisonint.com>
CC: Bob Shiralian <bobshiralian@aol.com>, Prisca Shiralian <pshiralian@aol.com>

Mr. Hamzy,

It has been determined that a Conditional Use Permit (CUP) will be required for the proposed service station/convenience store with fuel pumps and fast food restaurant to replace the existing closed Fosters Freeze restaurant. The determination is based on the change of use and will likely require modification of the approved Master Plan for the intersection. There are currently four (4) convenience stores located at this intersection, two (2) within the northwest and southwest quadrants. The latest service station/convenience store (Mobil) located on the southwest quadrant was approved by a land use permit (CUP 2778) in May 9, 2002.

The attached Google Earth aerial depicts the proximity of the existing service station locations relative to the proposed development, as well as the service station approved by CUP 2778.

Submittal of a pre-application is recommended to enable the Zoning section to complete a thorough review of the proposal and inform the applicant of all the necessary land use permits required.

You may contact the Zoning section at 559.600.4540 for pre-application submittal requirements.

Feel free to contact me with any questions you may have.

Regards,

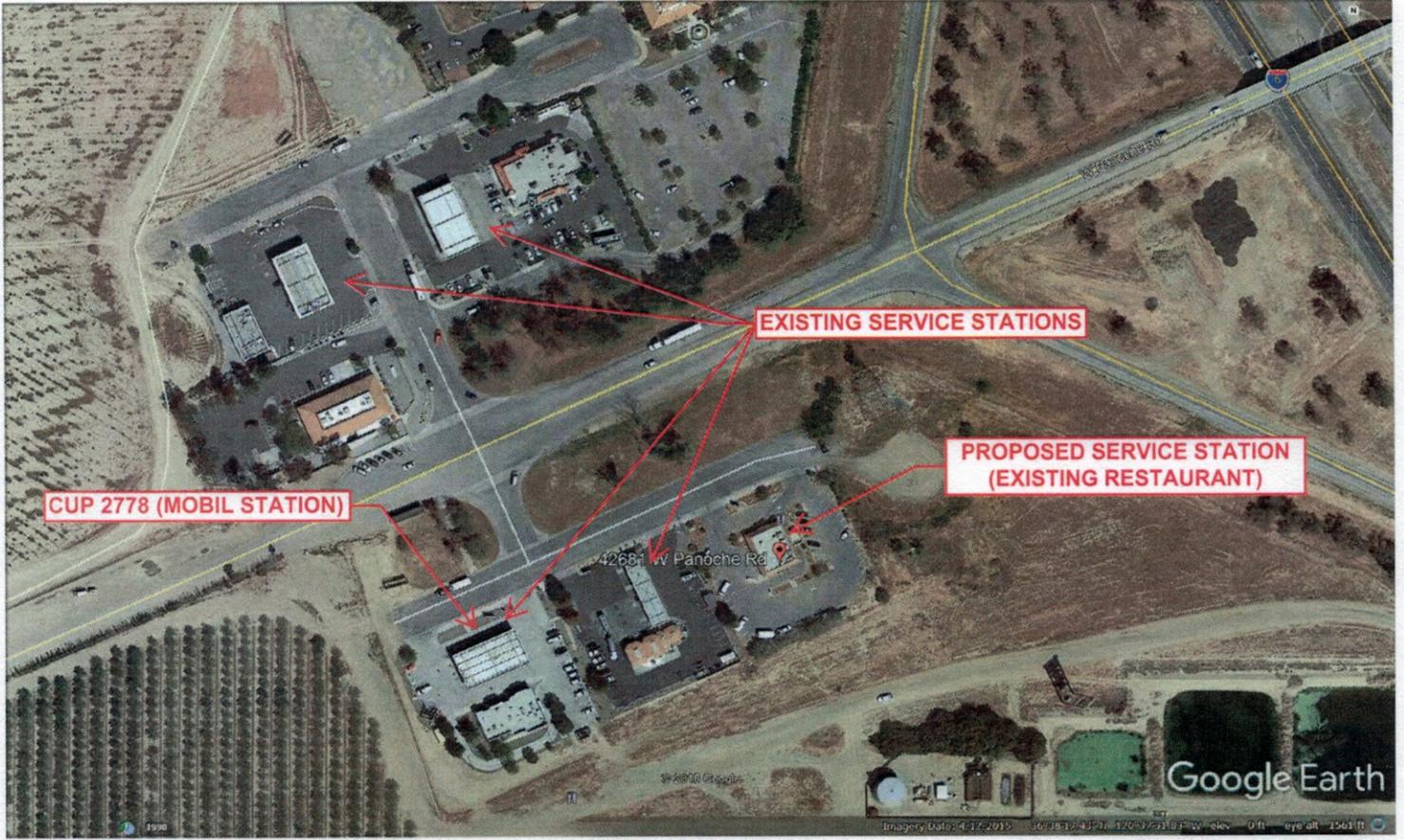


Hector E. Luna | Senior Staff Analyst
Department of Public Works and Planning |
Development Services & Capital Projects Division
2220 Tulare St. 6th Floor Fresno, CA 93721
Main Office: (559) 600-4497 | Direct: (559) 600-4216
Email: hluna@FresnoCountyCa.gov
[Your input matters! Customer Service Survey](#)

— Attachments: —

I-5 & Panoche Service Stations(small).pdf

291 KB



CUP 2778 (MOBIL STATION)

EXISTING SERVICE STATIONS

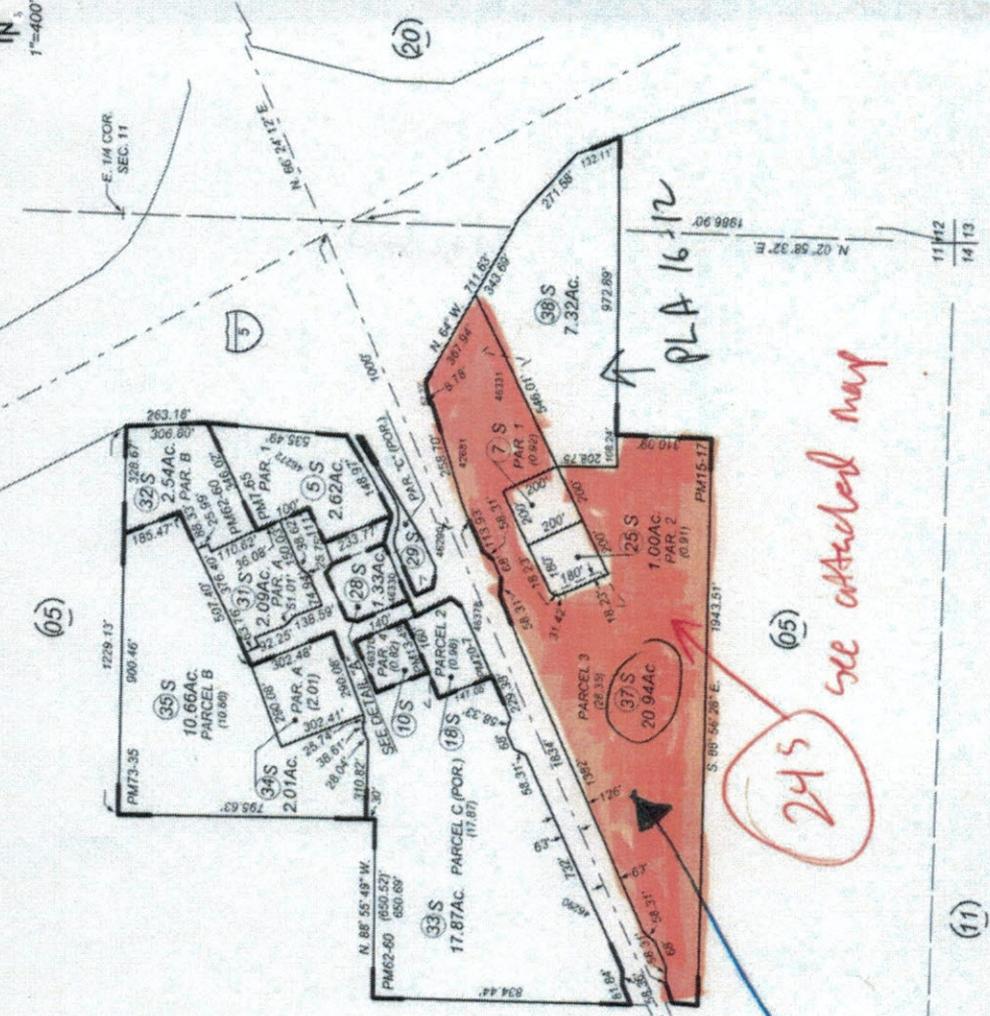
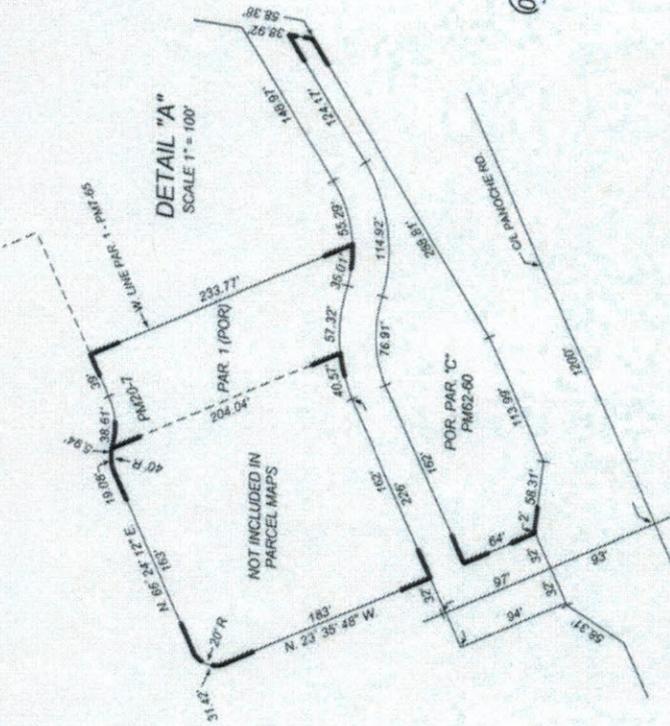
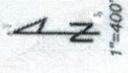
**PROPOSED SERVICE STATION
(EXISTING RESTAURANT)**

42681 W Panoche Rd

Google Earth

Imagery: 04/07/2015 16:48:17.417 N 120:37:31.617 W elev: 0 ft eye alt: 1563 ft

-NOTE-
This map is for Assessment purposes only.
It is not to be construed as portraying legal
ownership or divisions of land for purposes
of zoning or subdivision. law.



Agricultural Preserve
Parcel Map No. 1364 - Bk. 7, Pg. 65
Parcel Map No. 2076 - Bk. 13, Pg. 49
Parcel Map No. 2077 - Bk. 15, Pg. 17
Parcel Map No. 2664 - Bk. 20, Pg. 7

Parcel Map No. 7851 - Bk. 62, Pgs. 60-61
Parcel Map No. 8112 - Bk. 73, Pgs. 35-36

9/5/2017

Note - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk. 027 - Pg. 19
County of Fresno, Calif.

Subject Parcel



Development Services

and

Capital Projects Division

Mail to:

Mike Hamrey
Harbison International, Inc.
2755 E Shaw Ave
Suite 101
Fresno, CA 93710

Pre-Application Review

Department of Public Works and Planning

NUMBER: 39576
APPLICANT: Mike Hamzy
PHONE: (559) 2947-7485

PROPERTY LOCATION: 42681 W. Panoche Road
APN: 027 - 190 - 242 ALCC: No Yes # VIOLATION NO.
CNEL: No Yes (level) LOW WATER: No Yes WITHIN 1/2 MILE OF CITY: No Yes
ZONE DISTRICT: AE40; SRA: No Yes HOMESITE DECLARATION REQ'D.: No Yes
LOT STATUS:

Zoning: () Conforms; () Legal Non-Conforming lot; () Deed Review Req'd (see Form #236)
Merger: May be subject to merger: No Yes ZM# Initiated In process
Map Act: () Lot of Rec. Map; () On '72 rolls; () Other; () Deeds Req'd (see Form #236)

SCHOOL FEES: No Yes DISTRICT: Mendota Unified PERMIT JACKET: No Yes
FMFCD FEE AREA: () Outside () District No.: FLOOD PRONE: No Yes

PROPOSAL pre-application for an Unclassified Conditional Use Permit to allow an amendment to the existing Master Plan for the Panoche Road Interstate Interchange Plan Area to allow a proposed service station/convenience store with fuel pumps and a fast food restaurant, which if approved will replace the existing Fosters Freeze restaurant.

COMMENTS: This is a no charge pre-app.

ORD. SECTION(S): 816.7.B 860.3 BY: Tawanda Mtunga DATE: 10/16/2018

GENERAL PLAN POLICIES: <u>Agriculture Westside</u>	PROCEDURES AND FEES:
LAND USE DESIGNATION: <u>Freeway Corridor Overlay</u> () GPA: () MINOR VA:	() HD: \$992.00
COMMUNITY PLAN: () JAA: (<input checked="" type="checkbox"/>) CUP: 9,123.00 (<input checked="" type="checkbox"/>) AG COMM: 93.00	() ALCC:
REGIONAL PLAN: (<input checked="" type="checkbox"/>) JVA: (<input checked="" type="checkbox"/>) IS/PER*: \$5,151.00	() Viol. (35%):
SPECIFIC PLAN: () JAT: () Other:	
SPECIAL POLICIES: () JTT:	
SPHERE OF INFLUENCE: ()	
ANNEX REFERRAL (LU-G17/MOU): ()	

COMMENTS: Traffic Impact Study may be required.

Filing Fee: \$ 15,359.00
Pre-Application Fee: - \$247.00 No charge
Total County Filing Fee: 15,359.00

FILING REQUIREMENTS:

- () Land Use Applications and Fees
- () This Pre-Application Review form
- () Copy of Deed / Legal Description
- () Photographs
- () Letter Verifying Deed Review
- () IS Application and Fees* * Upon review of project materials, an Initial Study (IS) with fees may be required.
- () Site Plans - 4 copies (folded to 8.5"x11") + 1 - 8.5"x11" reduction
- () Floor Plan & Elevations - 4 copies (folded to 8.5"x11") + 1 - 8.5"x11" reduction
- () Project Description / Operational Statement (Typed)
- () Statement of Variance Findings
- () Statement of Intended Use (ALCC)
- () Dependency Relationship Statement
- () Resolution/Letter of Release from City of _____
Referral Letter # _____

OTHER FILING FEES:

- () Archaeological Inventory Fee: \$75 at time of filing (Separate check to Southern San Joaquin Valley Info. Center)
- () CA Dept. of Fish & Wildlife (CDFW): (\$50) (\$50+\$2,280.75) (Separate check to Fresno County Clerk for pass-thru to CDFW. Must be paid prior to IS closure and prior to setting hearing date.)

BY: JEREMY SHAW DATE: 10-17-18
PHONE NUMBER: (559) 600-4207

NOTE: THE FOLLOWING REQUIREMENTS MAY ALSO APPLY:
() COVENANT () SITE PLAN REVIEW
() MAP CERTIFICATE () BUILDING PLANS
() PARCEL MAP () BUILDING PERMITS
() FINAL MAP () WASTE FACILITIES PERMIT
() FMFCD FEES () SCHOOL FEES

PLU # 113 Fee: \$247.00
Note: This fee will apply to the application fee if the application is submitted within six (6) months of the date on this receipt.

OTHER PERMIT REQUIREMENTS AND/OR FEES

Although the primary purpose of the Pre-application Review is to identify the zoning ordinance application(s) required for your proposed project, our staff also makes every effort to identify other requirements or procedures that you may have to address in order to complete the project. We know how important it is for you to identify all of the steps, requirements and fees that may be encountered. During a pre-application meeting, the bottom portion of the "Pre-application Review" (see reverse side) will be used for that purpose. Items checked at the bottom of the form reference other clearances, applications or permit requirements that will involve additional fees. Some of these fees may be substantial, as shown in the examples cited below.

Drainage Ordinance:

Fees range from \$500/acre to \$15,000/acre.
(Fee determination is made during the application review process.)

Site Plan Review (SPR):

Fees range from \$3,911 to \$13,691 depending on the size of the area being developed.

School District:

Fees vary and are set by each district. The most common fees are about \$2.00/square-foot for residential construction, and \$0.30/square-foot for commercial and industrial buildings. *(Contact the applicable school district.)*

Despite our best efforts at the pre-application meeting, it is not always possible to identify all of the requirements or fees that may be applicable to your project. Certain requirements, for example, may be identified during the application review process when we obtain comments from reviewing agencies such as the Air Pollution Control District, the California Regional Water Quality Control Board, the Fire Protection District, Water and Sewer Districts, and the County Health Department. It is important to recognize that your project may be subject to the permit and fee requirements of these and other agencies. We encourage you to contact these agencies to obtain current fee and permit information that may apply. In addition to the above, a Public Facility Impact Fee and Regional Transportation Mitigation Fee may also be assessed at building permit issuance.

If you have questions regarding any of the matters discussed above, we encourage you to discuss them with staff prior to submitting your application. A contact person and their phone number are listed on the front of this form.



County of Fresno

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

October 18, 2018

Mike Hamzy
Harbison International, Inc.
2755 E. Shaw Avenue #101
Fresno, CA 93710

RECEIVED
10-23-17
@ 2:45 PM

Dear Mr. Hamzy:

Pre-Application Review No. 39576

Subject Assessor's Parcel No. 027-190-24S

Project Location: 42681 W. Panoche Road, Firebaugh, CA 93622

Proposal: Allow an amendment to the existing Master Plan for the Panoche Interstate Interchange Plan Area to allow a proposed service station and convenience store with fuel pumps and a fast food restaurant, which if approved would replace the existing Fosters Freeze restaurant.

An Unclassified Conditional Use Permit (CUP) is required to allow a commercial development in the Interstate Freeway Interchange Area. I am enclosing the necessary forms to return for a complete application.

Per the California Environmental Quality Act (CEQA), your project will require preparation of an Initial Study. An Initial Study form has been enclosed. This form provides information from the California Department of Fish & Wildlife (CDFW) regarding legislation and determinations of "no effect". Staff of the Development Services and Capital Projects Division cannot make a "De Minimis" Finding allowing an exception to CDFW fees involved with the preparation and posting of environmental documents. Should you believe your project has no effect on resources under the purview and/or protection of CDFW, it will be necessary for you to contact that agency directly to obtain a written determination of no effect prior to completion of your environmental document.

Please note your project is in a water-short area. Pursuant to County General Plan policy, prior to any action on a land use application, the County must make a determination of availability/sustainability of water for the project and any water-related impacts on surrounding properties. Special studies related to this determination may be required.

The subject parcel is located within the California Department of Forestry "State Responsibility Area" and therefore, is subject to standards relating to building setbacks, driveway construction and gating, display of street address, disposal of flammable vegetation, water supply facilities for fire protection, and roofing materials. These standards will be addressed at the time a building permit is issued.

You should be aware that in order to approve a Conditional Use Permit, the Fresno County Ordinance Code requires that four mandatory Findings of Fact must exist before a Conditional Use Permit may be granted (see Conditional Use Permit Findings on the back of the application form). Your application will be reviewed and a staff recommendation made based upon these four mandatory Findings.

Your property is located in an area of agricultural land use. As such, the proposal will be routed to the Fresno County Department of Agriculture for review and comment by staff of the Agricultural Commissioner's Office. A Project Review Fee of \$93.00 will be charged for review of your proposal by this Department.

Depending upon the scope of your project, additional road right-of-way may be required through a Condition of project approval.

You are located within the jurisdiction of the Fresno County Fire Protection District.

The Fresno County Fire Protection District conducts plan reviews on all projects to confirm that certain fire and life safety issues are addressed. Some examples of fire and life safety issues are fire apparatus access, fire lanes, gates, water supply systems, fire suppression systems, fire alarm systems, high-piled storage, evacuation plans, exiting systems, and hazardous materials storage.

It is suggested that you contact the Fresno County Fire Protection District at (559) 493-4359 to schedule a meeting to discuss the specific fire protection requirements for the project during the design stage of the project.

Below are the filing requirements for your project:

Application Form: This application is a green form. Please fully complete the owner, applicant, and representative portions of the application. All owners included on the Grant Deed must sign the application. An electronic version of the form is available. Please contact us via email to receive the electronic version.

Initial Study Application: This application form is a stapled, blue, five-page form. Please complete and sign.

Pre-Application Review: This is the single blue sheet that has been completed and returned to you with this letter. Please return the completed blue Pre-Application Review sheet with your formal application submittal. The information provided on this sheet will be needed to complete the application.

Filing Fees:

Conditional Use Permit (CUP) Application	\$ 9,123.00
Initial Study (IS) Application	\$ 5,151.00
Agricultural Commissioner Review	\$ 93.00
Public Health Environmental Review	\$ <u>992.00</u>

Please make check payable to "Fresno County" for: \$ 15,359.00

Also, a separate check for \$75 must be submitted, payable to the *Southern San Joaquin Valley Information Center* for archaeological inventory. In addition, a separate fee may be collected by the County on behalf of the California Department of Fish & Wildlife prior to closure of the Initial Study Assessment and prior to setting a date for public hearing. For more information regarding this fee, see Page 5 of the Initial Study Application.

Legal Description: Submit a copy of the Grant Deed to the property with the legal description. (Note: The legal description must correlate with the property boundaries depicted on the Site Plan drawing.)

Site Plans, Floor Plans and Elevations: Four (4) folded copies of a detailed Site Plan are required. We route projects for comments electronically, therefore we request that electronic versions of all drawings be submitted in PDF format. If that is not possible, we require one black-line print in either 8½"x11" or 11"x17" size so that it can be scanned. Please refer to the back of the application for detailed requirements on preparing Site Plans. It is important that all requirements are met in order for the Site Plan to be acceptable. Therefore, you may wish to review the Site Plan with a Planner prior to submitting the application. In addition, four (4) folded copies of the Floor Plan and Elevations are required, as well as an electronic PDF version or reduction as described above.

Project Description/Operational Statement: Please provide a complete, detailed description of the proposed use. Enclosed is a checklist of considerations that should be addressed. The Operational Statement must be on a separate sheet and should be typed.

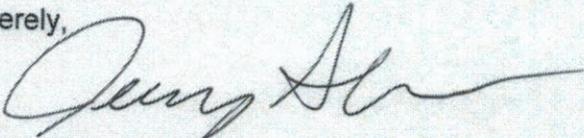
Photographs: Provide labeled photos of panoramic views of the property (north, south, east, and west).

As prescribed by the Zoning Ordinance, the Planning Commission will make a decision on the application following a public hearing. The Planning Commission hearing should occur approximately four to six months from the date the application is submitted; however, this time frame will be extended if reviewers request additional information, or if review by the State Clearinghouse is needed. Please note that if review comments are not received from certain key reviewing agencies in response to our initial request for comments, staff will continue to pursue formal comments from those agencies so as to provide for the most complete project analysis possible. This may result in additional processing time. Also, please note that an appeal of the Planning Commission's decision would add additional time because it would necessitate a hearing before the Board of Supervisors, who would then make the final decision.

In order to save time processing your application, we recommend that you or your representative schedule a meeting to review your application submittal prior to filing a formal application.

If you have any questions regarding the information described in this letter, or wish to schedule a meeting concerning the filing of an application, please contact me at jshaw@fresnocountyca.gov or (559) 600-4207

Sincerely,



Jeremy Shaw, Planner
Development Services and Capital Projects Division

JS:ksn
G:\4360Devs&PIn\PROJSEC\PRE-APPS\2018\39576 (CUP)\39576 (CUP) Ltr.docx

Enclosures



**Milestone
Associates**
Imagineering
A California Corporation

Date: July 12, 2021

To: County of Fresno
Department of Public Works and Planning

From: Julio Tinajero
Milestone Associates

RE: **Operational Statement for proposed
restaurant/convenience store/gas station
46272 W. Panoche Road
Firebaugh, CA
A.P.N. 027-190-05S**

The proposed project consists of adding a new convenience store within the interior space of an existing restaurant building, with the remainder of the restaurant space being remodeled into various restaurants choices and lounge area. New fuel pumps and overhead canopy will be added to the existing parking lot. New Electric Vehicle (EV) charging stations will be added to the existing parking lot.

The proposed convenience store and fuel pumps will be open 24 hours a day, seven days a week. The proposed restaurants will be open 6am to 10pm, daily. The EV charging stations will be operational 24 hours a day, seven days a week. The EV charging stations are self-serve and will be unmanned.

The estimated average number of customers is 1,200 a day, with no specific peak hours of operations.

The convenience store/gas station will have 9 employees, with 3 employees working per eight hour shift. The restaurant/food service will have 30 employees, with 10 employees working per eight hour shift.

Access to the site will be from the existing paved private access drive located at the west side of the site, and from the existing paved farm access drive located at the south of the site.

The existing asphalt parking lot will be repaired, resurfaced, and restriped to provide for 24 standard parking spaces, 4 of which will be ADA accessible. A total of 56 Tesla EV charging spaces will be provided, 2 of which will be ADA accessible (under separate permit). A total of 9 additional EV charging spaces will be provided, which are not part of Tesla spaces. 4 RV/bus parking spaces will

be provided. 6 parking spaces located on the north side of existing building will be provided for employees.

The proposed gas station will offer different grades of gas and types of oil to give customers a variation of choices. Two (2) underground tanks will be installed as part of the new gas station. One tank will hold 20,000 gallons of unleaded fuel, and one tank will hold 12,000 gallons of diesel fuel and 8,000 gallons of premium fuel. Products to be sold within the convenience store include, snacks, chips, beverages, souvenirs, and automotive products.

The convenience store will have an interior storage room to house all supplies and materials required for their operation.

No unsightly appearance or nuisance will be caused by this development since it was previously a restaurant, and the proposed gas station is adjacent to an existing travel center that currently has similar commercial uses.

All solid waste materials will be stored in an exterior enclosure and will be picked up and hauled off on a weekly basis.

The projected liquid waste of 5,000 gallons a day will be waste water from existing restaurant.

The projected water volumes for this project is 5,000 gallons per day, which is currently being provided by the existing water district.

The existing highway sign will remain in place and will be re-faced to add this project. A new 10-foot high monument sign, along with price sign, is proposed at the west side of the existing restaurant building.

The proposed project will use the existing building. No addition to the existing square footage of the existing building is proposed.

The site currently is surrounded with a 6-foot fence along its property lines. No new fences or walls are proposed. The existing landscaping will be refurbished and brought to current county standards.

The owner and applicant of this project is Deepinder S. Grewal. Mr. Grewal has multiple commercial properties and will be the operator of this location.



Milestone Associates
Imagining a customer's perspective

1000 LYNN ROAD, SUITE 1000
 SAN JOSE, CALIFORNIA 95128
 TEL: 408-252-4173
 FAX: 408-252-1141

JALD J. BALJEPP
 LEAD DESIGNER

STAMP

SUBMITTAL DATE

PLANNING DEPT: 04-01-20
 BUILDING DEPT:
 CIVIL WORKS:
 SURVEY:

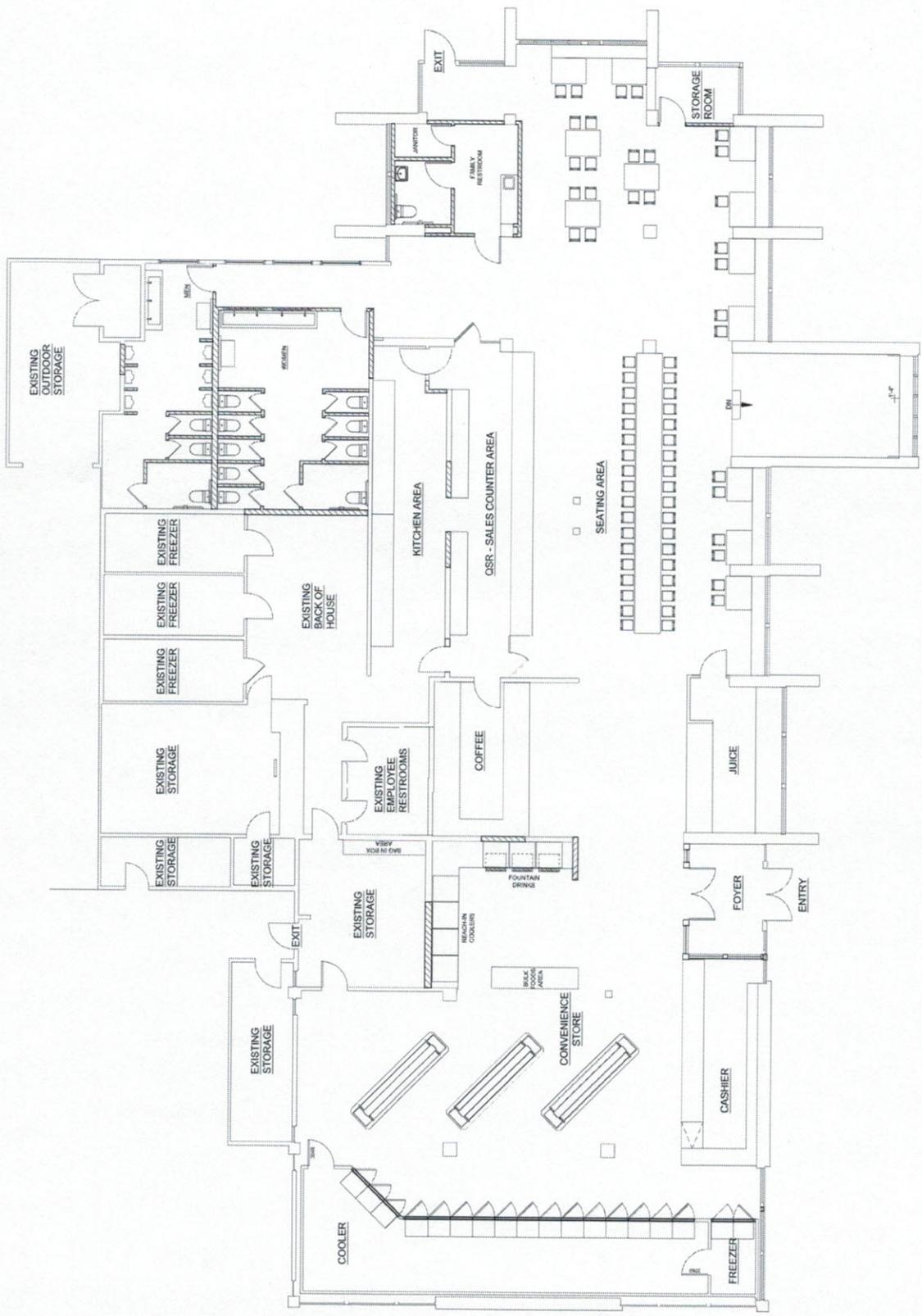
REVISIONS

No.	Description	Date

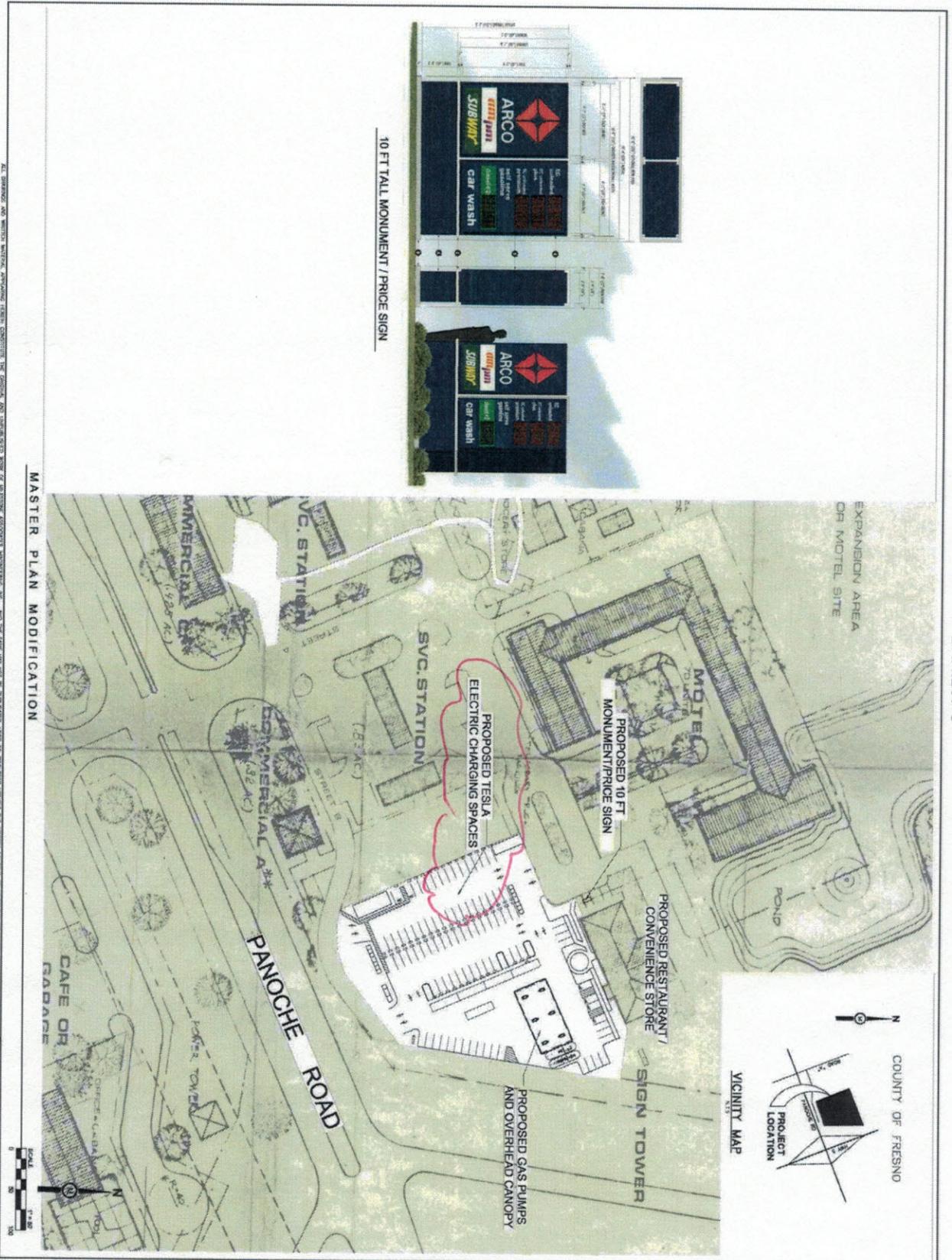
OVERALL REMODEL FLOOR PLAN
 PROPOSED TRAVEL CENTER
 LION BUILDERS, INC.
 46272 WEST PANACHE ROAD
 FIREBAUGH, CA 93622
 A.P.N. 027-180-055

DATE: 06-01-20
 SCALE: 3/16" = 1'-0"
 DRAWN BY: STAFF
 JOB NUMBER: 19-030
 SHEET

A0.1

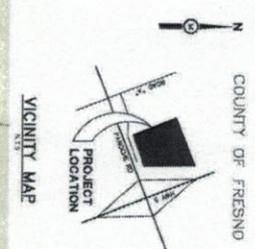


OVERALL REMODEL FLOOR PLAN 1
 3/16" = 1'-0"
 ALL DIMENSIONS AND NOTES UNLESS OTHERWISE SPECIFIED ARE IN FEET AND INCHES. UNLESS OTHERWISE SPECIFIED, ALL DIMENSIONS ARE TO FACE. THE CLIENT ACCEPTS RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED. MILESTONE ASSOCIATES MAKES NO WARRANTY, REPRESENTATION, OR GUARANTEE OF ANY KIND, EXPRESS OR IMPLIED, REGARDING THE INFORMATION PROVIDED. MILESTONE ASSOCIATES ASSUMES NO LIABILITY FOR ANY DAMAGE, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS INFORMATION. © 2020 MILESTONE ASSOCIATES ENGINEERING, INC. ALL RIGHTS RESERVED.



MASTER PLAN MODIFICATION

ALL CONCEPTS AND VIEWS ARE PRELIMINARY AND SUBJECT TO CHANGE WITHOUT NOTICE. THE DESIGN AND CONSTRUCTION SHALL BE THE RESPONSIBILITY OF THE CLIENT. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AUTHORITIES. THE DESIGN AND CONSTRUCTION SHALL BE THE RESPONSIBILITY OF THE CLIENT. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AUTHORITIES. THE DESIGN AND CONSTRUCTION SHALL BE THE RESPONSIBILITY OF THE CLIENT. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AUTHORITIES.



Milestone Associates
Imaging
A California Corporation

1000 JACKSON ROAD, SUITE 1002
FRESNO, CALIFORNIA 93701
TEL: 559-252-4833
FAX: 559-252-4833

MASTER PLAN MODIFICATION

PROPOSED TRAVEL CENTER
LION BUILDERS, INC.
46272 WEST PANOCH ROAD
FIREBAUGH, CA 93622
A.P.N. 027-180-055

DATE: 06-01-20

SCALE: 1" = 80'

DRAWN BY: STAFF

JOB NUMBER: 16-030

SHEET: PP

REVISIONS

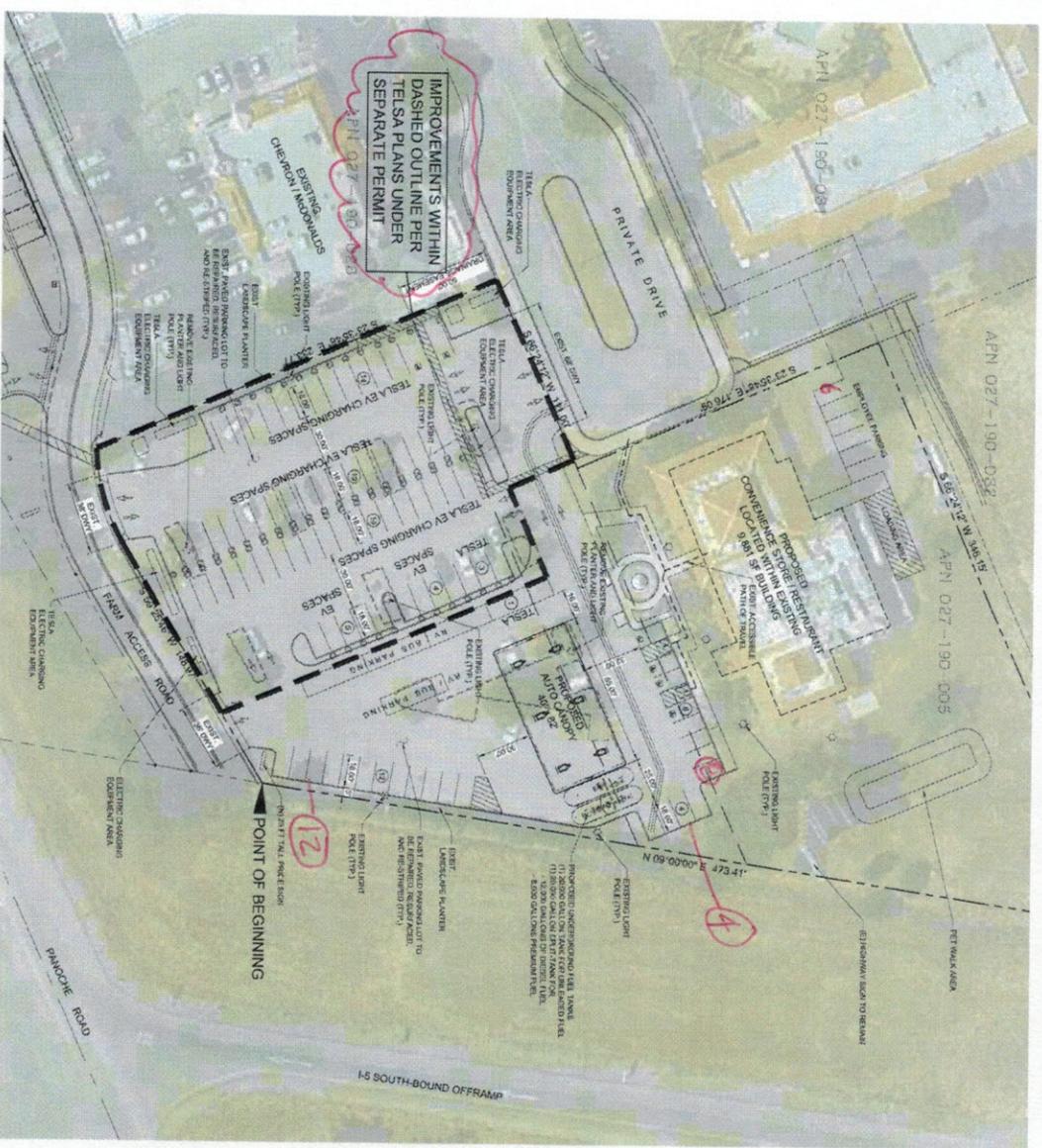
No.	Description	Date

SUBMITTAL DATE

PLANNING DEPT: 06-01-20
 BUILDING DEPT:
 PUBLIC WORKS:
 SUBJECT:

Proposed Travel Center

EXHIBIT 6
46272 WEST PANOCHÉ ROAD, FIREBAUGH, CA 93622



PLOT PLAN

SCALE: 1" = 30'

Milestone Associates
Imagining California

1000 LANTANA BLVD, SUITE 100
FRESNO, CA 93720
TEL: 510-755-4315
FAX: 510-755-1041

COUNTY OF FRESNO
PROJECT LOCATION

LOT DATA

A.P.N.	027-190-055
PARCEL SIZE	144,227 SF (2.62 AC)
ZONED	R-16 (RESIDENTIAL SINGLE-FAMILY)
EXISTING USE	RESTAURANT (CLOSED)
PROPOSED USE	RESTAURANT, CONVENIENCE STORE, NEW FUEL PUMPS AND OVERHEAD CANOPY, AND NEW TRUCK AND TRAILER VEHICLE CHANGING STATIONS (9,861 SF)

PARKING DATA

REQUIRED	ONE PARKING SPACE = 9' x 18' = 162 SF	17 SPACES
	CONVENIENCE STORE (1,268 SF)	71 SPACES
	(2 SF PER 1 SF OF RETAIL SPACE) / 162 SF	
	RESTAURANT (6,000 SF RETAIL SPACE)	71 SPACES
	(2 SF PER 1 SF OF RETAIL SPACE) / 162 SF	
	RESTROOMS, STORAGE, KITCHEN AREAS (2,223 SF)	N/A
PROVIDED		91 SPACES
	STANDARD SPACE	20 SPACES
	ACCESSIBLE SPACE	4 SPACES
	TESLA SPACES	54 SPACES
	EV/CHARGING SPACE	2 SPACES
	ACCESSIBLE EV SPACE	8 SPACES
	ADDITIONAL CHARGING SPACES (EV/ BUS SPACES)	83 SPACES
	PROVIDED	

- SCOPE OF WORK**
- REMODEL EXISTING RESTAURANT BUILDING TO INCLUDE A RESTAURANT, CONVENIENCE STORE, AND NEW FUEL PUMPS AND OVERHEAD CANOPY. THIS WILL BE REMODELED AS REQUIRED FOR NEW CONVENIENCE STORE.
 - ADD NEW FUEL ISLANDS WITH OVERHEAD CANOPY, TO EXISTING PARKING LOT.

APPLICANT
DEERPINDER & GRENVAL
LION BUILDERS, INC.
3323 PENROCK STREET
FRESNO, CA 93720
PHONE: (559) 586-2978

PLOT PLAN
PROPOSED TRAVEL CENTER
LION BUILDERS, INC.
46272 WEST PANOCHÉ ROAD
FIREBAUGH, CA 93622
A.P.N. 027-190-055

DATE: 08-01-20
SCALE: 1" = 30'
DRAWN BY: STAFF
JOB NUMBER: 19-010
SHEET: DD1

REVISIONS

No.	Description	Date

SUBMITTAL DATE
PLANNING DEPT: 08-01-20
BUILDING DEPT: 08-01-20
SUBMIT: 08-01-20

TOTAL: 6 FOR EMPLOYEES
REQ PER LOT PER JULY 12/21 = 13 STALLS
PARKING OUTSIDE DASHED AREA = 30 STALLS
24 STD. + 6 EMPLOYEES = 30 STALLS
PER SHIFT MWU REQ. 26 STALLS.



W Panoche

W Panoche Rd

W Panoche Rd

Subject: CUP application No. 3680, Public Hearing august 12, 2021

From: Mike Hamzy <Mike@harbisonint.com>

Date: 8/10/2021, 5:46 PM

To: "Shaw, Jeremy" <jshaw@fresnocountyca.gov>, "Luna, Hector" <HLuna@fresnocountyca.gov>

CC: Bob Shiralian <bobshiralian@aol.com>, Michael Navarro <michael.navarro@dot.ca.gov>, Prisca Shiralian <pshiralian@aol.com>

Dear Mr Shaw and Mr Luna

As per our phone conversation this afternoon. My Client Mr Shiralian had forwarded to me a copy of the Planning Commission Agenda for the Public hearing on this project. Will you please email me the link to the CUP application No. 3680 that includes the master site plan revisions for this area that was prepared for this project.

As, you recall, and as you see per the attached documents, My client Bob Shiralian purchased the Faster Freeze Site and tried to redevelop this site with a fast food and a convince store/ gas station ,(Similar to this CUP No. 3680 that the county is reviewing), the County Senior planner Marianne Mollring after meetings with both of you and her and meeting with the County Supervisor Brian Pacheco, Marianne insisted on my client up-antedating the old master plan for this area and reflect all road circulations prior to excepting his project. My client could not obtain approval nor assistant from the adjacent property owners to up-date the old master plan. and there for this requirement killed his project. The other concern by the county was at that time, that this area has way too many gas stations.

Since then, the County had approved a Taco Bell fast food restaurant, that was was not even on the original master site plan. Today the county is considering to allow the modifications to this existing restaurant site to a gas station, convenience store, and a restaurant (9600 sq.ft. building) and and Eclectic charging stations, without the modifications to the original master site plan, and without addressing the traffic circulations and the traffic impact on the existing private road.

By approving this project, without the modifications to the old master plan, and without addressing the new additional traffic that will be generated from this site at this location, the result of approving this project will be devastating to the existing business, and this additional traffic will place this intersection (Road A and Panoche Road) at level D or below and make it very difficult for existing bushiness to operate.

Further more, having a traffic signal near the state route I-5 will may cause traffic backing up to the freeway. The idea of building a turn about at the intersection of the off-ramps and Panoche Road will be very costly.

My client did not receive any notice on this project, he heard about it from an adjacent property owner yesterday. Mr. Shiralian contacted the county and he discovered that the county sent the notice to the wrong address. Since my client is out of town and did not receive a notice in adequate time, he is requesting to delay the planning hearing on CUP application No. 3680 to next month and to give him adequate time to review the conditions of approvals on this project.

We will be looking forward to your reply.

Thank you,

Mike A. Hamzy
Principal
Harbison International, Inc.
<http://www.Harbisonint.com>
Harbison Logo



Harbison International, Inc.

Engineers - Surveyors - Planners

2755 E. Shaw Ave., Suite 101 - Fresno, CA 93710, USA

Tel: 559-294-7485 Fax: 559-294-7481

Website: www.harbisonint.com

Email: Mike@Harbisonint.com

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— Attachments: —

CCE08102021.pdf	6.7 MB
SITE PLAN (8-3-18)-.pdf	264 KB
TOPO (7-24-18)-Layout1.pdf	3.5 MB

Item # 9
11-2-2021

THE FREEMAN LAW GROUP, LLP

8050 N. Palm Avenue, Suite 300
Fresno, California 93711
PH: (559) 389-5811 / FAX: (559) 389-5900
jordan@freemanlawgroupllp.com

ENCLOSURE MEMORANDUM

VIA HAND DELIVERY

DATE: August 27, 2021

TO: Clerk of the Board
County of Fresno
Department of Public Works and Planning
2281 Tulare Street, Room 301
Fresno, California 93721

RE: Appeal of CUP No. 3680

WE FORWARD THE FOLLOWING:

1. Notice of Appeal of Planning Commission Decision;
2. Appeal fee: \$508.00

Thank you for your attention to this matter.

THE FREEMAN LAW GROUP, LLP

By Jared King
Jared King, for Jordan M. Freeman



RECEIVED
AUG 27 2021

CLERK. BOARD OF SUPERVISORS

For Office Use Only	
Date received:	8/27/21
Copied to:	W. Koffy, C. Motta, D. Tascellio
Date copy sent:	8/27/21 A. Samson
Hearing set for:	

NOTICE OF APPEAL OF PLANNING COMMISSION DECISION

Date: August 26, 2021

Appeal Fee: \$508 – Due when filing appeal

APPELLANT FILL IN BELOW THIS LINE, THIS SIDE ONLY – PLEASE PRINT OR TYPE

Project Site Address

46272	W. Panoche Road	Ftrebaugh	93622	027-190-05S
Number	Street	City	Zip	Assessor's Parcel Number

Appellant's Information

Name: Chase, Inc. and J.S.T., LLC

Mailing Address: 8050 N. Palm Ave., Suite 300
Fresno, CA 93711 (c/o Jordan Freeman)

Telephone: (559) 389-5811

Applicant's Information check if same as Appellant)

Name: Deepinder S. Grewal

Mailing Address: 3323 Pendragon Street
Bakersfield, CA 93313

Telephone (661) 900-9578

Subject of Appeal

I wish to appeal the Planning Commission's decision to Approve Deny

Variance Application No.* _____

Conditional Use Permit No. 3680

Director Review and Approval Application No. _____

Tentative Tract Application No. _____

Amendment Application No. _____

Amendment to Text Application No. _____

Other: _____

Date of Planning Commission Action August 12, 2021

Reason(s) for Appeal (Attach additional sheets if necessary)

See Attachment

Jordan M Freeman

Appellant's Signature Jordan M. Freeman, Esq.
The Freeman Law Group, LLP

On behalf of Appellants; Chase, Inc. and J.S.T., LLC

* Fresno County Zoning Ordinance § 877(c) requires that any appellant, other than the applicant, County Department Director, or Board of Supervisors member, must be a property owner within a certain distance from the Variance Application property. The Department of Public Works and Planning will verify that the ordinance requirements are met. If the requirements are not met, the appeal fee will be returned and no date for appeal hearing before the Board of Supervisors will be set.

Please return completed form to Clerk of the Board, 2281 Tulare Street, Room 301, Fresno, CA 93721.

ATTACHMENT TO APPEAL

Chase, Inc., a California corporation (“Chase”) and J.S.T., LLC, a California limited liability company (“JST”) (sometime referred to collectively as “Appellants”), are property owners in close proximity to the real property commonly known as 46272 W. Panoche Road (the “Subject Site”), the subject site of CUP No. 3680 (the “Application”). Appellants wish to appeal the decision of the Planning Commission to Approve the Application at the meeting held on August 12, 2021.

Chase is the owner of the real property commonly known as 42681 W. Panoche Rd, Firebaugh, CA 93622, on which is located a Foster Freeze fast food restaurant, to the south of the Subject Site. Additionally, Chase leases the real property commonly known as 46310 W. Panoche Rd., Firebaugh, CA 93622, located approximately 150 yards to the west of the Subject Property, upon which Chase has developed and operates a Valero service station.

JST is the owner of the real property commonly known as 46370 W. Panoche Rd., Firebaugh, CA 93622, located approximately 150 yards to the west of the Subject Property, upon which JST has developed and operates a 76 service station and Westside Food Mart.

Appellants are appealing because the application for the Application contains far too few parking spaces, which violates applicable zoning ordinances and will exacerbate traffic in the area. Therefore, the Application cannot satisfy Findings 1 or 3 required under Fresno County Zoning Ordinance, Section 873-F.

A. The Application and the Staff Report Erroneously Calculated Parking Spaces Based Upon Net Floor Space

At the meeting, the county staff submitted the Planning Commission Staff Report (“Staff Report”), a copy of which is attached hereto. The Staff Report included the design plan for the project that was submitted by Milestone Associates Imagineering (“Milestone”).

The Staff Report, in determining Finding 1 (See Staff Report, page 4), indicates that the parking standard for the Subject Site is C-4 Zone District, which requires a “[m]inimum of two (2) square-feet of off-street parking for each one (1) square-foot of gross floor space or fraction thereof.” (Emphasis added.)

The gross floor space for the building on the Subject Site is 9,881 square feet. (See Staff Report, page 1.) The building is a restaurant that will be “renovated to include a restaurant food court and convenience store.” (See Staff Report, pages 1 and 2.) Given the square footage of the building, the required square-feet of off-street parking per the Staff Report is two times 9,881, or, 19,762 square-feet of parking space.

In its calculations, Milestone did not use the gross floor space of 9,881 square feet. Instead, it used a net floor space by excluding 2,523 square feet attributed to “restrooms, storage, [and] kitchen areas.” (See Staff Report, Exhibit 6, page 1.) With this exclusion, Milestone used the remaining 7,358 square-feet of net floor space to determine 14,716 square-feet of parking space,

which is 5,046 square feet less than the required minimum of 19,762 square feet based upon the gross floor space.

Milestone's design indicates a parking space size of 9' x 18', or, 162 square feet. (See Staff Report, Exhibit 6, page 1.) Based on the building size and the size of the parking space, there should be 122 parking spaces. ($19,762 \div 162 = 122$.) However, under Milestone's improper calculations, the design indicates a minimum of 91 parking spaces and calls for 93 parking spaces, on which the Staff Report erroneously concluded that the parking standard was met. (See Staff Report, page 4.) The planned number of spaces is 29 spaces less than the minimum amount when properly accounting for the gross floor space. ($93 \text{ planned} - 122 \text{ minimum} = -29$.)

B. The Application And The Staff Report Erroneously Include Charging Stations As Parking Spaces In Evaluating The Parking Space Requirements

There second problem with the parking calculations. Milestone improperly counted electric vehicle charging stations as parking spaces for purposes of determining whether the off-street parking standard has been met. The design calls for 69 charging stations and only 24 parking spaces. (See Staff Report, Exhibit 6, page 1.)

No analysis or reference to any zoning ordinances is provided to justify deeming a charging station as the equivalent of a parking space. Drivers of non-electric vehicles are not going to perceive a charging station spot as the equivalent of a parking space, just as no one would regard a spot adjacent to a fuel pump to be the equivalent of a parking space. With only 24 actual parking spaces in the Application, the Application is 98 parking spaces short of the 122 minimum parking spaces. In percentage terms, the Application only has 19.7% of the parking spaced required under the C-4 Zone District

C. The Application And The Staff Report Failed To Apply The Requirements Of Fresno County Zoning Ordinance Section 855-I.2.H In Calculated The Required Number Of Parking Spaces

There is yet another problem with the parking calculations. The Staff Report and Milestone apply the wrong standard to determine the minimum square footage for off-street parking. The Staff Report states that Section 860 of the Zoning Ordinance provides the regulations for Interstate Freeway Commercial Development. (See Staff Report, page 4.) One of the commercial developments governed by Section 860 is the interchange of Interstate 5 and Panoche Road (Section 860.A.1.a.), wherein the Subject Site is located. (See Staff Report, page 4.)

Section 860 provides the Development Standards for all land and structures being developed under the section. (See Section 860.E.) These include standards for Off-Street Parking, which states: "The provisions of the 'C-4' District, Section 836.5-I.1 and 2, shall apply." (See Section 860.E.4.)

Although the Staff Report referenced C-4 District for the parking standard, it incorrectly applied that district's regulations. Section 836.5-I.1.a. states: "There shall be at least two (2) square feet of off-street parking for each one (1) square foot of gross floor space or fraction thereof,

provided, however, that if such use falls into any of the special uses in the General Conditions, Section 855-I, such General Conditions shall apply." (See Section 836.5-I.1.a, emphasis added.) Consequently, reference must be made to Section 855-I to determine if the planned use falls into any of the special uses in that section.

Section 855-I.2 provides several "Special Use Requirements". Among them, Section 855-I.2.h provides the Special Use Requirements "For Establishments for the Sale and Consumption on the Premises of Food and Beverages" and states that for such establishments "[h]aving more than four thousand (4,000) square feet of gross floor area: There shall be forty (40) parking spaces, plus one (1) for each fifty (50) square feet in excess of four thousand (4,000) square feet." (See Section 855-I.2.h.)

As referenced above, the building on the Subject Site is intended to become a restaurant food court and convenience store. (See Staff Report, Exhibit 6, p. 2.) The design includes a seating area near a sales counter area and kitchen area. (*Ibid.*) The Subject Site will thus include an establishment for the sale and consumption on the premises of food and beverages. It is therefore subject to the additional off-street parking requirements of Section 855-I.2.h.

Given the building's gross floor area of 9,881 square feet, the required number of parking spaces is 158. (40 for the first 4,000 sq. ft. plus 118 for the remaining 5,881 sq. ft. (5,881 ÷ 50).) The planned 24 parking spaces is therefore 134 spaces below the required minimum of 158 parking spaces for an establishment of 9,881 square feet for the sale and consumption on the premises of food and beverages. In percentage terms, the Application only has 15.2% of the parking spaced required under the Fresno County Zoning Ordinance, Section 855-I.2.h.

D. As A Result Of Inadequate Parking, The Required Findings Cannot Be Made

Fresno County Zoning Ordinance, Section 873-F sets forth the five (5) required findings for the Application to be approved.

Finding 1 is as follows:

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.

As set forth above, under Fresno County Zoning Ordinance, Section 855-I.2.h, the Application is required to provide 158 parking spaces, but only provides 24. Consequently, under any analysis, the Subject Site is not adequate in size and shape to accommodate the proposed restaurant and food court, service station, and electric charging station use and the parking spaces required for those uses. Finding 1 cannot be made.

Finding 3 is as follows:

That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.

The severely inadequate parking on the Subject Site will necessitate that the customers, employees, services providers, and other invitees to the Subject Property park on the street or utilize the onsite parking of the adjacent property. Increased street parking will exacerbate traffic flow in the area. Increased overflow parking from the Subject Property onto the abutting and nearby property will clearly have an adverse effect on abutting property and surrounding neighborhood. Finding 3 cannot be made.

E. Conclusion

For the reasons stated above, Appellants respectfully request that the Board of Supervisors reverse the decision of the Planning Commission and disapprove the Application by resolution pursuant to Zoning Ordinance, Section 873.H.2.