



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII-D
COMMISSION MEETING 6-20-12

APPROVED BY

[Signature]
DEPARTMENT DIRECTOR *m. Scott*

June 20, 2012

FROM: MIKE SANCHEZ, Planning Manager
Development Services Division *[Signature]*

THROUGH: SOPHIA PAGOULATOS, Supervising Planner
Development Services Division *[Signature]*

BY: ISRAEL TREJO, Planner
Development Services Division *[Signature]*

SUBJECT: CONSIDERATION OF AN APPEAL OF DIRECTOR ACTION APPROVING
CONDITIONAL USE PERMIT APPLICATION NO. C-11-182 AND ENVIRONMENTAL
FINDING FOR ENVIRONMENTAL ASSESSMENT NO. C-11-182, 4305 EAST TULARE
STREET

RECOMMENDATION

Upon consideration of staff evaluation, it can be concluded that proposed Conditional Use Permit Application No. C-11-182 is appropriate for the project site. Therefore, staff recommends the Planning Commission take the following actions:

- 1. APPROVE the environmental finding of Environmental Assessment No. C-11-182 dated May 17, 2012, a determination that the proposed project is exempt from CEQA through a Class 1 and Class 32 Categorical Exemption.
- 2. DENY the appeal and UPHOLD the action of the Development and Resource Management Department Director approving Conditional Use Permit Application No. C-11-182 subject to the following:
 - a. Development shall take place in accordance with the Conditions of Approval for Conditional Use Permit Application No. C-11-182 dated May 18, 2012.

EXECUTIVE SUMMARY

Conditional Use Permit Application No. C-11-182, filed by Cynthia Zamora on behalf of Chu Yang & Kay Xiong, pertains to property located on East Tulare Street between North Cedar and North Rowell Avenues. The applicant requests authorization to convert the rear portion of an existing commercial building into a 1,130 square foot single-family residence under the mixed use ordinance of the Fresno Municipal Code (FMC). A single car garage is also proposed at 323 square feet. The subject building contains 5,463 square feet and is currently occupied by a flower shop and a restaurant; said tenants will remain after the rear portion of the building is converted to a single-family residence. The Development and Resource Management Department Director approved the subject conditional use permit application on May 18, 2012. In accordance with the Special Permit Procedure of the Fresno Municipal Code, a notice of granting of the conditional use permit application was mailed to property owners within 350 ft. of the subject site. In response to this notice, an appeal letter was received (Exhibit C).

PROJECT INFORMATION

PROJECT	Conditional Use Permit Application No. C-11-182 is a request to convert the rear portion of an existing commercial building into a 1,130 square foot single-family residence under the mixed use ordinance of the FMC. A single car garage is also proposed at 323 square feet. The subject building is currently occupied by a flower shop and a restaurant; said tenants will remain after the rear portion of the building is converted to a single-family residence
APPLICANT	Cynthia Zamora on behalf of Chu Yang & Kay Xiong
LOCATION	Located on East Tulare Street between North Cedar and North Rowell Avenues
SITE SIZE	± 6,300 square foot lot and 5,463 square foot building
LAND USE	Existing - Neighborhood Commercial Proposed - No Change
ZONING	C-5 (<i>General Commercial District</i>) zone district
PLAN DESIGNATION AND CONSISTENCY	The request to convert the rear portion of an existing commercial building into a 1,130 square foot single-family residence under the mixed use ordinance of the FMC is consistent with the existing C-5 zone district and the Neighborhood Commercial planned land use designation of the 2025 General Plan and the Roosevelt Community Plan
ENVIRONMENTAL FINDING	Staff has determined that the proposed project is exempt from CEQA through a Class 1 and Class 32 Categorical Exemption, dated May 17, 2012
PLAN COMMITTEE RECOMMENDATION	There is no District 7 Plan Implementation Committee at this time
STAFF RECOMMENDATION	Staff recommends denial of the appeal and to uphold the approval of Conditional Use Permit Application No. C-11-182 subject to the Conditions of Approval dated May 18, 2012

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Medium Density Residential	R-1 (<i>Single-Family Residential District</i>)	Single-Family Residential
East	Neighborhood Commercial	C-5 (<i>General Commercial District</i>)	Commercial
South	Public Facilities – High School	R-1 (<i>Single-Family Residential District</i>)	Roosevelt High School
West	Neighborhood Commercial	C-5 (<i>General Commercial District</i>)	Commercial

ENVIRONMENTAL FINDING

The proposed project was determined to be exempt from the California Environmental Quality Act (CEQA) on May 17, 2012, under a Class 1 and 32 Categorical Exemption. Section 15301/Class1 of CEQA consists of, in part, the operation, permitting, licensing, or minor alteration of existing private structures, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Under the Section 15332/Class 32 exemption, in-fill development that meets the following conditions is exempt from CEQA a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations, b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses, c) the project site has no value as habitat for endangered, rare or threatened species, d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and e) the site can be adequately served by all required utilities and public services.

BACKGROUND / ANALYSIS

Conditional Use Permit Application No. C-11-182, filed by Cynthia Zamora on behalf of Chu Yang & Kay Xiong, pertains to property located on East Tulare Street between North Cedar and North Rowell Avenues. The applicant requests authorization to convert the rear portion of an existing commercial building into a 1,130 square foot single-family residence under the mixed use ordinance of the Fresno Municipal Code (FMC). A single car garage is also proposed at 323 square feet. The subject building contains 5,463 square feet and is currently occupied by a flower shop and a restaurant; said tenants will remain after the rear portion of the building is converted to a single-family residence. The Development and Resource Management Department Director approved the subject conditional use permit application on May 18, 2012. In accordance with the Special Permit Procedure of the Fresno Municipal Code, a notice of granting of the conditional use permit application was mailed to property owners within 350 ft. of the subject site. In response to this notice, an appeal letter was received (Exhibit C).

Mixed Use Building Allowed Pursuant to a Conditional Use Permit

The proposed use is allowed under the Mixed Use Section (Sec. 12-325) of the FMC. Mixed use is a concept and/or design within whose boundaries residential uses are introduced and fully integrated with office, commercial and/or light industrial land uses, designed to offer and promote a user-friendly walking environment in a locale where residential uses are in close proximity to places of employment and commerce.

District 7 Plan Implementation Committee

There is no District 7 Plan Implementation Committee at this time.

ANALYSIS OF THE APPEAL LETTER

One appeal letter was received from a nearby property owner in response to the Notice of Granting issued for the project.

Below is an analysis of the issues raised in the appeal letter dated May 24, 2012 (Exhibit C).

Issue #1: We do not need people living in commercial buildings in a business district. A single-family residence is not conducive to this business district

Response:

The applicant proposes to convert the rear portion of an existing commercial building into a 1,130 square foot single-family residence. A single car garage is also proposed at 323 square feet. The existing building contains 5,463 square feet. The proposed use is allowed under the Mixed Use Section (Sec. 12-325) of the FMC. Mixed use is a concept and/or design within whose boundaries residential uses are introduced and fully integrated with office, commercial and/or light industrial land uses, designed to offer and promote a user-friendly walking environment in a locale where residential uses are in close proximity to places of employment and commerce.

Various goals and policies of the 2025 Fresno General Plan encourage the development of mixed uses to blend residential and commercial uses on one site. By promoting development on underutilized and/or older buildings, it is anticipated the overall quality of the urban environment will be improved.

Issue #2: Any residential development will encroach on my parking lot for customer parking (parking lot to the west). There is not adequate parking and we have plenty of parking issues already. It will cause more traffic congestion and undue burden upon our business to police the increased traffic and parking issues.

Response:

One off-street covered parking space (garage) is proposed (and required) for the proposed project. Therefore, the proposed residential development is not expected to encroach onto the adjacent parking lot. (Section 12-306-I.6.b of the FMC requires one parking space in a garage or carport for each single-family dwelling).

The subject property was developed without off-street parking. The property was developed some time before 1945. Parking available to the site is located on-street (Tulare Street) in front of the subject building. Pursuant to Section 12-306-I.2.1.d(1) of the FMC, no additional off-street parking is required upon a change of occupancy for any building which was constructed before February 13, 1954, provided that the parking area or space existing immediately before a change of occupancy is not reduced. Since no off-street parking was provided at the time the building was originally developed, no off-street parking is required to be provided.

By allowing the development of the single-family residence, the commercial component of the building is actually getting smaller; traffic to the building is expected to remain the same or decrease. Per Section 12-325 of the FMC, the intent of the mixed use section is to reduce the number of vehicular miles traveled by promoting alternative modes of transportation. The residence will be used by the owner of the building, he also operates the flower shop and restaurant and will now, if approved, live next to his workplace.

NOTICE OF PLANNING COMMISSION MEETING

The Development and Resource Management Department mailed notices of this Planning Commission hearing to surrounding property owners (and others) within 350 feet of the subject property (Exhibit D).

CONDITIONAL USE PERMIT APPLICATION REVIEW FINDINGS

No special permit may be issued unless it is found that the privilege exercised under the permit, as it may be conditioned, conforms to the findings of Section 12-405-A-2 of the Fresno Municipal Code. Based

upon analysis of the conditional use permit application, staff concludes that all of the required findings can be made for this conditional use permit application as follows:

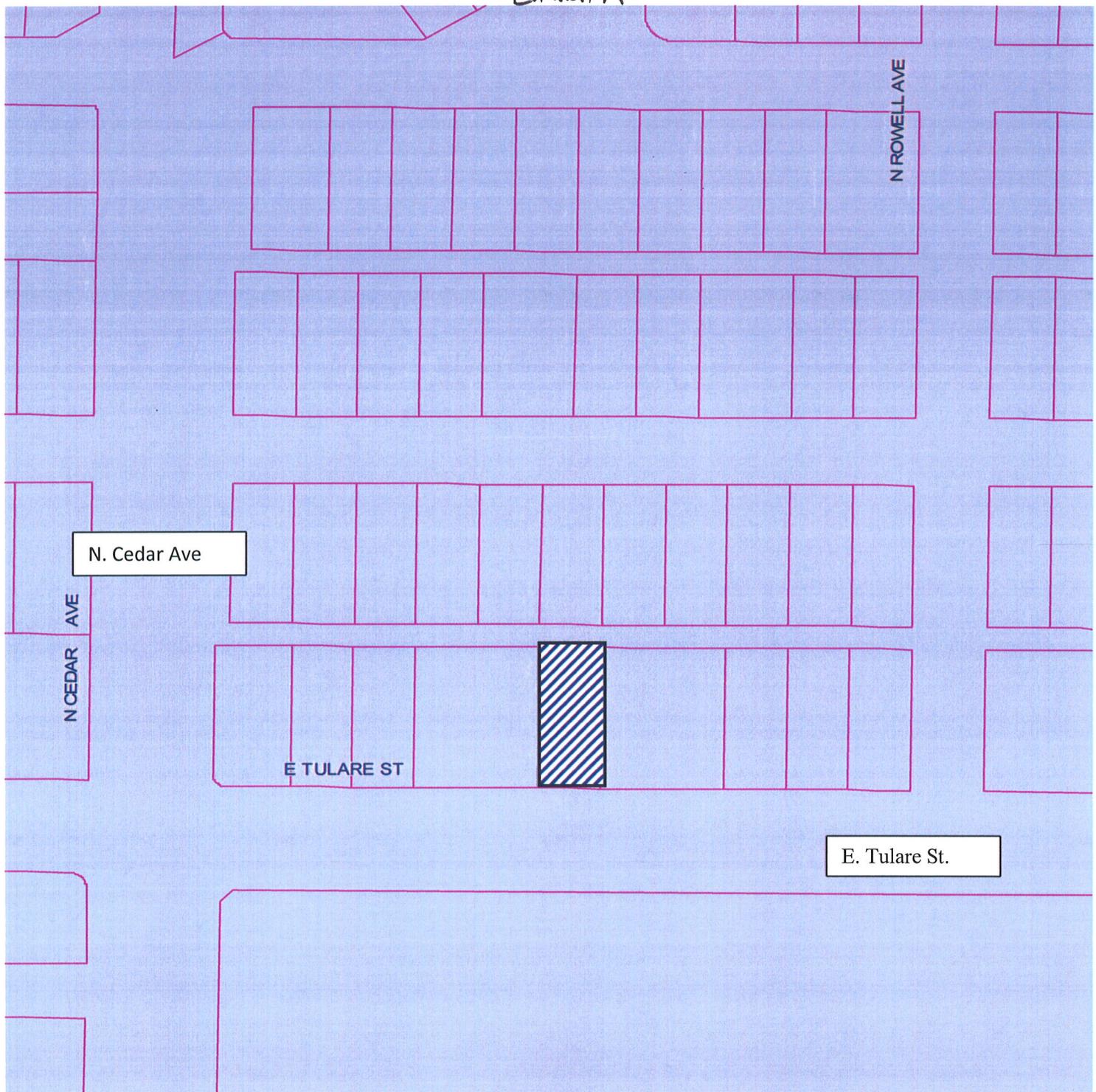
Findings per Fresno Municipal Code Section 12-405-A-2	
<p>a. <i>All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,</i></p>	
Finding a:	<p>Conditional Use Permit Application No. C-11-182 meets all provisions of the Code per the C-5 (General Commercial District) zone district in accordance with the Fresno Municipal Code. Furthermore, the applicant will be required to submit new exhibits, inclusive of all of the Conditions of Approval which will ensure that all requirements are met.</p>
<p>b. <i>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; and,</i></p>	
Finding b:	<p>The subject site is bordered by a collector street (East Tulare Street). The addition of one single-family dwelling unit is not expected to generate a substantial amount of traffic. The proposed project is consistent with uses allowed within the Neighborhood Commercial Plan Designation and the C-5 zone district. The adjacent street is adequate in width and pavement type to carry the quantity and kind of traffic generated by the project.</p>
<p>c. <i>The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. The third finding shall not apply to uses which are subject to the provision of Section 12-306-N-30 of the FMC.</i></p>	
Finding c:	<p>There is no substantial evidence to indicate that the proposed project will be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. The proposed project has been conditioned, said conditions are intended to help protect the public health, safety and welfare of patrons and surrounding properties. The proposed use, subject to the conditions of approval for this project, will not have a negative impact on either the subject site, or neighboring properties.</p>

Conclusion

In conclusion, given that all mandated conditional use permit findings required pursuant to Section 12-405-A-2 of the Fresno Municipal Code can be made for Conditional Use Permit Application No. C-11-182 and given that the project meets all requirements of a Class 1 and Class 32 Categorical Exemption and is thus exempt from CEQA, staff recommends that the Planning Commission deny the appeals and uphold the action of the Director as previously described in this staff report.

Attachments:	Exhibit A: Vicinity Map
	Exhibit B: 2011 Aerial Photograph of site
	Exhibit C: Appeal Letter dated May 24, 2012
	Exhibit D: Noticing Map (350-foot radius)
	Exhibit E: Conditions of Approval dated May 18, 2012
	Exhibit F: Site/Elevation/Floor Plan (Exhibit A within conditions of approval)
	Exhibit G: Comments from Responsible Agencies
	Exhibit H: Environmental Assessment No. C-11-182, dated May 17, 2012

Exhibit A



N. Cedar Ave

N ROWELL AVE

N CEDAR AVE

E TULARE ST

E. Tulare St.

LEGEND



Subject Property

VICINITY MAP

CONDITIONAL USE PERMIT NO. **C-11-182**

PROPERTY ADDRESS

4305 East Tulare Street



Not To Scale

A.P.N.: 460-303-17

ZONE DIST.: C-5

BY/DATE: _____



2011 Aerial

North Cedar Ave.

E Iowa Ave

N Rowell Ave

East Tulare St.

E Tulare Ave

Subject Property

Data SIO, NOAA, U.S. Navy, NGA, GEBCO
© 2012 Google

36°44'36.25" N 119°45'11.96" W

Apr 26, 2011

Eye alt 226 m

Google

Exhibit C

RECEIVED

MAY 24 2012

DEVELOPMENT DEPARTMENT
CITY OF FRESNO

May 24, 2012

City of Fresno
Development and Resource Management Department
2600 Fresno Street Room 3043
Fresno CA 93721

RE: Conditional Use Permit Application No. C-11-182

Gentleman,

I am protesting the Directors decision to allow a single family residence in a commercial building at 4305 E Tulare Street, Fresno Ca 93702. The property is zoned C-5 General Commercial. We do not need people living in commercial buildings in a business district and across the street from a high school.

I own and operate Winton's Vista Pharmacy, an 80 year old business, at 4233 E. Tulare Street. I also own the adjacent parking lot which is on the west side of 4305 E. Tulare. This parking lot is for Winton's customers. I do not provide parking for others.

Any residential development will encroach on my parking lot for customer parking. There is not adequate parking and we have plenty of parking issues already.

The commercial buildings on east Tulare Street are for commercial use only. This strip is located opposite Roosevelt High School and has been a commercial business district since the early 1930s.

Single family residence is not conducive to this business district. It will cause more traffic congestion and undue burden upon our business to police the increased traffic and parking issues.

This is a business neighborhood. By allowing this to happen will just open the door for more housing in this business district in other vacant buildings.

This application should be denied.

James T Winton
C-11-182 APN: 46030326

Inc. City of Fresno Permit Application

Cc Councilman Clint Olivier
Cc Councilman Sal Quintero

Exhibit D

Request ID: C-11-182

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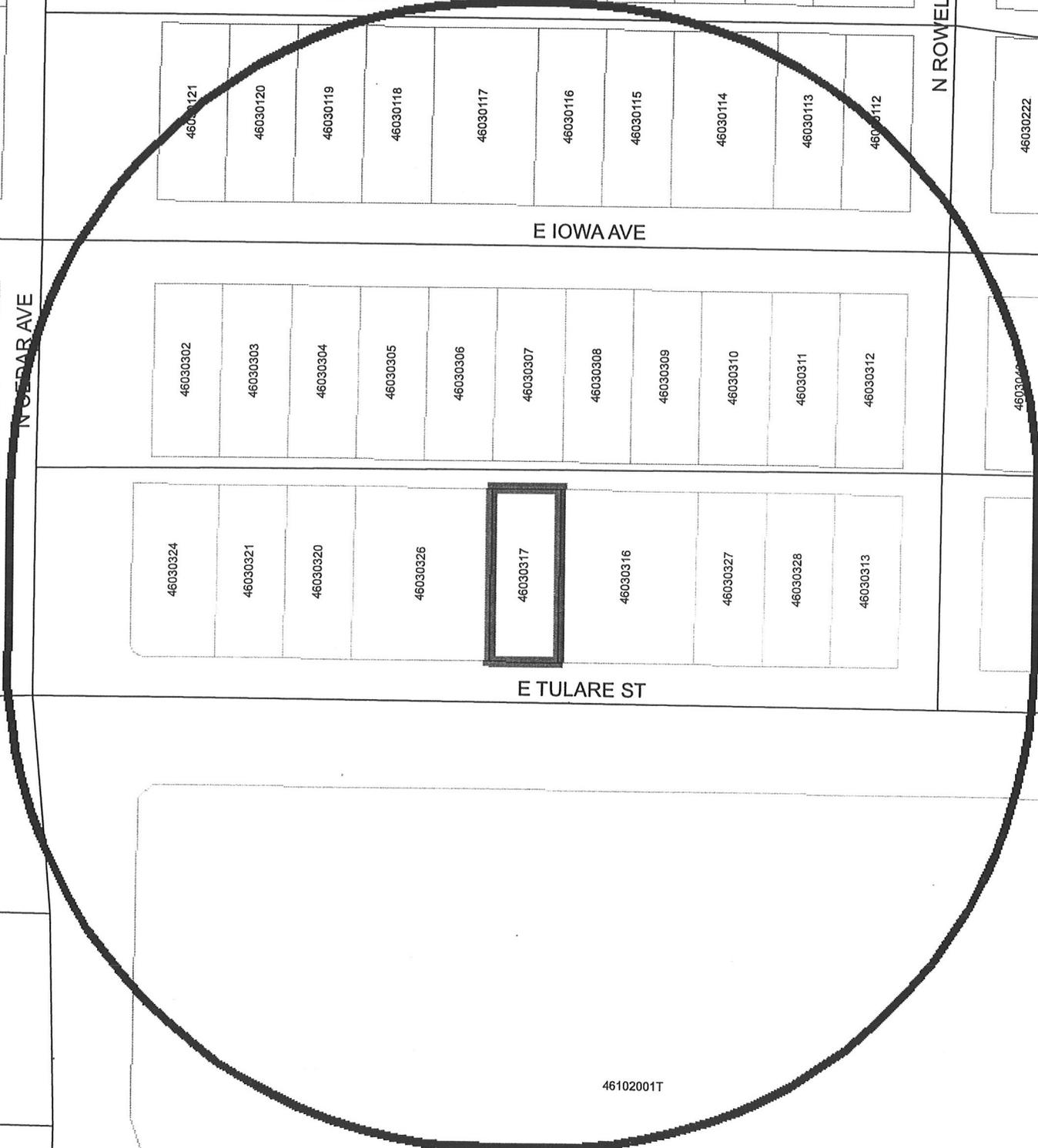
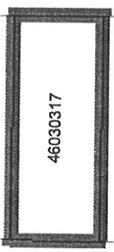


Exhibit E

CITY OF FRESNO
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

CONDITIONS OF APPROVAL
MAY 18, 2012

CONDITIONAL USE PERMIT APPLICATION No. C-11-182

PART A - PROJECT INFORMATION

1. Assessor's Parcel No: 460-303-17
2. Job Address: 4305 East Tulare Street
3. Existing Zoning: C-5 (*General Commercial District*) zone district
4. Planned Land Use: Neighborhood Commercial
5. Plan Areas: The Roosevelt Community Plan and the 2025 Fresno General Plan
6. Project Description: Request to convert the rear portion of an existing commercial building into a 1,130 square foot single-family residence under the mixed use ordinance of the Fresno Municipal Code. The commercial portion of the building contains a flower shop and a restaurant

PART B - GENERAL CONDITIONS AND REQUIREMENTS

The Development and Resource Management Director on May 18, 2012, approved the special permit application subject to the enclosed list of conditions and Exhibit A dated December 9, 2011.

To complete the back-check process for building permit relative to planning and zoning issues, submit four copies of this corrected, final site plan, together with two copies of the elevations, landscape, and irrigation plans, and any required covenants and/or studies or analyses to the Planning Division, Current Planning Section, for final review and approval, ten days before applying for building permits.

Copies of this final approved site plan, elevations, landscape, and irrigation plans stamped by the Planning Division **must be substituted** for unstamped copies of same in each of the four sets of construction plans submitted for plan check prior to issuance of building permits. The final approved site plan must also include all corrections identified in the plan check process.

Be advised that on-site inspections will not be authorized unless the final stamped approved site plan, elevations, landscape, and irrigation plans are included in the plan check file copy.

Please call for an appointment for final sign-off for building permits following your receipt and substitution of the four copies of the stamped, corrected, approved exhibits in the plan check sets. Contact Israel Trejo at (559) 621-8044 or via e-mail at Israel.Trejo@fresno.gov to schedule an appointment.

IMPORTANT: PLEASE READ CAREFULLY

Please note that this project may be subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval are listed in the last section of this list of conditions under the heading "Part F - Miscellaneous" and may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings pursuant to Fresno Municipal Code (FMC) Section 12-405.A can be made.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed in writing to the Development and Resource Management Director within 15 days.

In the event you wish to appeal the Director's decision or discretionary conditions of approval, you may do so by filing a written appeal with the Director. The appeal shall include a statement of your interest in or relationship to the subject property, the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld. Your appeal must be filed by June 2, 2012.

Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:

1. All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;
2. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property;
3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. This special permit is

granted, and the conditions imposed, based upon the Operation Statement provided by the applicant. The Operation Statement is material to the issuance of this special permit. Unless the conditions of approval specifically require operation inconsistent with the Operation Statement, a new or revised special permit is required if the operation of this establishment changes or becomes inconsistent with the Operation Statement. (See conditions below, which require operation inconsistent with the Operation Statement). Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the special permit or any other enforcement remedy available under the law. The Development and Resource Management Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.

No uses of land, buildings, or structures other than those specifically approved pursuant to this site plan shall be permitted. **(Include this note on the site plan.)**

Transfer all red line notes, etc., shown on all original site plan exhibits to the final site plan. CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.

The exercise of rights granted by this special permit must be commenced by June 2, 2016 (four years from the date of Director approval). There is no exception.

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservation or exactions imposed on the development project.

This notice does not apply to those fees, dedications, reservations or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

PART C - PUBLIC IMPROVEMENT REQUIREMENTS

The following requirements are based on city records and the accuracy of the existing and proposed on-site and off-site conditions depicted on the exhibits submitted. Requirements not addressed due to omission or misrepresentation of information, for which this review process is dependent, will be imposed whenever such conditions are disclosed.

Questions relative to dedications, street improvements or off-street parking geometrics may be directed to Louise Gilio at (559) 621-8678 of the Public Works Department, Traffic Engineering Division.

SURVEY MONUMENTS AND PARCEL CONFIGURATION

- a) All survey monuments within the area of construction shall be preserved and if disturbed, shall be reset by a licensed land surveyor of the State of California.

CITY WIDE DEVELOPMENT IMPACT FEES

- a) Traffic Signal Fee. This project shall pay its Traffic Signal Mitigation Impact Fee at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual. Refer to the adopted Master Fee Schedule for fee rate. This fee shall be paid at time of building permit.

OTHER AGENCIES IMPACT FEES

- a) Satisfy the Fresno County Facilities Impact Fee Obligation. Provide County Facilities Impact Fee receipt from the County Public Works and Planning Department (488-3496) as proof of payment or exemption prior to issuance of permits. The requirement to pay this fee is currently suspended. However, this fee will be required if the fee has been reinstated at the time of issuance of building permits for this project.
- b) Satisfy the Fresno County Regional Transportation Mitigation Fee (RTMF), as required by the RTMF Joint Powers Agency (559-233-4148). The RTMF Informational Summary and the Record of Payment forms are available at the Planning and Development public counter.
- c) The completed Record of Payment of the RTMF form of the must be submitted to the City prior to the issuance of building permits. Prior to issuance of the Certificate of Occupancy, the Record of Payment of the RTMF form must be signed indicating the Disposition of RTMF by the RTMF JPA.

PART D - PLANNING/ZONING REQUIREMENTS

1) PLANNING

- a) Development is subject to the following plans and policies:
 - i) C-5 (*General Commercial District*)
 - ii) Roosevelt Community Plan
 - iii) 2025 Fresno General Plan

2) MIXED USE

- a) The proposed use is allowed under the Mixed Use Section (Sec. 12-325) of the Fresno Municipal Code.
- b) Pursuant to Section 12-325.D of the FMC, the total number of residential dwelling units will be determined on a case-by-case basis as part of the overall evaluation of a project. The one proposed living unit is deemed to be acceptable.

- c) Pursuant to Section 12-325.E.1 of the FMC, the mix of residential use with commercial uses shall occur both in the horizontal and vertical axes, except that the Director may waive the requirement for a vertical mix of use. Since the project consists of an interior improvement to an existing building, the requirement for uses in the vertical axes is waived.
- d) Pursuant to Section 12-325.E.2 of the FMC, each building within a mixed use project shall have a minimum of two stories. However, pursuant to Section 12-325.E.3, property development standards shall be determined by the review analysis of the project. Since the project consists of an interior improvement to an existing building, the requirement for a two story building is waived.

3) BUILDING HEIGHT

- a) Pursuant to section 12-221.5.D of the FMC, no building or structure erected in this District shall have a height greater than sixty (35) feet.

4) LOT COVERAGE

- a) Pursuant to section 12-221.5.G of the FMC, there is no maximum lot coverage.

5) BUILDING SETBACK, OPEN SPACES AND LANDSCAPING

- a) No new building is proposed. All setbacks shall remain as existing.
- b) Clearly identify all condensing units, air conditioning and heating units on the site and elevation plans.
- c) No structures of any kind (*including free standing signs and/or fences*) may be installed or maintained within the above-landscaped areas. No exposed utility boxes, transformers, meters, piping (excepting the backflow prevention device), etc., are allowed to be located in the landscape areas or setbacks or on the street frontages of the buildings. All transformers, etc., shall be shown on the site plan. The backflow device shall be screened by landscaping or such other means as may be approved. **(Include this note on the site plan.)**

5) SPACE BETWEEN BUILDINGS

- a) Not applicable; no new building is proposed.

6) FENCES, HEDGES, AND WALLS

- a) All fences, hedges and walls must comply with section 12-306-H of the FMC. No fences, hedges or walls were shown on the subject site plan.
- b) Temporary fences to secure projects under construction are allowed. Any temporary fence shall be adequately secured and constructed to prevent overturning due to wind, vandalism, and/or casual contact by the general public. The construction shall be performed in such a manner as to minimize any potential safety hazard, which may occur as a result of improper fence installation or damage to the fence.

- c) Future fences shall be reviewed and approved by the Development and Resource Management Department prior to installation. **(Include this note on the site plan.)**

7) OFF-STREET PARKING

- a) One off-street covered parking space (garage) is required for the proposed project. No additional off-street parking (other than existing parking) is required pursuant to Section 12-306-L.2.1.d(1) of the FMC (the building was constructed before February 13, 1954).
- b) Lighting where provided to illuminate parking shall be hooded and so arranged and controlled so as not to cause a nuisance either to highway traffic or to the living environment. The amount of light shall be provided according to the standards of the Department of Public Works. **Depict all proposed lights on the site plan.**

8) LOADING SPACE REQUIREMENTS

- a) Comply with the loading zone requirement pursuant to Section 12-306-L of the FMC. Every commercial building when occupied by a use which involves pick-up and delivery of materials (other than normal solid waste collections) from trucks and tractor-trailers weighing more than two tons, shall provide and maintain a loading space(s) per the FMC. Depict the loading space on the site plan. The minimum dimensions for a loading space are 12' x 40'.

9) ACCESS

- a) Vehicular and pedestrian access shall be provided and shall remain clear at all times.

10) ADDRESSING

- a) **Only those addresses assigned by the City of Fresno will be recognized as 'Official Addresses'. The address the applicant provided for the subject site is 4305 East Tulare Street. There will be three occupants of the subject building (flower shop, restaurant and residence); consult with the Planning Division on obtaining addresses for each tenant prior to pulling building permits for the residence.** The United States Post Office will only recognize addresses assigned by the City of Fresno. If a non-official address is given to a building and or/separate suites, the City of Fresno has the authority to charge a fee and have those addresses corrected. In addition, the United States Post Office will cease mail delivery to those addresses that are not 'Official Addresses'.

11) OUTDOOR ADVERTISING

- a) Signs, other than directional signs, are not approved for installation as part of this special permit. **(Include this note on the site plan.)** Should additional signs be needed, the applicant must submit for a Sign Review Permit and/or Master Sign Permit. Applications and requirements for submittal are available at the Planning Division's Public Front Counter.

PART E - CITY AND OTHER SERVICES

12) TRANSPORTATION/TRAFFIC PLANNING REQUIREMENTS

- a) Comply with the attached Public Work Department memorandum, dated January 27, 2012.

13) PUBLIC UTILITIES REQUIREMENTS

- a) Comply with the attached Public Utilities requirements memoranda, relative to sewer and water requirements, both dated January 11, 2012.

14) SOLID WASTE COLLECTION

- a) Comply with the requirements of the attached Public Utilities memorandum, dated February 21, 2012.

15) FIRE PROTECTION REQUIREMENTS

- a) Comply with the attached Fire Department memorandum, dated January 12, 2012.

16) REDEVELOPMENT AGENCY CITY OF FRESNO

- a) Comply with the requirements of the attached Redevelopment Agency memorandum, dated January 3, 2012.

17) HEALTH PROTECTION REQUIREMENTS

- a) Comply with the requirements of the attached Department of Community Health memorandum, dated January 11, 2012.

18) FRESNO METROPOLITAN FLOOD CONTROL DISTRICT (FMFCD)

- a) Comply with the letter from the FMFCD dated December 28, 2011.

19) FRESNO UNIFIED SCHOOL DISTRICT

- a) Comply with the letter from the Fresno Unified School District dated January 3, 2012.

PART F - MISCELLANEOUS

Approval of this site plan is contingent upon the submittal of corrected site plans showing all existing/proposed on-site conditions as reflected on all exhibits and the following:

- 1) Include a color and material schedule on the elevations for the exterior of all buildings.
- 2) Roof-mounted and detached mechanical equipment shall be screened from view and acoustically baffled to prevent the noise level rating for the equipment from exceeding 55 Ldn measured at the nearest property line. **(Include this note on the site plan.)**

- 3) If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately. **(Include this note on the site plan.)**
- 4) If there are suspected human remains, the Fresno County Coroner shall be immediately contacted. If the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (Phone: 916/653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (Phone: 805/644-2289) shall be contacted to obtain a referral list of recognized archaeologists. An archaeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation. **(Include this note on the site plan.)**
- 5) If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. A paleontologist shall conduct an assessment and, if the paleontologist determines the material to be significant, it shall be preserved. **(Include this note on the site plan.)**

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed in writing to the Development and Resource Management Department Director within 15 days.



DATE: January 27, 2012

TO: Israel Trejo
Development and Resource Management Department

FROM: Louise Gilio, Supervising Engineering Technician
Public Works Department, Traffic and Engineering Services Division

SUBJECT: Conditions of Approval for **C-11-182**

APN: 460-303-17

ADDRESS: 4305 East Tulare Street

SITE PLAN REQUIREMENTS: Please provide the following information prior to Building Permits:

A. General Requirements

B. Offsite Information:

1. **Section Lines:** Identify the section line.
2. **Dedications:** Correctly identify the existing street easement. Provide a dimension from the section line to the existing right of way.
3. **Street Improvements:** Identify existing curb and gutter.
4. **Street furniture:** Identify utility poles, boxes, guy wires, signs, fire hydrants, bus stop benches, trash receptacles, tree wells, etc.

C. Onsite Information:

1. **Parking Lot paving:** Identify proposed paving per Public Works Standards P-21, P-22, P-23

PUBLIC IMPROVEMENT REQUIREMENTS

The following requirements are based on city records and the accuracy of the existing and proposed on-site and off-site conditions depicted on the exhibits submitted. Requirements not addressed due to omission or misrepresentation of information, on which this review process is dependent, will be imposed whenever such conditions are disclosed.

Questions relative to dedications, street improvements or off-street parking geometrics may be directed to Louise Gilio at (559) 621-8678 / Louise.Gilio@fresno.gov, in the Public Works Department, Traffic and Engineering Services Division.

Submit the following, as applicable, in a single package to the City of Fresno Public Works Department Traffic and Engineering Services Division (559-621-8650), for review and approval, prior to issuance of building and street work permits: Street Improvement Plans, Signing and Striping Plans, Street Lighting Plans and Signal Plans.

When preparing Street Plans and/or Traffic Control Plans for projects in the City of Fresno contact the Traffic and Engineering Services Division (Randy Schrey) in advance to make sure that sidewalks or an approved accessible path remain open during construction.

Survey Monuments and Parcel Configuration

All survey monuments within the area of construction shall be preserved or reset by a person licensed to practice Land Surveying in the State of California.

Street Dedications, Vacations and Encroachment Permits

Identify all street furniture, e.g.: public utility poles and boxes, guy wires, signs, fire hydrants, bus stop benches, mail boxes, news stands, trash receptacles, tree wells, etc. within the public right of way. Also, identify the required **4'** minimum path of travel along the public sidewalk directly in front of property, as required by the California Administration Code (Title 24). **A pedestrian easement may be required if Title 24 requirements cannot be met.**

The construction of any overhead, surface or sub-surface structures and appurtenances in the public rights-of-way is prohibited unless an encroachment permit is approved by the City of Fresno Public Works Department, Traffic and Engineering Services Division, (559) 621-8693. Encroachment permits must be approved **prior** to issuance of building permits.

Street Improvements

All improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a **45 MPH** design speed for Collectors and **55 MPH** for Arterials. Utility poles, street lights, signals, etc. shall be relocated as determined by the City Engineer. The performance of any work within the public street rights-of-way (including pedestrian and utility easements) requires a **STREET WORK PERMIT prior** to commencement of work. Contact the City of Fresno Public Works Department, Traffic and Engineering Services Division at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the city **prior** to occupancy.

Repair all damaged and/or off grade off-site concrete street and/or alley improvements as determined by the City of Fresno Public Works Department, Construction Management Division, (559) 621-5600. Pedestrian paths of travel must also meet current ADA regulations. All existing sidewalks in excess of 2% maximum cross slope must be brought into compliance **prior** to acceptance by Public Works.

Off-Street Parking Facilities and Geometrics

1. Off-Street parking facilities and geometrics shall conform to the City of Fresno Public Works Department, Parking Manual and Standard Drawing(s) **P-21, P-22, P-23.**

Traffic Impact Study: A Traffic Impact Study is not required. This development will generate a total of **1** a.m. / **1** p.m. peak hour trips and generate a count of **10** Average Daily Trips (A.D.T.), based upon the following:

Traffic Signal Mitigation Impact (TSMI) Fee: This project shall pay all applicable TSMI Fees **at the time of building permit** based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual. Contact the Development and Resource Management Department, Frank Saburit at 559-621-8077.

Fresno Major Street Impact (FMSI) Fees: This entitlement is in the **Infill Area**; therefore pay all applicable City-wide regional street impact fees. Contact the Development and Resource Management Department, Frank Saburit at 559-621-8077.

Regional Transportation Mitigation Fee (RTMF): Pay all applicable RTMF fees to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148 ext. 200; www.fresnocog.org. Provide proof of payment or exemption **prior** to issuance of certificate of occupancy.

3a



DEPARTMENT OF PUBLIC UTILITIES



Date: January 11, 2012

To: ISREAL TREJO
Planning and Development

From: GREG CONTRERAS, Senior Engineering Technician *GC*
Department of Public Utilities, Planning and Engineering Division

Subject: WATER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-11-182

General

C-11-182 was filed by Cynthia Zamora, on behalf of Chu Yang and Kay Xiong, and pertains to 0.14 acre of property located on the north side of East Tulare Street between North Cedar and North Rowell Avenues, 4305 East Tulare Street, APN 460-303-17. The applicant proposes to convert the rear portion of an existing commercial building and construct a 1,130 square foot residence and 323 square foot garage attached to the rear of the building for the owner who operates the flower shop and restaurant in the building. The property is zoned C-5, General Commercial.

Water Requirements

Water facilities are available to provide service to the site subject to the following requirements:

- 1. Water service & meter shall be required for the property.

Water Fees

- 1. Payment of all applicable water fees shall be required.



DEPARTMENT OF PUBLIC UTILITIES



Providing Life's Essential Services

Date: January 11, 2012

To: ISREAL TREJO
Planning and Development

From: GREG CONTRERAS, Senior Engineering Technician *GC*
Department of Public Utilities, Planning and Engineering Division

Subject: SEWER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-11-182

General

C-11-182 was filed by Cynthia Zamora, on behalf of Chu Yang and Kay Xiong, and pertains to 0.14 acre of property located on the north side of East Tulare Street between North Cedar and North Rowell Avenues, 4305 East Tulare Street, APN 460-303-17. The applicant proposes to convert the rear portion of an existing commercial building and construct a 1,130 square foot residence and 323 square foot garage attached to the rear of the building for the owner who operates the flower shop and restaurant in the building. The property is zoned C-5, General Commercial.

Sewer Requirements

Sewer facilities are available to provide service to the site subject to the following requirements:

- 1. Sewer service shall be required for the property.

Sewer Fees

- 1. Payment of all applicable sewer fees shall be required.



DEPARTMENT OF PUBLIC UTILITIES



Date: February 21, 2012 *Revised*

To: ISREAL TREJO, Planner II
Planning and Development Department

From: CHRIS WEIBERT, Management Analyst II
CW Public Utilities Department, Administration

Subject: C-11-182 was filed by Cynthia Zamora, on behalf of Chu Yang and Kay Xiong, and pertains to 0.14 acre of property located on the north side of East Tulare Street between North Cedar and North Rowell Avenues, 4305 East Tulare Street, APN 460-303-17. The applicant proposes to convert the rear portion of an existing commercial building and construct a 1,130 square foot residence and 323 square foot garage attached to the rear of the building for the owner who operates the flower shop and restaurant in the building. The property is zoned C-5, General Commercial.

General

This location is serviced by a Commercial Solid Waste Franchisee. For service information, please contact: Mid Valley Disposal at 559-237-9425

Does Project Affect Your Agency/Jurisdiction

No - Project will not be required to provide a trash enclosure.

Suggestions to Reduce Impacts/Address Concerns

Extent of work does not warrant requirement for a trash enclosure.

Recommended Conditions of Approval

None.

5
City of



FIRE DEPARTMENT

Date: January 12, 2012

To: ISREAL TREJO, Planner II
Planning and Development Department

From: TERRI MEISS, Fire Prevention Inspector II
Fire Department, Fire Prevention & Investigative Services

Subject: C-11-182 was filed by Cynthia Zamora, on behalf of Chu Yang and Kay Xiong, and pertains to 0.14 acre of property located on the north side of East Tulare Street between North Cedar and North Rowell Avenues, 4305 East Tulare Street, APN 460-303-17. The applicant proposes to convert the rear portion of an existing commercial building and construct a 1,130 square foot residence and 323 square foot garage attached to the rear of the building for the owner who operates the flower shop and restaurant in the building. The property is zoned C-5, General Commercial.

General

This project was reviewed by the fire department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building and Safety Section of DARM when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building. Existing access and water supply meet fire department requirements and there are no additional site requirements for this project, except for what was noted above. The interior of the building will be reviewed when the building plan is submitted to the Planning and Development Department.

REDEVELOPMENT AGENCY OF THE CITY OF FRESNO
2344 Tulare Street, Suite 200, Fresno, CA 93721 (559) 621-7600

Application No.: C-11-182 (Israel Trejo)	Date: 1/03/2012
Assessor Parcel No.: 460-303-17	Reviewer: Jeff Findley, Senior Project Coordinator
Site address: 4305 E. Tulare Street	Telephone: 621-7609
Redevelopment Area: Central City Commercial	

Agency Staff Recommendation:

APPROVE PROJECT WITH THE FOLLOWING CONDITIONS:

1. The property identified in Application No. C-11-182 is located within the adopted Central City Commercial Revitalization Redevelopment Project area and is subject to all requirements of the Redevelopment Plan.
2. The Redevelopment Agency does not object to the proposed Conditional Use Permit Application No. C-11-182 to convert the rear portion of an existing commercial building and construct a 1,130 square foot residence and 323 square foot garage attached to the rear of the building for the owner who operates the flower shop and restaurant in the building. Agency support of this project is conditioned on the ability of the development to be in conformance with all requirements of the Redevelopment Plan and the C-5 (General Commercial) zone district and Section 12-304 (including subsequent applicable Sections of the Fresno Zoning Ordinance).
3. The project shall be developed in accordance with the Operational Statement and Site Plan (or as revised by the City of Fresno) submitted for conditional Use Permit Application No. C-11-182.
4. The Agency recommends review of past entitlement applications which approved the development of the existing commercial property and the implementation of any pending or incomplete property improvement requirements.
5. As a condition of approval for this project, the project shall be subject to all applicable requirements associated with any active approved Site Plan or permits that are enforced for the development of the overall site.
6. The existing and converted building shall be blended and consistent with a complimentary uniform design and color scheme.
7. All existing and future landscaped areas shall be properly maintained and any dead plants, trees or ground cover will be removed and immediately replaced with the appropriate landscaping. All landscaping irrigation systems on site shall be properly maintained or repaired to ensure the healthy growth of plants and trees.
8. The City of Fresno and Redevelopment Agency shall be informed of any deviation

PLEASE MAKE APPLICANT AWARE OF AGENCY COMMENTS



County of Fresno

Department of Public Health

Edward L. Moreno, M.D., M.P.H., Director-Health Officer

January 11, 2012

FA0274659
LU0016256
PE 2602

Israel Trejo
City of Fresno
Development Department
2600 Fresno Street
Fresno, CA 93721

Dear Mr. Trejo:

PROJECT NUMBER: C-11-182

Conditional Use Permit Application No. C-11-182 was filed by Cynthia Zamora, on behalf of Chu Yang and Kay Xiong, and pertains to 0.14 acre of property located on the north side of East Tulare Street between North Cedar and North Rowell Avenues. The applicant proposes to convert the rear portion of an existing commercial building and construct an 1,130 square-foot residence and 323 square-foot garage attached to the rear of the building for the owner who operates the flower shop and restaurant in the building. The property is zoned C-5 (*General Commercial*).

APN: 460-303-17

ZONING: C-5

ADDRESS: 4305 East Tulare Street

Recommended Conditions of Approval:

- Prior to issuance of building permits, the applicant shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Consumer Food Protection Program at (559) 600-4058 for more information.

As per California Food Code (CalCode) Section 114286(d) Living or sleeping quarters located on the premises of a food facility shall be separated from rooms and areas used for food facility operations by complete partitioning. The floor plans indicate the restaurant kitchen is accessible from the garage and living quarters of the proposed residence; this is not allowed under CalCode. The proposed floor plans do not include the basement below the restaurant kitchen area that leads into the restaurant kitchen; this access shall also comply with CalCode.

The following comments pertain to the remodel/expansion of the existing structure:

- Should the structure have an active rodent or insect infestation, the infestation should be abated prior to remodeling of the structure in order to prevent the spread of vectors to adjacent properties.
- In the process of remodeling/expanding the existing structure, the contractor may encounter asbestos containing construction materials and materials coated with lead based paints.

Israel Trejo
C-11-182
January 11, 2012
Page 2 of 2

- 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 and/or remodel work the contractor should contact the following agencies for current regulations and requirements:
 - California Department of Public Health, Childhood Lead Poisoning Prevention Branch, at (510) 620-5600.
 - United States Environmental Protection Agency, Region 9, at (415) 947-8000
 - State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) at (559) 454-5302.
- Any construction materials deemed hazardous as identified in the remodel/expansion process must be characterized and disposed of in accordance with current federal, state, and local requirements.

REVIEWED BY:

Janet Gardner

Digitally signed by Janet Gardner
DN: cn=Janet Gardner, o=Environmental Health
Division, ou=Fresno County Public Health
Department, email=jgardner@co.fresno.ca.us, c=US
Date: 2012.01.11 09:30:39 -0800

R.E.H.S., M.P.H.

Environmental Health Specialist

(559) 600-3271

jg

cc: Baruti/Casagrande/Tolzmann/Armstrong, Environmental Health Division

C-11-182 Hmong Food -residential

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

PUBLIC AGENCY

ISRAEL TREJO
DEVELOPMENT SERVICES/PLANNING
CITY OF FRESNO
2600 FRESNO STREET, THIRD FLOOR
FRESNO, CA 93721-3604

DEVELOPER

CHU YANG & KAY XIONG
4305 E. TULARE AVE.
FRESNO, CA 93702

**FR
CUP No. 2011-182**

PROJECT NO: 2011-182

ADDRESS: 4305 E. TULARE AVE.

APN: 460-303-17

SENT:

12/28/11

Drainage Area(s)	Preliminary Fee(s)
Z	\$0.00
TOTAL FEE: \$0.00	

The proposed development will generate storm runoff which produces potentially significant environmental impacts and which must be properly discharged and mitigated pursuant to the California Environmental Quality Act and the National Environmental Policy Act. The District in cooperation with the City and County has developed and adopted the Storm Drainage and Flood Control Master Plan. Compliance with and implementation of this Master Plan by this development project will satisfy the drainage related CEQA/NEPA impact of the project mitigation requirements.

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/12 based on the site plan submitted to the District on 12/23/11 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

Considerations which may affect the fee obligation(s) or the timing or form of fee payment:

- a.) Fees related to undeveloped or phased portions of the project may be deferrable.
- b.) Fees may be calculated based on the actual percentage of runoff if different than that typical for the zone district under which the development is being undertaken and if permanent provisions are made to assure that the site remains in that configuration.
- c.) Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.
- d.) The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee obligation.
- e.) When the actual costs incurred in constructing Master Plan facilities exceeds the drainage fee obligation, reimbursement will be made for the excess costs from future fees collected by the District from other development.
- f.) Any request for a drainage fee refund requires the entitlement cancellation and a written request addressed to the General Manager of the District within 60 days from payment of the fee. A non refundable \$300 Administration fee or 5% of the refund whichever is less will be retained without fee credit.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 2 of 4

FR
CUP No. 2011-182

Approval of this development shall be conditioned upon compliance with these District Requirements.

1. a. Drainage from the site shall REMAIN AS EXISTING
 b. Grading and drainage patterns shall be as identified on Exhibit No.
 c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.

2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:
 Developer shall construct facilities as shown on Exhibit No. 1 as "MASTER PLAN FACILITIES TO BE CONSTRUCTED BY DEVELOPER".
 None required.

3. The following final improvement plans shall be submitted to the District for review prior to final development approval:
 Grading Plan
 Street Plan
 Storm Drain Plan
 Water & Sewer Plan
 Final Map
 Other
 None Required

4. Availability of drainage facilities:
 a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s).
 b. The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.
 c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available. TEMPORARY SERVICE IS AVAILABLE THROUGH
 d. See Exhibit No. 2.

5. The proposed development:
 Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)
 Does not appear to be located within a flood prone area.

6. The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

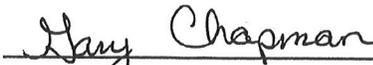
Page 3 of 4

FR
CUP No. 2011-182

7. The Federal Clean Water Act and the State General Permits for Storm Water Discharges Associated with Construction and Industrial Activities (State General Permits) require developers of construction projects disturbing one or more acres, and discharges associated with industrial activity not otherwise exempt from National Pollutant Discharge Elimination System (NPDES) permitting, to implement controls to reduce pollutants, prohibit the discharge of waters other than storm water to the municipal storm drain system, and meet water quality standards. These requirements apply both to pollutants generated during construction, and to those which may be generated by operations at the development after construction.
- a. State General Permit for Storm Water Discharges Associated with Construction Activities, approved August 1999, (modified December 2002) A State General Construction Permit is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre if part of a larger common plan of development or sale). Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board (State Board), develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, and complete an annual certification of compliance.
 - b. State General Permit for Storm Water Discharges Associated with Industrial Activities, April, 1997 (available at the District Office). A State General Industrial Permit is required for specific types of industries described in the NPDES regulations or by Standard Industrial Classification (SIC) code. The following categories of industries are generally required to secure an industrial permit: manufacturing; trucking; recycling; and waste and hazardous waste management. Specific exemptions exist for manufacturing activities which occur entirely indoors. Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board, develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, sample storm water runoff and test it for pollutant indicators, and annually submit a report to the State Board.
 - c. The proposed development is encouraged to select and implement storm water quality controls recommended in the Fresno-Clovis Storm Water Quality Management Construction and Post-Construction Guidelines (available at the District Office) to meet the requirements of the State General Permits, eliminate the potential for non-storm water to enter the municipal storm drain system, and where possible minimize contact with materials which may contaminate storm water runoff.
8. A requirement of the District may be appealed by filing a written notice of appeal with the Secretary of the District within ten days of the date of this Notice of Requirements.
9. The District reserves the right to modify, reduce or add to these requirements, or revise fees, as necessary to accommodate changes made in the proposed development by the developer or requirements made by other agencies.
10. X See Exhibit No. 2 for additional comments, recommendations and requirements.



Gerald E. Lakeman
District Engineer



Gary Chapman
Project Engineer

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 4 of 4

CC:

CYNTHIA ZAMORA

1713 TULARE STREET

FRESNO, CA 93721

FR CUP No. 2011-182

OTHER REQUIREMENTS
EXHIBIT NO. 2

No surface runoff shall be directed towards the alley.

Development No. CUP 2011-182



**Fresno Unified
School District**

Preparing Career Ready Graduates



Facilities Management & Planning

BOARD OF EDUCATION

Tony Vang, Ed.D., President
Valerie F. Davis, Clerk
Michelle A. Asadoorian
Lindsay Cal Johnson
Carol Mills, J.D.
Larry A. Moore
Janet Ryan

SUPERINTENDENT

Michael E. Hanson

January 3, 2012

Israel Trejo
Development and Resource Management
City of Fresno
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

**SUBJECT: CONDITIONAL USE PERMIT APPLICATION NO. C-11-182
4305 E. TULARE ST.**

Dear Mr. Trejo,

Fresno Unified School District submits the following response to your request for review and comment on the above referenced Conditional Use Permit Application.

Any urban residential development occurring as a result of project approval will have an impact on the District's student housing capacity. The District, through local funding, is in a position to mitigate its shortage of classrooms to accommodate planned population growth for the foreseeable future. However, the District recognizes that the legislature, as a matter of law, has deemed, under Government Code Section 65996, that all school facilities impacts are mitigated as a consequence of SB 50's Level 1, 2 and 3 developer fee legislative provisions.

Any new development on the subject property or conversion of non-habitable to habitable space is subject to development fees of \$2.97 per square foot. Therefore the proposed conversion of existing commercial space to residential space would be subject to the residential development fee.

The district appreciates the opportunity to comment on the proposed project. Please contact Deana Clayton at 457-3066 if you have any questions or require additional information regarding our comments.

Sincerely,

Lisa LeBlanc, Executive Director
Facilities Management and Planning

LL:hh

Exhibit H

CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT NO. C-11-182

THE PROJECT DESCRIBED HEREIN IS DETERMINED TO BE CATEGORICALLY EXEMPT FROM THE PREPARATION OF ENVIRONMENTAL DOCUMENTS PURSUANT TO ARTICLE 19 OF THE STATE CEQA GUIDELINES.

APPLICANT: Chu Yang & Kay Xiong
4305 East Tulare Street
Fresno, California 93702

PROJECT LOCATION: Located on East Tulare Street between North Cedar and North Rowell Avenues

PROJECT DESCRIPTION: Conditional Use Permit Application No. C-11-182 is a request to convert the rear portion of an existing commercial building into a 1,130 square foot residence under the mixed use ordinance. The commercial portion of the building contains a flower shop and a restaurant. The proposed project is consistent with the planned land use designation of the 2025 General Plan and the Roosevelt Community Plan.

This project is exempt under Sections 15301 and 15332 (Class 32/Infill Development) of the California Environmental Quality Act (CEQA) Guidelines. None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

EXPLANATION:

Section 15301/Class1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Section 15332/Class 32 exempts from the provisions of CEQA, construction of projects characterized as in-fill development meeting the following conditions: a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations given that the site is planned and zoned for commercial uses, b) the proposed development occurs within city limits on a project site of approximately 6,300 square feet, which is less than the five acre maximum, and is substantially surrounded by urban uses, c) the project site has no value as habitat for endangered, rare or threatened species, which would be negatively impacted given that the site is relatively flat and is surrounded by urban uses, d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, given that the conditions of approval will restrict uses that may be obnoxious to neighbors and the Public Works Division has reviewed the proposed project and has determined that the adjacent street is capable of handling the estimated traffic generated by the proposal, and e) the site can be adequately served by all required utilities and public services.

Date: May 17, 2012

Prepared By: Israel Trejo, Planner

Submitted by:


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from the conditions of this Entitlement or the Statement of Operations, especially any change in the established use of the property and hours of operation.

9. The Agency reserves the right to reconsider the issuance of Conditional Use Permit Application No. C-11-182 should the City of Fresno or the Redevelopment Agency of the City of Fresno receives any complaints about the maintenance and operations of the business/residence inconsistent with the conditions and requirements of this Application can result in a recommendation to the City of Fresno to revoke the application.