City of FRESNO

REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VII-A3
COMMISSION MEETING 3-7-12

APPROVED BY

DEPARTMENT DIRECTOR

M. Scott

February 15, 2012

FROM: MIKE SANCHEZ, Planning Manager
Development Services Division

BY: SOPHIA PAGOULATOS, Planner
Development Services Division

SUBJECT: CONSIDERATION OF AN APPEAL OF DIRECTOR ACTION APPROVING CONDITIONAL USE PERMIT APPLICATION NO. C-10-174 AND ENVIRONMENTAL FINDING FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF NORTH FRESNO STREET AND EAST BULLARD AVENUE

RECOMMENDATION

Upon consideration of staff evaluation, it can be concluded that proposed Conditional Use Permit Application No. C-10-174 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-10-174 dated December 21, 2011, a determination that the proposed project is exempt from CEQA through a Class 32 Categorical Exemption.

2. DENY the appeals and UPHOLD the action of the Development and Resource Management Department Director approving Conditional Use Permit Application No. C-10-174 subject to the following:

    a. Development shall take place in accordance with the Conditions of Approval detailed in the approval letter for Conditional Use Permit Application No. C-10-174 dated February 15, 2012.

EXECUTIVE SUMMARY

Conditional Use Permit Application No. C-10-174, filed by Elias Saliba on behalf of Hardeep Singh, pertains to property located on the southeast corner of North Fresno Street and East Bullard Avenue. The applicant proposes the demolition of the existing lube shop and the construction of a mixed use building to include a 4,888 ground floor commercial space (consisting of a 3,698 square foot convenience store and a 1,060 square foot restaurant) and a second story duplex (two residential units). The existing 2,120 square-foot gas island canopy and the 4 gas pump dispensers would remain. The basement pit would be converted to storage. The applicant also requests authorization to establish a State of California Alcoholic Beverage Control Type 21 License *(Package Store -- sale of beer, wine, and distilled spirits for consumption off the premises where sold)* for the proposed Xpress Food Mart. The property is zoned C-1 *(Neighborhood Shopping Center)* and is located within the Hoover Community Plan and the 2025 Fresno General Plan areas.

The Development and Resource Management Department Director approved the subject conditional use permit application on December 21, 2011. 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 (and others) within 350 feet of the subject site. In response to this notice, two appeal letters were received (Exhibit C).

PROJECT INFORMATION

PROJECT	Conditional Use Permit Application No. C-10-174 is a request the demolition of the existing lube shop and the construction of a mixed use building to include a 4,888 ground floor commercial space (consisting of a 3,698 square foot convenience store and a 1,060 square foot restaurant) and a second story duplex (two residential units). The existing 2,120 square-foot gas island canopy and the 4 gas pump dispensers would remain. The basement pit would be converted to storage. The applicant also requests authorization to establish a State of California Alcoholic Beverage Control Type 21 License *(Package Store -- sale of beer, wine, and distilled spirits for consumption off the premises where sold)* for the proposed Xpress Food Mart
APPLICANT	Elias Saliba on behalf of Hardeep Singh
LOCATION	Located on the southeast corner of North Fresno Street and East Bullard Avenue at 5790 North Fresno Street
SITE SIZE	± 0.63 acres
LAND USE	Existing - Medium Density Residential Proposed - No Change
ZONING	C-1 (*Neighborhood Shopping Center District*)
PLAN DESIGNATION AND CONSISTENCY	The request to construct a mixed use building and allow a Type 21, State of California, ABC license to sell beer, wine and distilled spirits for consumption off the premises where sold is considered to be consistent with the existing C-1 and Mixed Use zoning provisions and the planned land use designation of the 2025 General Plan and the Hoover Community Plan. The C-1 zone district is not required to be consistent with the planned land of medium density residential pursuant to FMC Section 12-607-1-A, since the property was zoned prior to June 26, 1987.
ENVIRONMENTAL FINDING	Staff has determined that the proposed project is exempt from CEQA through a Class 32 Categorical Exemption, dated December 21, 2011
PLAN COMMITTEE RECOMMENDATION	On July 11, 2011, the District 4 Plan Implementation Committee recommended approval of the project with the condition that no single sales of any alcoholic beverage be allowed by a 4-0-3 vote.
STAFF RECOMMENDATION	Staff recommends approval of Conditional Use Permit Application No. C-10-174 subject to the Conditions of Approval dated February 15, 2012.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Neighborhood Commercial	C-1 Neighborhood Shopping Center District	Convenience Store
East	Medium Density Residential	R-2-A Low Density Multiple Family Residential	Multiple family dwellings
South	Medium Density Residential	R-2-A Low Density Multiple Family Residential	Multiple Family Dwellings
West	Office	R-P (*Residential and Professional Office District*)	Offices

ENVIRONMENTAL FINDING

The proposed project was determined to be exempt from the California Environmental Quality Act (CEQA) on December 21, 2011, under a Class 32 Categorical Exemption (see Exhibit L). Pursuant to this section, 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.

The project proposes the demolition of the existing lube shop into a mixed use building and establish a State of California Alcoholic Beverage Control Type 21 License *(Package Store -- sale of beer, wine, and distilled spirits for consumption off the premises where sold)* for the proposed Xpress Food Mart on a 0.63 acre site surrounded by urban uses. The property is zoned C-1 which is considered to be consistent with the 2025 Fresno General Plan and the Hoover Community Plan land use designation of medium density residential for the purposes of CEQA (pursuant to Section 12-607-1-A of the Fresno Municipal Code, Local Planning and Procedures Ordinance). The proposed project is allowed within the designated zone district. The site has no value as habitat for endangered, rare or threatened species, and would not result in any significant effects related to traffic, noise, air quality or water quality. Therefore, the project complies with the conditions of the Class 32 Categorical Exemption and no further environmental analysis is required.

BACKGROUND / ANALYSIS

C-10-174 is a proposal the demolition of the existing lube shop and the construction of a mixed use building which would include a 4,888 ground floor commercial space (consisting of a 3,698 square foot convenience store and a 1,060 square foot restaurant) and a second story duplex (two residential units). The existing 2,120 square-foot gas island canopy and the 4 gas pump dispensers would remain.

The basement pit would be converted to storage. The applicant also requests authorization to establish a State of California Alcoholic Beverage Control Type 21 License *(Package Store -- sale of beer, wine, and distilled spirits for consumption off the premises where sold)* for the proposed Xpress Food Mart. As previously noted, the Development and Resource Management Department Director approved the subject conditional use permit application on December 21, 2011 and two appeal letters were received within the appeal period of December 21, 2011 – January 5, 2012 (Exhibits C).

The first appeal letter was filed by Michael Goodhue, owner of the adjacent multiple family development (to the south and east), on December 26, 2011. His appeal was based on concerns about the interface of the proposed project with his property on the south and east property lines, since the mixed use project proposes zero (-0-) setbacks. However, a solution was developed and included as condition D-3-a)-b in the attached conditions of approval (see page 9 of conditions, Exhibit F). Although his appeal was not formally withdrawn, it is staff's understanding that the issue has been resolved and will not be further discussed in this report.

The second appeal letter was filed by Dr. Mark Topoozian on January 5, 2012 and it objects to alcohol sales at the proposed location based on nuisance/vagrancy issues on his property, located across Fresno Street (5731 North Fresno Street) to the southwest of the subject property. Mr. Topoozian asserts that the issues on his property are due to the existing alcohol sales establishments in the vicinity.

Proposed Uses Allowed Pursuant to a Conditional Use Permit

Pursuant to Fresno Municipal Code (FMC) Section 12-325, a mixed use project is allowed in the C-1 (*Neighborhood Shopping Center District)* zone district with a conditional use permit. In addition, pursuant to FMC Section 12-217.3.B.1, the retail sale of alcohol for off-site consumption is permitted in the C-1 (*Neighborhood Shopping Center District)* zone district subject to a conditional use permit. In addition to having beer, wine and distilled spirits within the convenience store, the applicant is also proposing to sell groceries, milk, non-prescription medicine, energy drinks, soda, coffee, tacos etc.

Alcoholic Beverage Control Regulations

In addition to obtaining a conditional use permit from the City of Fresno, the applicant is required to obtain a license from the California Department of Alcoholic Beverage Control (the "ABC") in order to sell alcohol. Pursuant to standard procedures, the ABC is awaiting the City's decision on the subject conditional use permit application prior to making its recommendation on the issuance of the ABC license. Currently (as of February 7, 2012) the ABC license is not under protest and no special conditions are proposed to be placed on the ABC license.

California Business and Professions Code 23789(a) states: the Department (ABC) is specifically authorized to refuse the issuance, other than renewal or ownership transfer, of any retail license for premises located within at least 600 feet of schools and public playgrounds or nonprofit youth facilities. A letter received from the Fresno Unified School District dated August 18, 2010 notes that Robinson Elementary School is within approximately 1,260 feet from the proposed ABC license location, and states that the District's response on the project is subject to the ABC Act and the Fresno Police Department's review and support of the project. In this case, the Police Department supports the project with conditions (see Exhibit K).

The ABC has indicated that the proposed location is not a high crime area.

Calls for Service

According to the Fresno Police Department Problem-Oriented Policing Officer, calls for service at the proposed location were 2 in 2011. For the 7-11 across the street, the calls for service were 61. There were 21 calls for service at the appellant's property (M. Topoozian at 5731 N. Fresno Street).

District 4 Plan Implementation Committee

On July 7, 2011, by a 4-0-3 vote, the District 4 Plan Implementation Committee recommended approval of the project with the condition that no single sales of any alcoholic beverage be allowed. The applicant has agreed to this condition.

Additional Correspondence Received

In addition to the two letters received during the appeal period (December 21, 2011 – January 5, 2012), two letters were received from representatives of businesses in the area after the appeal period ended. The letters expressed opposition to the CUP on the grounds that another location with alcohol sales would be detrimental to the area. These letters are included in Exhibit D.

ANALYSIS OF THE APPEAL LETTERS

There were two appeal letters received in response to the Notice of Granting issued for the project. The first one, submitted by adjacent property owner Michael Goodhue was resolved and no further analysis is provided.

The second appeal letter was submitted by Mark Topoozian on January 5, 2012 and is addressed below:

Issue: Existing vagrancy and vandalism problems on the appellant's property are due to the two convenience/liquor stores in the vicinity and adding a 3rd location would worsen the problem.

Response:

The Fresno Police Department conditions dated August 23, 2010 and amended on August 8, 2011 include provisions to prevent such occurrences. Specifically:

- Employees that sell alcoholic beverages are required to complete the "Leadership and Education in Alcohol and Drugs (LEAD)" training as administered by Department of Alcoholic Beverage Control or complete equivalent training acceptable to ABC.
- The establishment is not allowed to permit the consumption of alcoholic beverages outside the building premises. If alcoholic beverages are consumed on the exterior portion of adjacent property, the applicant must immediately report such consumption to the Fresno Police Department.
- A video camera system must be installed to monitor the premises. Four (4) exterior cameras are required at the subject property to monitor the exterior of the premises, including parking areas, etc..
- The conditions were amended to prohibit single sales of any beer product 16 oz or less in size, in addition to the standard prohibitions on single sales of malt liquor and wine coolers.
- Frequent calls for service (in excess of 1.5 x the average for similar properties within the policing district) are grounds for revocation of the CUP.

In addition, the physical layout of the property is designed to minimize such nuisances. For example:

- The subject property has open visibility from the public right-of-way into the store; ie there are no site areas that are outside of public view and would create an attractive nuisance;
- The two dwelling units on the site would provide more "eyes on the street" and a continuous presence on the site.

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	
a. *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,*	
Finding a:	Pursuant to the mixed use provisions of the Fresno Municipal Code, the 10-foot setbacks that would have been required for a standard C-1 project adjacent to a residential property have been reduced to zero, with concurrence from the adjacent property owner. The resulting design will eliminate the 10 feet of un-used or "dead space" behind the building that could have become an attractive nuisance. The Director has recommended approval of 26 spaces pursuant to the same FMC section. All landscaping, solid waste collection, recycling areas and walls have been provided in accordance with the FMC.
b. *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,*	
Finding b:	The subject site is bordered by a collector (North Fresno Street) and an arterial street (East Bullard Avenue). Adjacent streets have been assessed to ensure that permitted uses would not have significant impacts on traffic. The proposed project is consistent with uses allowed within the the C-1 zone district.
c. *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.*	
Finding c:	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 project site is not located in a high crime area. The proposed project tenant space is not constructed yet, therefore there is no historical data relative to police calls for service available for the project tenant space. The proposed project has been conditioned and said conditions are intended to help protect the public health, safety and welfare of patrons and surrounding properties.

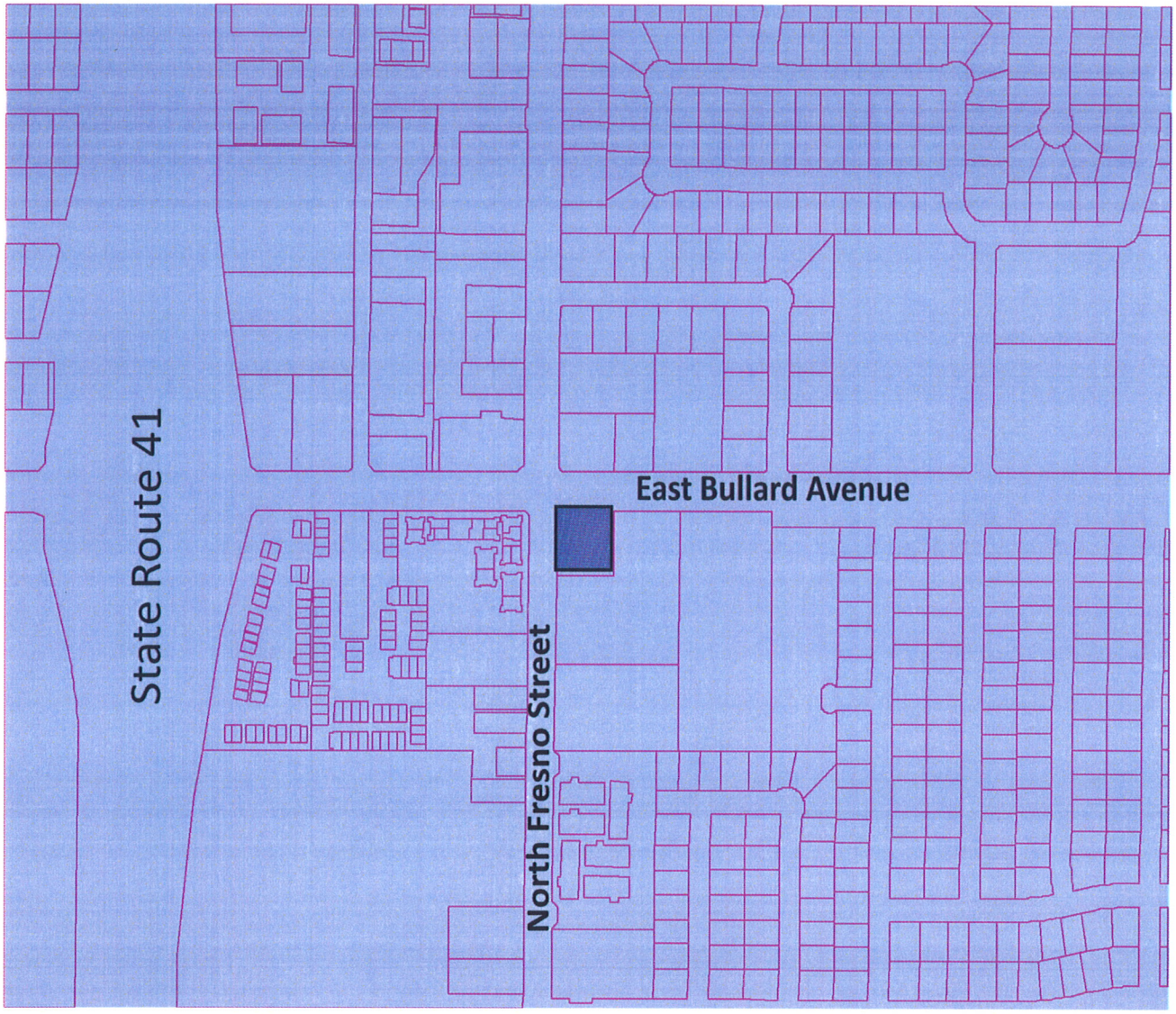
Conclusion

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-10-174 and given that the project meets all requirements of a 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:	2010 Aerial Photograph of site
Exhibit C:	Appeal Letters
Exhibit D:	Additional Correspondence
Exhibit E:	Noticing Map (350-foot radius)
Exhibit F:	Conditions of Approval
Exhibit G:	Operational Statement (Exhibit O within conditions of approval)
Exhibit H:	Site Plan (Exhibit A within conditions of approval)
Exhibit I:	Floor Plan & Elevations (Exhibit EF within conditions of approval)
Exhibit J:	Agency Comments
Exhibit K:	Police Department Conditions
Exhibit L:	Environmental Assessment No. C-10-174, dated December 21, 2011

Exhibit A
Vicinity Map



Subject Property

N
NW NE
W E
SW SE
S
Not To Scale

VICINITY MAP

DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

Conditional Use Permit No. C-10-174

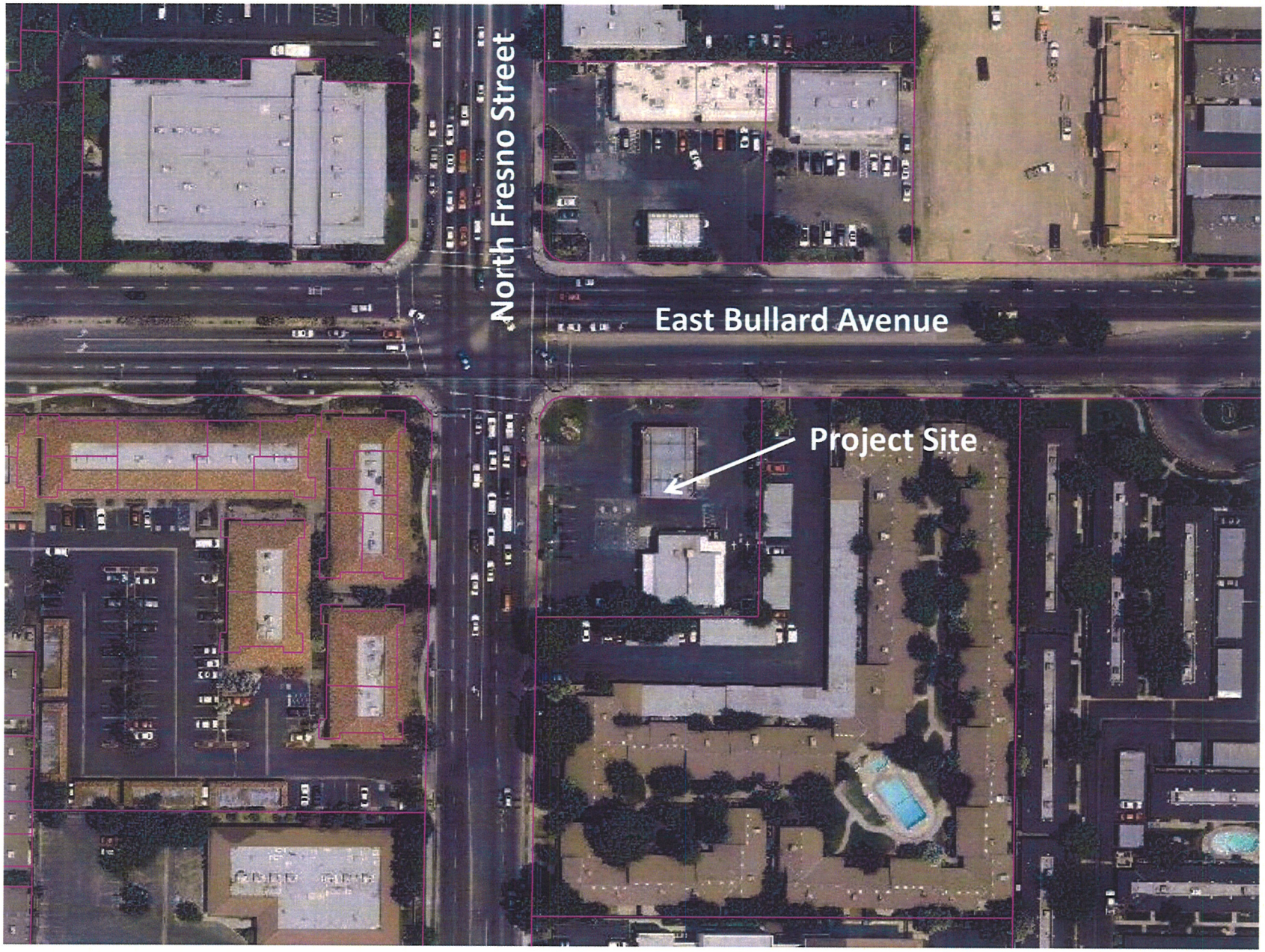
PROPERTY ADDRESS

5790 North Fresno Street

APN: 418-021-01
Zone District:
C-1 (*Neighborhood Commercial District*)
By: S. Pagoulatos, February 9, 2012

Exhibit B

Aerial Photographs of Site



2008 Aerial (iview)

2010 Aerial Photo (Bing)

Exhibit C
Appeal Letters

Assessor's Parcel No. **510-022-32**

December 26, 2011

Mark Scott, Acting Planning Director/City Manager,
City of Fresno, Development and Resource Management Department
2600 Fresno Street, Room 3076
Fresno, Ca. 93721

Subject: Appeal of Conditional Use Permit Application No. C-10-174

Dear Mr. Scott:

I am writing to appeal the above referenced conditional use permit. I am the owner of the 41 unit apartment complex located at 5750 N. Fresno Street, which is the neighboring property on the N. Fresno Street frontage and on the East Bullard Street frontage. I understand that the notice of Granting for this use permit (dated December 21, 2011) includes a set- back variance whereby the applicant will be permitted to build on or very close to the property line of my property.

My objection to the project is based on my opinion that the project designer has not provided sufficient assurance to me that the project will not negatively impact the appearance and structural integrity of the improvements on my property. Currently the project plans show partial removal of the exiting parking lot wall that is located on the property line between the two properties where the new building is proposed. A portion of this wall appears to be on Mr. Singh's property and a portion appears to be on my property. Additionally, the carport roofs in my parking area are very close to the property line and may come into contact with building during a seismic or wind event. The project designer has not shown these carports on the plan. I believe that these carports may be on, very close to or even slightly over the property line. I believe that the project proponent should hire a licensed land surveyor to accurately locate these carports on the plans. The plans should also detail any necessary modification of the carport, and carport roof. Another structural concern that I have is the interface of the proposed building and the existing wall. The plans show cutting and removing the existing wall at the new building. I am concerned that the portion of the wall that is left standing will not be structurally competent. I am also concerned that the proposed aesthetic treatment show on the plans may not match the existing wall. It is important to me that the proposed treatment and any new paint match the existing improvements.

In closing, I believe that the project designer has not provided sufficient detail on the plans to address my concerns. I have met with the project designer and the planning staff on one occasion and the project designer and the project owner on another occasion. I attended these meetings in an effort to help expedite the project and let my concerns be known. In each case I believe the project designer has not addressed my concerns. I believe that the project proponents should bond for the work that interfaces with my property and provide sufficient detail on the plans so that the work can be completed without having to use the bond funds. Additionally, I think that the project proponent should enter into a right-of-entry agreement with me regarding whatever work necessitates entry onto my property. Alternatively, the project proponent could provide a plan that does not affect our common wall. Thank you for your time and consideration.

Sincerely,

Michael F. Goodhue, P.E., L.S.

January 3, 2012

Development and Resource Dept.
2600 Fresno St. Room 3078
Fresno, CA 93721

RE: Conditional Use Permit Application #C-10-174
APN#: 418-021-01
Address: 5790 N. Fresno St.

ATT: Sophia Pagoulatos
Fax: 498-1026

I am appealing the above referenced C.U.P. application#C-10-174 because another convenience store will have greater negative effects on the neighborhood. For example, my office complex which is located very close to the site is already (for several years) experiencing many homeless people frequenting and sleeping on my property. I have experienced break-ins to my office, broken windows, broken bushes and sprinklers, and people going to the bathroom on my property, all caused by the homeless.

This is congregation of the homeless people in the area is a result of 2 convenience/liquor stores within 200 yards of my property according to the Fresno Police Dept. The homeless hang out at the stores and then take shelter close by (my property). I am tired of cleaning up after them and as a result of their loitering on my property I have lost several tenants and have a current vacancy problem!

Adding another convenience store in this area when there is already two would not be a prudent call by the planning commission.

My address is: 5731 N. Fresno St. #101
Fresno, CA 93710
(559)432-4600

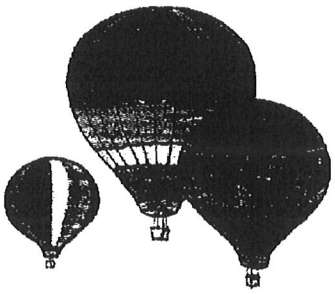
Sincerely,

Mark Topoozian

Exhibit D

Additional Correspondence

THOMAS C. BOGGESS, D.D.S.
FAMILY DENTISTRY



JANUARY 3, 2012

Development and Resource Department
2600 Fresno Street, Room 3078
Fresno, CA 93721

RE: Conditional Use Permit Application #C-10-174
APN#: 418-021-01
Address: 5790 North Fresno Street

ATTN: Sophia Pagoulatos
Fax: 498-1026

Please consider my letter an addition to the appeal of Dr. Mark Topoozian, with reference to the above named CUP application #C-10-174. As a tenant in Dr. Topoozian's medical/dental professional complex, I and my staff have experienced many of the same problems he has over the last few years with the vagrants and homeless who hang around the local convenience stores that are in our area.

My office has experienced break-ins, vandalism, people sleeping in my doorways, and people actually threatening my staff when they try to leave the office. We are constantly cleaning up messes left by these vagrant street people. The local police have been very helpful, but there is little they can do to assist us.

I am convinced that the addition of another convenience store will simply add to the problem by adding just one more location where loitering can take place and therefore create more nuisance for the tenants of our complex.

Please feel free to call me if you have any questions regarding this matter.

Sincerely,

Thomas C Boggess, DDS
5731 North Fresno Street
Suite 103
Fresno, CA 93710
559-432-1512

Jan 09 12 04:11p Thomas C. Boggess DDS 559-432-1515 p.1

Sophia Pagoulatos

From: s1chauhan@aol.com
Sent: Monday, January 16, 2012 10:11 AM
To: Sophia Pagoulatos
Subject: application C-10-174, APN 418 021 01. high priority.

Follow Up Flag: Follow up
Flag Status: Flagged

Respected Sonia , In regards to the above approval I want to apologise for being late in my appeal as I was out of the country on vacation for 4 weeks and returned on Friday January the 13th 2012.

I want to bring the following facts to your attention . In the last two years since we have had a liquor store added to the neighborhood we have had more holdups at gun point and robberies and assaults and have had the police involved where they have had to use the swat teams to gun down two robbers with the most recent one happen last year where they shot one dead and captured the other one on our roof top. In particular all tenants in our subdivision from the check cashing to the pacifico pizza and in particular the 7-eleven that was crime free has had more hold ups at gunpoint in this period. Verification of all such records can be obtained from the fresno police department.

adding another liquor store with this approval dated dec 21 2011 will only add fuel to the fire and will add more crime and will make it unsafe for our citizens in our area

I hope you verify the records to date from the fresno police department and seriously reconsider this decision.

we at 7-eleven are a neighborhood friendly store and only want you and us to do what is best for the safety and well being of the local people.

I hope you will support our effort in keeping our neighborhood safe .

Best,

Sunny Chauhan
7-eleven
420 e. bullard ave

Fresno, CA
559 307 0306.

cc Mark Scott, acting director

PS share this email with Mark Scott as I do not have his email.Thanks

Exhibit E

Noticing Map (350-foot radius)

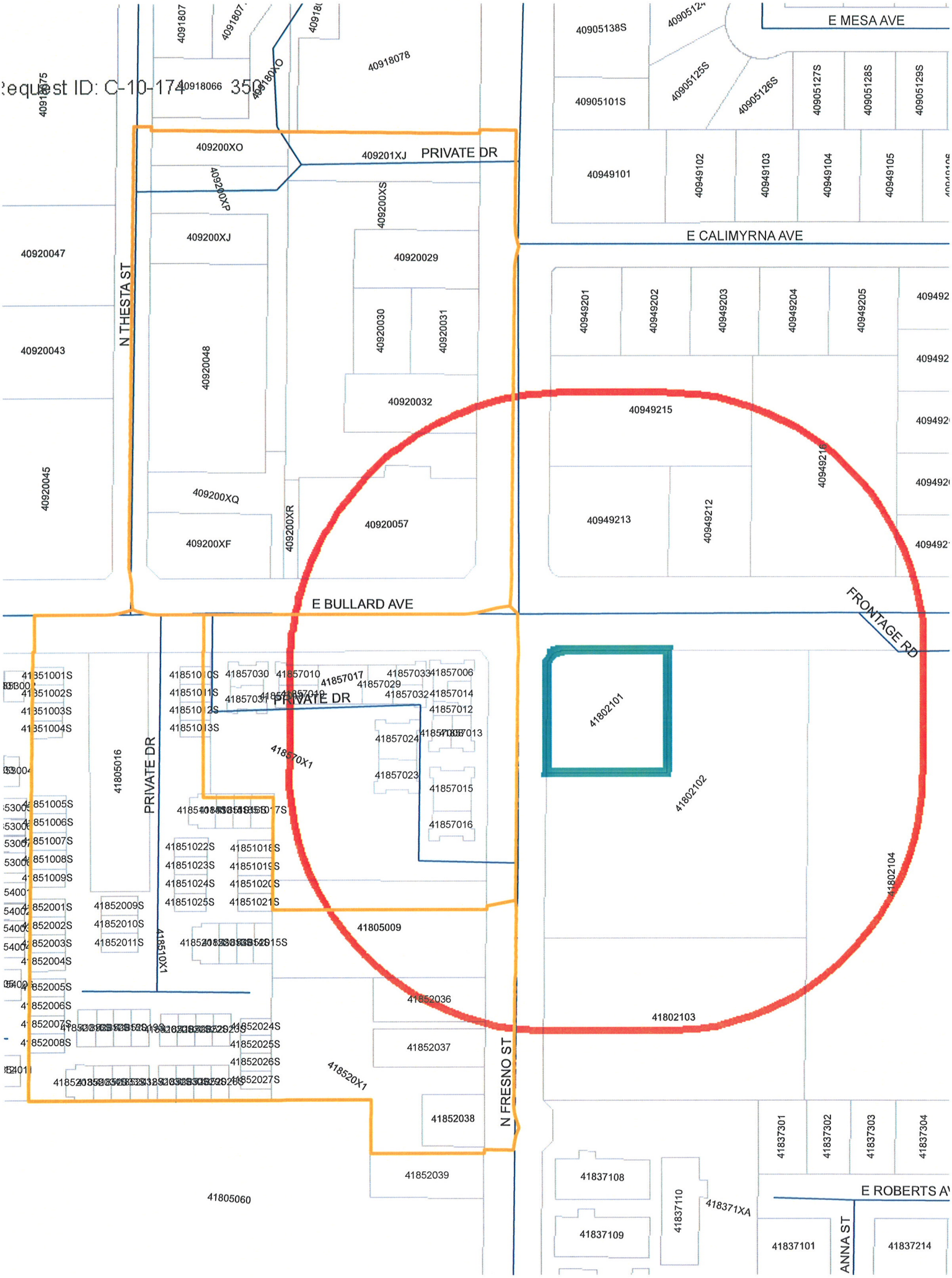

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Exhibit F

Conditions of Approval

CITY OF FRESNO
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

CONDITIONS OF APPROVAL
FEBRUARY 15, 2012

CONDITIONAL USE PERMIT APPLICATION NO. C-10-174

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 imposition of 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 A - PROJECT INFORMATION

1.	Assessor's Parcel No:	418-021-01
2.	Job Address:	5790 North Fresno Street
3.	Street Location:	Located on the southeast corner of North Fresno Street and East Bullard Avenue
4.	Existing Zoning:	C-1 (*Neighborhood Shopping Center*) zone district
5.	Planned Land Use:	Medium Density Residential
6.	Plan Areas:	Hoover Community Plan;
7.	Project Description:	Conditional Use Permit C-10-174 pertains to pertains to 0.63 acre of property located on the southeast corner of North Fresno Street and East Bullard Avenue. The applicant proposes a mixed use project which includes the demolition of the existing lube shop and the construction of a mixed use building to include a 4,888 ground floor commercial space (consisting of a 3,698 square foot convenience store and a 1,060 square foot restaurant) and a second story duplex (two residential units). The existing 2,120 square-foot gas island

canopy and the 4 gas pump dispensers would remain. The basement pit would be converted to storage. The applicant also requests authorization to establish a State of California Alcoholic Beverage Control Type 21 License *(Package Store -- sale of beer, wine, and distilled spirits for consumption off the premises where sold)* for the proposed Xpress Food Mart. The full project description and operational statement are attached as Exhibit O.

PART B – GENERAL CONDITIONS AND REQUIREMENTS

The Development and Resource Management Department, on December 21, 2011, approved the special permit application subject to the enclosed list of conditions and Exhibits A, E/F, L, I and O dated November 30, 2011.

The project proposed for Conditional Use Permit Application No. C-10-174 was determined to be in exempt from the California Environmental Quality Act pursuant to CEQA guidelines section 15332. No further analysis is required.

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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 **January 5, 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; and,

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. 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. **(Include this note on the site plan.)**

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 Exhibits A, E/F, L, I and O dated November 30, 2011, 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 shall commence by **December 21, 2015** (four years from the date of Director approval). There is no exception.

To complete the back-check process for building permits relative to planning and zoning issues, submit four copies of this corrected, final site plan, together with three copies of the elevations, landscape, and irrigation plans, and any fees and title reports for required covenants and any required studies or analyses to Sophia Pagoulatos in the Development Services Division for final review and approval, fifteen days before applying for building permits. It may be necessary to resubmit these "corrected exhibits" a second time if not all the conditions have been met or are not properly depicted. Upon approval of the "corrected exhibits" by the Panning Division, you must place these exhibits in the plan check set and the Development Services Division, along with Traffic Planning, will sign and stamp these exhibits. Please bring two additional copies of the

site plan exhibit(s) to this appointment so that both the Development Services Division and Traffic Planning have a final signed-off copy of the site plan.

Copies of the final approved site plan, elevations, landscape, and irrigation plans stamped by the Development Services Division **must be substituted** for unstamped copies of same in each of the 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 contact Sophia Pagoulatos at (559) 621-8062 or via e-mail at Sophia.Pagoulatos@fresno.gov for an appointment for final sign-off for building permits following your receipt and substitution of the copies of the stamped, corrected, approved exhibits in the plan check sets.

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 / louise.gilio@fresno.gov**, Engineering Division, Traffic Planning Section.

1) STREET ENCROACHMENT PERMITS, DEDICATIONS AND VACATIONS

   a) Exhibit A is required to include 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 existing and proposed public rights-of-way.

      (i) A minimum 4-foot wide path of travel along the public sidewalk on all frontages of the property as required by Title 24 of the California Administration Code is required. An on-site pedestrian easement may be required if Title 24 requirements can not be met within the existing public rights-of-way.

b) ENCROACHMENT PERMITS. 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 Engineer. For encroachment permit information, contact the Public Works Department, Engineering Services Division at (559) 621-8693. Encroachment permits must be approved **prior** to issuance of building permits.

c) DEDICATIONS. The following dedication requirements must be satisfied prior to the issuance of building permits:

(i) Comply with the required dedications listed in the Public Works-Engineering Division memorandum dated September 3, 2010.

(ii) Deed documents for the required property dedications shall be prepared by the applicant's engineer and submitted to the Public Works Department, Engineering Division, Special Districts / Projects and Right-of -Way Section with verification of ownership **prior** to issuance of building permits. Deed documents must conform to the format specified by the city. Document format specifications may be obtained from the Public Works Department, Engineering Division, Special Districts / Projects and Right of Way Section, or by calling (559) 621-8694.

d) VACATIONS. The following vacation requirements must be satisfied prior to issuance of building permits:

(i) None required at this time.

2) STREET IMPROVEMENTS

a) All improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department. The performance of any work within the public street rights-of-way (including pedestrian, water and sewer utility easements) requires a STREET WORK PERMIT **prior** to commencement of work. Contact the City of Fresno Public Works Department, Engineering Services Section at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the city **prior** to occupancy.

b) Repair all damaged and/or off grade off-site concrete improvements as determined by the Public Works Department, Construction Management Division. For additional information call (559) 621-5500.

c) Comply with the required street improvements listed in the Public Works-Engineering Division memorandum dated September 3, 2010.

3) WATER AND SEWER SERVICE REQUIREMENTS AND CONNECTION CHARGES

a) Connection to the City of Fresno water system is required.

b) Connection to the City of Fresno sewer system is required.

c) City of Fresno water and sewer connection charge obligations applicable to this project will be computed during the building construction plan check process and shall be payable at time of issuance of building permit unless other arrangements have been approved to defer such payments to a later date. For information relating to water and sewer service requirements and connection charges, contact Frank Saburit at (559) 621-8277.

d) Open street cuts are not permitted; all utility connections must be bored.

e) CROSS-CONNECTION CONTROL. A backflow prevention device may be required on the water service. Contact the Department of Public Utilities, Water Division (559) 621-5300 for requirements relating to approved devices, locations, testing and acceptance. This requirement must be satisfied prior to final occupancy.

f) SEWER CONNECTION CHARGES (FMC Section 9-503-a). The following sewer connection charges may be required and will be payable at the fee rate listed in the Master Fee Schedule at the time payment is due. New sewer connection charges adopted by the Council prior to the issuance of building permits may also be applied.

   (i) Lateral Sewer Charge (based on property frontage to a depth of 100')

   (ii) Oversize Sewer Charge (based on property frontage to a depth of 100')

   Effective January 9, 1999, Ordinance No. 98-97 also amended certain sewer connection charges. Fresno Municipal Code Article 15, Section 12 provides property owners the incentives and deletes certain sewer connection charges pursuant to the Simple Tiered Equity Program (STEP) and the Employment Development Program (EDP).

   For additional information on the STEP and EDP, contact the Department of Public Utilities, Administration Division at (559) 621-8600.

g) WATER CONNECTION CHARGES: (FMC Sections 14-107 to 14-110). The following water connection charges may be required and will be payable at the fee rate listed in the Master Fee Schedule at the time payment is due. New water connection charges adopted by the Council **prior** to issuance of building permits may also be applied.

   (i) Frontage Charge (based on property frontage)

   (ii) Transmission Grid Main Charge (based on acreage)

(iii) Transmission Grid Main Bond Debt Services Charge (based on acreage)

(iv) Fire Hydrant Charge (based on square footage to a depth of 250')

(v) UGM Water Supply Fee (based on living units, living unit equivalents or acreage)

(vi) Wellhead Treatment Fee (based on living units or living unit equivalents)

(vii) Recharge Fee (based on living units or living unit equivalents)

(viii) 1994 Bond Debt Service Charge (based on living units or living unit equivalents)

(ix) Service Charges (based on service size required by applicant)

(x) Meter Charges (based on service need)

4) OFF-STREET PARKING FACILITIES AND GEOMETRICS

a) Off-Street (on-site) parking facilities and geometrics shall conform to the City of Fresno, Public Works Department, Parking Manual, and Standard Drawing(s) P-41, P-42, P-43, and requirements as noted on Exhibit A.

b) Applicant shall provide access and directional signs (e.g. "Entrance," "Exit," "Right Turn Only," "One Way" signs, etc.) as determined by the City Traffic Engineer.

c) Submit an operational statement for the proposed gate(s) to Traffic Engineering for review and approval prior to permits.

d) Provide ADA details; wheel stops may be required.

5) 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.

6) IRRIGATION DITCH/CANAL REQUIREMENTS

a) There are no irrigation requirements at this time.

7) 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.

b) Fire Station Fee (based on building square footage)

c) Police Fee (based on building square footage)

d) Parks Fee (based on the number of residential units)

8) FRESNO COUNTY FACILITY IMPACT FEE

a) Pay Fresno County Facility Impact Fee. Provide proof of payment or exemption prior to issuance of permits.

PART D – PLANNING/ZONING REQUIREMENTS

1) PLANNING

a) Development is subject to the following:

i) C-1 (*Neighborhood Shopping Center*) zone district (*Section 12-217 of the FMC*)
ii) Mixed Use Policies and Standards (*Section 12-325 of the FMC*)
iii) Hoover Community Plan
iv) 2025 Fresno General Plan and Design Guidelines
v) Development Department, Performance Standards for Parking Lot Shading

2) ZONING

a) Development is proposed in accordance with the existing C-1 (*Neighborhood Shopping Center*) zone district, and the Mixed Use provisions of the FMC (Section 12-325). All future uses shall be subject to review pursuant these sections of the FMC.

1) BUILDING HEIGHT

a) The maximum allowable building height shall not exceed 35 feet. Exhibit E depicts the highest design element proposed mixed use building at 30 feet, which is approved as part of this application.

b) All final elevations are subject to review and approval by the Development and Resource Management Department.

2) LOT COVERAGE

a) The maximum allowable lot coverage is 33% or 8,984 square feet; the proposed lot coverage is 26%, thus meeting the requirements.

3) BUILDING SETBACK, OPEN SPACES AND LANDSCAPING

a) Provide the following minimum building setbacks:

   a. Front and Street Side: 20 feet along East Bullard Avenue and North Fresno Street
   b. Side and Rear along East and South property lines: -0- pursuant to mixed use provisions (FMC Section 12-325) with the following stipulation: the southern and eastern walls of the proposed new building shall be located at the minimum distance necessary to structurally clear the wall that is already located on the property line. The distance shall be minimized so as to avoid creating a space that would be an attractive nuisance for litter or vagrancy.

b) Provide the following minimum landscaped areas:

   a. Front: 10 feet along East Bullard Avenue and North Fresno Street

c) Clearly identify all condensing units, air conditioning and heating units on the site and elevation plans.

d) No structures of any kind (*including 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**.)

e) The number of trees will be determined by the following formula:

   (i) Provide one medium size tree (30 to 60 feet at maturity) for every two parking spaces *(Section 12-306-N-24-g-3 of the FMC)*.

   (ii)
   - 26 parking spaces are required, and 8 are covered by a canopy.
   - Therefore, 16 non-covered spaces require shading; 8 trees required.
   - The landscaping plan dated November 11, 2011 depicts 8 trees, therefore it complies with the requirements.

   (iii) NOTE: Two small trees (15-30 feet at maturity) shall be counted as one medium-sized tree.

f) Provide shade calculations on the landscape plan for parking lot shading in accordance with the attached *Development Department, Performance Standards for Parking Lot Shading*, including tree species and tree counts.

g) Disperse trees over the parking lot area to provide 50 percent shading of the parking area surface within 15 years. (This requirement may be reduced to 40 percent for existing development if it is demonstrated that the constraints of an existing site would

make it impossible to meet the normal standards.) Trees shall also be planted in the required landscaped area along the periphery of the development in order to shade and enhance adjacent property and public rights-of-way. Refer to the attached "Performance Standards for Parking Lot Shading," for the tree list and further details.

h) Trees shall be maintained in good health. However, trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for the health of the tree and public safety; or as may otherwise be approved by the Development and Resource Management Department. **(Include this note on the site and landscape plans.)**

i) Submit three copies of landscaping and irrigation plans prepared by a landscape professional, showing the number and types of trees, to the Development Services Division. These plans must be reviewed and approved prior to obtaining building permits.

j) Landscaping must be in place before issuance of the certificate of occupancy. A Hold on Occupancy shall be placed on the proposed development until such time that landscaping has been approved and verified for proper installation by the Development Services Division. **(Include this note on the site and landscape plans.)**

k) Prior to final inspection, a written certification, signed by a landscape professional approved by the Director, shall be submitted stating that the required landscaping and irrigation system was installed in accordance with the landscaping and irrigation plans approved by the Development Services Division, Development Department. **(Include this note on the site and landscape plans.)**

4) <u>SPACE BETWEEN BUILDINGS</u>

a) There is no space requirement.

5) <u>FENCES, HEDGES, AND WALLS</u>

a) 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.

b) Only those fences as shown on the site plan shall be reviewed for approval.

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.)**

6) <u>OFF-STREET PARKING</u>

a) Pursuant to Section 12-325-E-c of the FMC, property development standards, including parking, are determined by the Director for mixed use projects. The standard requirements of the C-1 zone district are as follows: Two (2) square feet of parking for each one (1) square foot of building area (4,888 square feet of retail building area x 2 = 9,776 square feet / 370 sf per parking space) resulting in 26 spaces required. In addition, the FMC requires 1.5 spaces per multiple family dwelling unit (one of which is covered), resulting in a requirement of 3 spaces (two of which are covered). Therefore total parking requirement is 29 spaces. 26 spaces are proposed, 8 of which are covered. Because of the compatibility of residential and commercial parking and pursuant to FMC Section 12-325-E-c the Director approves the proposed **26 spaces** (8 of which are covered) as serving both the retail and residential components of the project.

b) Future tenant improvements and/or changes of occupancy shall be reviewed and approved by the Development and Resource Management Department to ensure that adequate off-street parking is provided.

c) The parking lot design must accommodate the provision of trees in accordance with the attached Parking Lot Shading Policy.

d) A minimum of 1 automobile accessible parking stall is required for the proposed mixed use development per State of California Building Code, "Development Requirements for Handicapped Accessibility." Exhibit A, dated November 30, 2011, depicts 1 accessible parking stall to serve the new project, which meets the minimum requirement.

e) All accessible stall shall be marked with the international symbol of spaces and a warning that vehicles in violation of Section 10-1017 of the Municipal Code shall be towed away. The international symbol and tow-away warning shall be posted conspicuously on seven-foot poles. **(Include this note on the site plan.)**

f) All accessible parking stalls shall be placed adjacent to facility access ramps or in strategic areas where the accessible shall not have to wheel or walk behind parked vehicles while traveling to or from accessible parking stalls and ramps. **(Include this note on the site plan.)**

g) Lighting where provided to illuminate parking, sales or display areas 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.**

h) A minimum of 3 bicycle parking spaces shall be provided for the proposed project pursuant to Section 12-306-I-2.1c of the FMC. Bicycle parking spaces shall each consist of one slot in a bike rack. They shall be grouped in racks which allow four feet of clearance on all sides. There shall be adequate space between rack slots to park, lock, and remove bicycles. Bicycle parking spaces and the required four-foot clearance shall be protected from motor vehicle encroachment by means of fixed barriers not less than

six inches or more than three in height. Bicycle parking spaces shall not encroach into pedestrian ways, landscaped areas, or other required open spaces, and shall be located proximal to structures.

(i) Depict the proposed bicycle parking spaces on the site plan prior to issuance of building permits.

i) All general provisions of Section 12-306-I of the FMC shall apply to all parking areas.

7) LOADING SPACE REQUIREMENTS

a) No loading space requirements.

8) ACCESS

a) There shall be adequate vehicular access from a dedicated and improved street or alley to off-street parking and loading facilities on the property requiring off-street parking and loading.

b) Vehicular and/or pedestrian access shall be provided and shall remain clear at all times.

9) ADDRESSING

a) The address listed in the conditions of approval is the 'Official Address' given to the building. If you would like separate suite or unit numbers for a building, provide a floor plan and contact the City of Fresno Development and Resource Management Department for 'Official Addresses'. **Only those addresses assigned by the City of Fresno will be recognized as 'Official Addresses'**. 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'.

b) The official address of the proposed office is **5790 North Fresno Street**.

10) NOISE

a) Pursuant to Section 10-102.b of the FMC and the 2025 Fresno General Plan policies, noise levels for commercial/mixed use zoned properties shall not exceed 65 decibels measured at the nearest subject property line. Future uses and/or development shall be required to comply with this provision. **(Include this note on the site plan.)**

b) All proposed structures shall incorporate the recommendations of the City of Fresno Noise Attenuation Guidelines.

11) OUTDOOR ADVERTISING

a) Signs, *other than directional signs, if applicable*, are not approved for installation as part of this special permit. **(Include this note on the site plan.)**

b) All proposed signs shall conform to the current sign ordinance. Applications for a sign permit and requirements for submittal are available at the Development Services Division's Public Front Counter.

c) All signs shall be architecturally compatible with the proposed buildings.

PART E – CITY AND OTHER SERVICES

1) BUILDING AND SAFETY SERVICES

a) Comply with attached memo from the City of Fresno Building and Safety Services dated May 9, 2011.

2) FIRE PROTECTION

a) Comply with the attached City of Fresno Fire Department memorandum dated May 19, 2011.

3) SOLID WASTE MANAGEMENT

a) Comply with the attached Department of Public Utilities-Solid Waste Division memorandum dated May 10, 2011.

4) STREET TREES

a) Comply with the attached Department of Public Works-Engineering Division memorandum dated May 17, 2011.

5) DEPARTMENT OF PUBLIC UTIILITIES

a) Comply with the attached Department of Public Utilities memoranda related to sewer and water service dated May 16, 2011.

6) POLICE DEPARTMENT

a) Comply with the attached City of Fresno Police Department conditions dated August 23, 2010 and amendment dated August 8, 2011.

7) SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

a) Comply with the San Joaquin Valley Air Pollution Control District memorandum dated

August 20, 2010.

8) DEPARTMENT OF TRAFFIC ENGINEERING

a) Comply with the attached Public Works-Traffic Engineering memorandum dated September 3, 2010.

9) FRESNO AREA EXPRESS

a) Comply with attached Fresno Area Express memorandum dated June 6, 2011.

10) CALTRANS

a) Comply with the attached Caltrans letter dated May 10, 2011.

11) FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

a) Comply with the attached FMFCD memorandum dated May 16, 2011.

12) FRESNO COUNTY ENVIRONMENTAL HEALTH

a) Comply with the attached Fresno County Environmental Health Department memorandum dated May 19, 2011.

13) FRESNO IRRIGATION DISTRICT

a) FID provided no comments at this time

14) PG&E

a) Pacific Gas & Electric provided no comments at this time

15) SCHOOL FEES

a) Comply with the attached letter from the Fresno Unified School District dated May 10, 2011.

PART F – MISCELLANEOUS

1) Approval of this site plan is contingent upon the submittal of corrected exhibits showing all existing/proposed on-site conditions as reflected on all exhibits (dated November 30, 2011) and the following:

   a) Compliance with Exhibiti O, Project Description/Operational Statement;

   b) Provide a color and material schedule on the site plan, as well as on the elevations, for the exterior of all buildings and structures.

   c) Screen all roof-mounted equipment from the view of public rights-of-way. **Depict all mechanical equipment on site plan and elevations.**

   d) 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.)**

   e) 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 archeological 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.)**

   f) If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist and, if the paleontologist determines the material to be significant, it shall be preserved. **(Include this note on the site plan.)**

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

Exhibit G

Operational Statement

OPERATIONAL STATEMENT
FOR PROPOSED
MIXED USE , DUPLEX OVER XPRESS FOODMART & SUBWAY
UNION 76 GASOLINE FACILITY
5790 N. FRESNO ST.
APN: 418-020-01

Proposed First floor4,888 sf. for the food store and sandwich shop,<E> 2,120 sf. gas island canopy over 4 MPD's (multi pump dispensers to remain). <E>1,548 sf. Basement storage to remain. Second floor 2 apartments with710 & 1,038 sf. Respectively. Deviation from C-1 stds. By reducing east & south setback to 4" instead of 10' for 1,560sf. Plus a shortage of 2 parking spaces.

1. Existing general plan land use designation: Medium density residential.
2. Existing community plan: Hoover.
3. Existing zone district: C-1 Neighborhood commercial shopping center.
4. Existing specific plan: N/A
5. Redevelopment area: N/A
6. Discussion with neighbors: Not yet.
7. 2025 general plan compliance: Zoning approved prior to 1986 LP & PO.
8. Nature of the operation: customers drive or walk to store, buy gas, groceries, beer, wine, liquor(c21), soda, milk, cigarettes, lotto, sandwiches, tacos…or cash a check.
9. Operation Time Limits: open your round, 7 days/week, 24 hours/day, 3 shifts per day. No special activities.
10. Number of Customers: 550 customers /day as average. 700 maximum during busy days. Customers may drop in anytime, mostly during the day.
11. Number of Employees: 3 persons per shift.
12. Service & Delivery Vehicles: Trucks may make 12 deliveries /week.
13. Parking: proposed 16 parking stalls on site plus 8 under gas island canopy, total of 24. Type of surfacing is asphaltous concrete.
14. Goods Sales: Groceries, gas, food, tacos, beer, wine, diary products, cash checks…
15. Equipments used: Walk in ref. (wic), deli cases, slicer, cash register, soda machine, and coffee maker…
16. Supplies: Canned & frozen food, oil cans, groceries…stored on Gondolas accessible from aisles. Dairy products stored in WIC, frozen food in WIF.
17. Unsightly appearance of use: no noise or odors anticipated. No glare or dust to be produced.
18. Solid Wastes: 150 LB/day of domestic garbage, 140 pounds of paper/card box, will be stored in a container and hauled by City of Fresno solid waste management from proposed onsite trash enclosure once/week.
19. Liquid waste: anticipated 1,200 gal/day of domestic liquid waste, to city sewer.
20. Water use: estimated consumption 1,800 gal/day. Source City of Fresno.
21. Advertising: site sign along Fresno Ave., another along Bullard ave. Building sign displaying business name. Price sign at the intersection corner.
22. Building operation: proposed building will include sales area, sales counter, stock room, workroom, office, restrooms, typical sandwich shop & food operation.Basement storage.
23. Outdoor lighting: lighting fixtures mounted on building walls, canopy ceiling, and parking light poles, all hooded. No sound amplification systems to be used.
24. Landscaping: Existing trees, shrubs, ground cover, lawn .Add more trees& shrubs..
25. Fences : CMU wall along east and south property line.

Owner: Hardeep Singh
(559) 776-1331

xpressopst

Exhibit H
Site Plan

NOTES:

1 REPAIR ALL DAMAGED AND/OR OFF-GRADE CONCRETE IMPROVEMENTS AS DETERMINED BY THE CONSTRUCTION MANAGEMENT ENGINEER PRIOR TO OCCUPANCY.
PEDESTRIAN PATHS OF TRAVEL MUS ALSO MEET CURRENT ADA REGULATIONS. ALL EXISTING SIDEWALKS IN EXCESS OF 2% MAX. CROSS SLOPE MUST BE BROUGHT INTO COMPLIANCE PRIOR TO ACCEPTANCE BY PUBLIC WORKS.

2 ANY 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.

3 A BACKFLOW PREVENTION DEVICE IS REQUIRED. CONTACT WATER DIVISION AT 621-1406 FOR REQUIREMENTS: DEVICES MUST BE INSTALLED ON-SITE IN A LOCATION APPROVED BY THE CROSS CONNECTION CONTROL OFFICER; A PLUMBING PERMIT IS REQUIRED TO INSTALL DEVICE;BACKFLOW PREVENTION DEVICES SHALL BE INSTALLED AT THE CONSUMER'S EXPENSE BY A QUALIFIED JOURNEYMAN PLUMBER CERTIFIED AS COMPETENT FOR SUCH PURPOSES BY THE WATER SYSTEMS MANAGER; BACKFLOW DEVICES MUST BE TESTED AND ACCEPTED BY THE WATER DIVISION PRIOR TO GRANTING BUILDING FINAL; DEVELOPER IS RESPONSIBLE TO CONTACT THE WATER DIVISION A MINIMUM OF 5 WORKING DAYS PRIOR TO REQUEST FOR FINAL BUILDING INSPECTION.

4 ALL EXISTING DRIVEWAY APPROACHES WHICH NO LONGER PROVIDE ACCESS TO APPROVED VEHICLE PARKING AREAS SHALL BE REMOVED, UNLESS OTHERWISE APPROVED BY THE CITY ENGINEER. SUCH AREAS SHALL BE RECONSTRUCTED WITH CURB, GUTTER AND SIDEWALK TO MATCH EXISTING ADJACENT STREET IMPROVEMENTS. THIS WORK SHALL BE COMPLETED AND ACCEPTED BEFORE A PERMIT OF OCCUPANCY IS ISSUED OR THE BUILDING IS OCCUPIED. (AUTHORITY: FMC 11-200)

5 ANY UTILITIES REQUIRING RELOCATION SHALL BE THE RESPONSIBILITY AND AT THE EXPENSE OF THE DEVELOPER. FIRE HYDRANTS WILL BE RELOCATED BY CITY FORCES. FOR INFORMATION REGARDING REIMBURSEMENTS RELATIVE TO RELOCATING CITY FORCES, DEVELOPER IS RESPONSIBLE TO NOTIFY CITY WATER DIVISION AT 621-1412 TO ARRANGE AND COORDINATE WORK.

6 TWO MEANS OF EGRESS/INGRESS SHALL BE MAINTAINED DURING ALL PHASES OF DEVELOPMENT.

7 PROVIDE SIGN (17"X22" MIN.) AT ALL PUBLIC ENTRANCE DRIVES TO THE PROPERTY STATING "WARNING-VEHICLES STOPPED, PARKED, OR LEFT STANDING IN FIRE LANES WILL BE IMMEDIATELY REMOVED AT OWNER'S EXPENSE. 22658(a) CVC FRESNO POLICE DEPT. 621-1414."

8 ALL CONSTRUCTION WORK OF THIS PROJECT IS SUBJECT TO INTERRUPTION IF THE ROAD SYSTEM BECOMES IMPASSABLE FOR FIRE APPARATUS DUE TO RAIN OR OTHER OBSTACLES.

9 FIRE HYDRANTS SHALL BE TESTED, PAINTED, NUMBERED AND APPROVED AND ALL SURFACE ACCESS ROADS SHALL BE INSTALLED AND MADE SERVICEABLE PRIOR TO AND DURING THE TIME OF CONSTRUCTION.

10

11 SUBMIT LANDSCAPE PLANS TO PUBLIC WORKS, ENGINEERING SERVICES HILARY KIMBER (559) 621-1345

12 OPEN CUT IS NOT PERMITTED. ALL UTILITY CONNECTIONS MUST BE BORED.

13 SURFACE DRAINAGE OVER DRIVEWAY APPROACHES AND SIDEWALKS IS NOT ALLOWED WHEN THE AREA TO BE DRAINED EXCEEDS 1/4 ACRE. SHOW METHOD OF CONVEYING ON-SITE STORM WATER TO STREET. DETAIL CATCH BASINS AND PIPE OR CHANEL SIZED TO BE USED PER P.W. STD. P-~~36~~ 23

14 CONSTRUCT CONCRETE SIDEWALKS, CURBS, GUTTERS AND DRIVEWAY APPROACHES TO PUBLIC WORKS STANDARD SPECIFICATIONS. (IF NOT EXISTING)

15 NO USES OF LAND, BUILDINGS OR STRUCTURES OTHER THAN THOSE SPECIFICALLY APPROVED PURSUANT TO THIS SITE PLAN SHALL BE PERMITTED.

16 NO STRUCTURES OF ANY KIND MAY BE INSTALLED OR MAINTAINED WITHIN THE LANDSCAPED SETBACK AREAS.

17 NO EXPOSED UTILITY BOXES, TRANSFORMERS, METERS, PIPING, (EXCEPTING THE BACKFLOW PREVENTION DEVICE) ETC., ARE ALLOWED TO BE LOCATED IN THE LANDSCAPED 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.

18 TREES SHALL BE MAINTAINED IN GOOD HEALTH. HOWEVER, TREES MAY NOT BE TRIMMED OR PRUNED TO REDUCE THE NATURAL HEIGHT OR OVERALL CROWN OF THE TREE, EXCEPT AS NECESSARY FOR THE HEALTH OF THE TREE AND PUBLIC SAFETY; OR AS MAY OTHERWISE BE APPROVED BY THE DEVELOPMENT DEPARTMENT. PROVIDE LANDSCAPING PLAN.

19 LANDSCAPING MUST BE IN PLACE BEFORE THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY. A HOLD ON OCCUPANCY SHALL BE PLACED ON THE PROPOSED DEVELOPMENT UNTIL SUCH TIME THAT LANDSCAPING HAS BEEN APPROVED AND VERIFIED FOR PROPER INSTALLATION BY THE DEVELOPMENT SERVICES DIVISION DARM DEPT.

20 PRIOR TO FINAL INSPECTION, A WRITTEN CERTIFICATION, SIGNED BY A LANDSCAPE PROFESSIONAL APPROVED BY THE DIRECTOR, SHALL BE SUBMITTED STATING THAT THE REQUIRED LANDSCAPING AND IRRIGATION SYSTEM WAS INSTALLED IN ACCORDANCE WITH THE LANDSCAPING AND IRRIGATION PLANS APPROVED BY THE PLANNING DIVISION,DEVELOPMENT DEPARTMENT.

21 ALL HANDICAP STALLS SHALL BE MARKED WITH THE INTERNATIONAL SYMBOL OF ACCESSIBILITY AND A WARNING THAT VEHICLES IN VIOLATION OF SECTION 10-1017 OF THE MUNICIPAL CODE SHALL BE TOWED AWAY. THE ACCESSIBILITY SYMBOL AND THE TOW AWAY WARNING SHALL BE POSTED CONSPICUOUSLY ON 7-FOOT POLES.

22 ALL HANDICAPPED PARKING STALLS SHALL BE PLACED ADJACENT TO FACILITY ACCESS RAMPS OR IN STRATEGIC AREAS WHERE THE HANDICAPPED SHALL NOT HAVE TO WHEEL OR WALK BEHIND PARKED VEHICLES WHILE TRAVELING TO OR FROM HANDICAPPED PARKING STALLS AND RAMPS.

23 LIGHTING WHERE PROVIDED TO ILLUMINATE PARKING, SALES OR DISPLAY AREAS SHALL BE HOODED AND SO ARRANGED AND CONTROLLED SO AS NOT TO CAUSE A NUISSANCE EITHER TO HIGHWAY TRAFFIC OR TO THE LIVING ENVIRONMENT. THE AMOUNT OF LIGHT SHALL BE PROVIDED ACCORDING TO THE STANDARDS OF THE DEPT. OF PUBLIC WORKS.

24 SIGNS OTHER THAN DIRECTIONAL ARE NOT APPROVED FOR INSTALLATIONS AS PART OF THIS SPECIAL PERMIT. SUBMIT FOR SEPARATE SIGN REVIEW. (CONTACT DARM FOR INFORMATION AT 621-8277, ROOM 3043.)

25 WINDOW SIGNS ARE LIMITED TO 4 SQUARE FEET IN AREA, PROVIDING INFORMATION ABOUT HOURS OF OPERATION AND EMERGENCY,SALE OR RENTAL INFORMATION ONLY. EXTERIOR BANNERS ANNOUNCING SPECIAL EVENTS SUCH AS GRAND OPENINGS, NEW MANAGEMENT ARE PERMITTED FOR 30 DAYS IF APPROVED BY THE DEVELOPMENT DIRECTOR, ATTACHED TO THE BUILDING AND NOT EXCEEDING 32 S.F. IN AREA.

27 INCLUDE A COLOR AND MATERIAL SCHEDULE ON THE SITE PLAN, AS WELL AS ON THE ELEVATIONS, FOR THE EXTERIOR OF ALL BUILDINGS AND STRUCTURES.

28 ROOF MOUNTED AND DETACHED MECHANICAL EQUIPMENT FOR COMM'L. AND OFFICE USES 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.

29 IF ARCHAEOLOGICAL AND/OR ANIMAL FOSSIL MATERIAL IS ENCOUNTERED DURING PROJECT SURVEYING, GRADING, EXCAVATING, OR CONSTRUCTION, WORK SHALL BE STOPPED IMMEDIATELY.

30 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 SHALL BE CONTACTED IMMEDIATELY AT (916) 653-4082 AND THE CALIFORNIA ARCHAEOLOGICAL INVENTORY SOUTHERN SAN JOAQUIN VALLEY INFORMATION CENTER SHALL BE CONTACTED AT (805)644-2289 TO OBTAIN A LIST OF RECOGNIZED ARCHAEOLOGISTS. AN ARCHAEOLOGICAL ASSESSMENT SHALL BE CONDUCTED FOR THE PROJECT. THE SITE SHALL BE FORMALLY RECORDED, AND THE RECOMMENDATIONS MADE TO THE CITY AS TO ANY FURTHER SITE INVESTIGATION OR SITE AVOIDANCE PRESERVATION.

31 IF ANIMAL FOSSILS ARE UNCOVERED, THE MUSEUM OF PALEONTOLOGY, U.C. BERKLEY SHALL BE CONTACTED TO OBTAIN REFERRAL LIST OF RECOGNIZED PALEONTOLOGISTS. AN ASSESSMENT SHALL BE CONDUCTED BY A PALEONTOLOGIST AND IF THE PALEONTOLOGIST DETERMINES THE MATERIAL TO BE SIGNIFICANT, IT SHALL BE PRESERVED.

32 PROVIDE FOR THE COLLECTING AND LOADING OF RECYCLABLE MATERIALS IN ACCORDANCE WITH THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD MODEL ORDINANCE DATED MARCH 31, 1993.

33 CONTACT SOLID WASTE DIVISION AT 621-1452 FOR APPOINTMENT TO ESTABLISH ACCESS AND IMPROVEMENTS REQUIRED AS CONDITIONS OF PROVIDING DISPOSAL SERVICE.

34

35 2 WORKING DAYS BEFORE COMMENCING EXCAVATION OPERATIONS WITHIN THE STREET RIGHT-OF-WAY AND/OR UTILITY EASEMENTS, ALL EXISTING UNDERGROUND FACILITIES SHALL HAVE BEEN LOCATED BY UNDERGROUND SERVICES ALERT (USA). CALL 1-800-642-2444

36 CONTACT PUBLIC WORKS DEPT., TRAFFIC ENGINEERING, (559) 621-8800, 10 WORKING DAYS PRIOR TO ANY OFFSITE CONCRETE CONSTRUCTION.

37 UNDERGROUND ALL EXISTING OFFSITE OVERHEAD UTILITIES WITHIN THE LIMITS OF THIS SITE/MAP AS PER FMC 12-1011, AND RES. NO. 78-522/88-229.

38 IRREVOCABLE OFFER OF DEDICATION DOCUMENTS AND DEED(S) OF OF EASEMENT(S) FOR THE REQUIRED DEDICATION(S) SHALL BE PREPARED BY THE OWNER/DEVELOPER'S ENGINEER AND SUBMITTED TO THE CITY WITH VERIFICATION OF OWNERSHIP PRIOR TO ISSUANCE OF BUILDING PERMITS.

39 THE REQUIRED 4' MINIMUM PATH OF TRAVEL SHALL BE PROVIDED 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 REQUIREMENTS ARE NOT MET.

40 FUTURE FENCES SHALL BE REVIEWED AND APPROVED BY PLANNING DEPTARTMENT PRIOR TO INSTALLATION.

41 PERSUANT TO SECTION 10-102.b OF THE FMC, NOISE LEVELS FOR COMMERCIAL ZONED PROPERTIES SHALL NOT EXCEED 60 DECIBELS FROM 10 P.M. TO 7 A.M. AND 65 DECIBELS FROM 7 A.M. TO 10 P.M MEASURED AT THE NEAREST SUBJECT PROPERTY LINE. FUTURE USES AND/OR DEVELOPMENT SHALL BE REQUIRED TO COMPLY WITH THIS PROVISION. (INCLUDE THIS NOTE ON THE SITE PLAN.)

42 BECAUSE OF THE SPECIAL NATURE OF THIS SITE A MASTER SIGN PROGRAM IS REQUIRED AND MUST BE COMPLETED PRIOR TO OCCUPANCY

KEY NOTES:

* 1 REMOVE EXISTING IMPROVEMENTS THAT ARE NOT TO THE PLANNED ALIGNMENT AND INSTALL REQUIRED IMPROVEMENTS TO NEW STREET ALIGNMENT AND GRADE IN FUTURE. > BY OTHERS

2 INSTALL 30" STATE STANDARD "STOP" SIGN(S) AT LOCATION(S) SHOWN. SIGN SHALL BE MOUNTED ON A 2" GALVANIZED POST WITH BOTTOM OF THE SIGN 7' ABOVE GROUND; LOCATED BEHIND CURB AND IMMEDIATELY BEHIND MAJOR STREET SIDEWALK. WHERE A "RIGHT TURN ONLY" SIGN IS ALSO REQUIRED AT SAME LOCATION, INSTALL 30" X 36" STATE STANDARD SIGN IMMEDIATELY BELOW THE STOP SIGN ON SAME POST.

3 MODIFY OR REPLACE EXISTING RAMP TO MEET CURRENT PUBLIC WORKS STANDARDS, AS DETERMINED BY THE CONSTRUCTION MANAGEMENT ENGINEER PRIOR TO OCCUPANCY. "DETECTABLE WARNING DEVICES" ARE REQUIRED IF NOT EXISTING. REF: PW STD DWG P-8 & P-32. P-28

4 DESIGN AND CONSTRUCT PARKING LOT GEOMETRICS IN ACCORDANCE WITH THE CITY OF FRESNO PARKING MANUAL P-21, P-22 & P-23.

* 5 DESIGN AND CONSTRUCT FUTURE DRIVE APPROACH TO PUBLIC WORKS STANDARD P-2 AND P-6 (FUTURE).

6 CONSTRUCT 4'X6' TREE WELLS AS PER PUBLIC WORKS STD P-8 AND SPECIFICATIONS, SECTION 26-2.11, @ BULLARD ST. SEE M-1.

7 PROVIDE 10' OF RED CURBING (3 COATS) ON BOTH SIDES OF EXISTING DRIVEWAY APPROACHES.

* 8 CONSTRUCT FUTURE 20' OF PERMANENT PAVING (MEASURED FROM THE NEW FACE OF CURB WITHIN THE LIMITS OF THIS APPLICATION.) FUTURE

9

10 PROVIDE <N>TRASH ENCLOSURE PER PUBLIC WORKS STANDARD P-33.

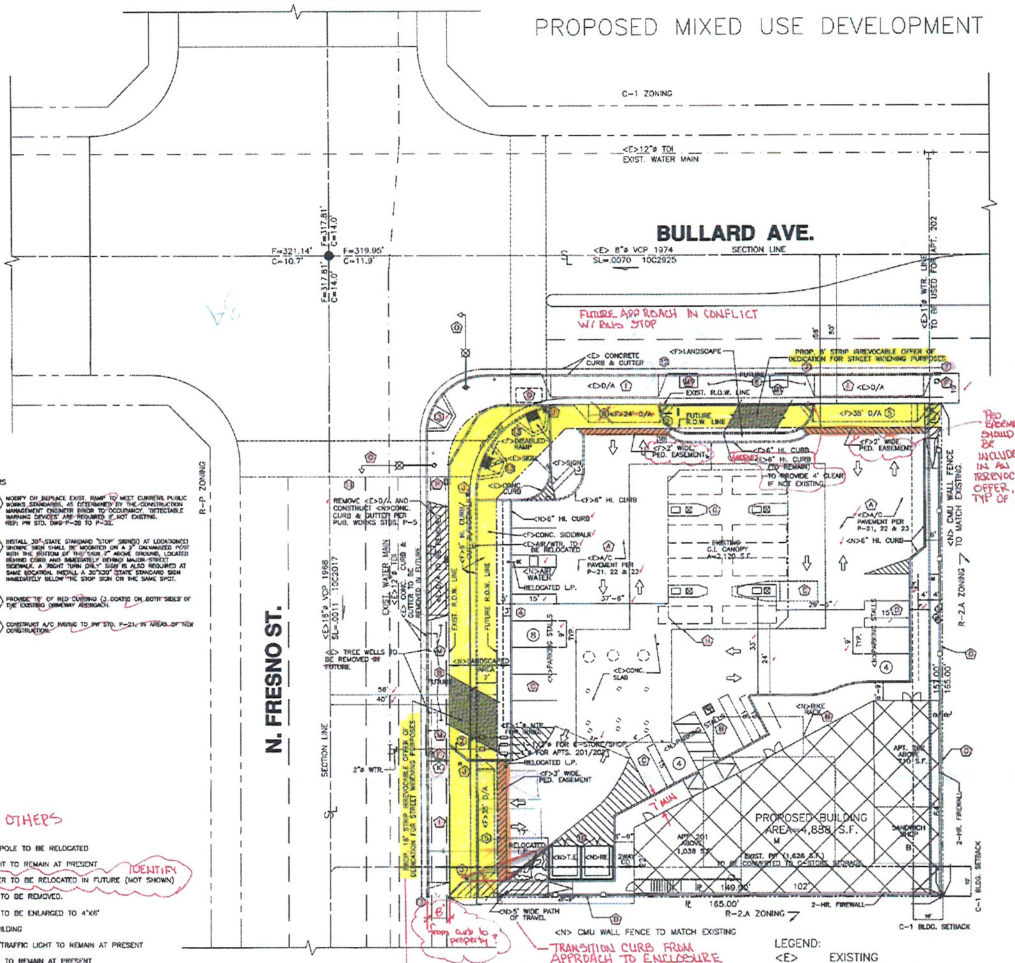
* 11 CONSTRUCT FUTURE DUAL LEFT TURN LANES PER PW STD. P-70.

* 12 CONSTRUCT FUTURE BUS BAYS PER PW STD. P-73.

* 13 CONSTRUCT FUTURE DUAL CURB RAMPS PER PW STD. P-30. FUTURE

* ALL FUTURE WORK TO BE DONE BY OTHERS

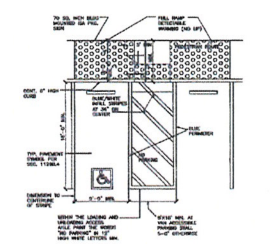
A EXISTING ASPHALT PAVING TO REMAIN.
B PROP. NEW DISABLED PARKING STALL
C PROP. NEW PARKING STALL
D EXIST. CMU FENCE
E EXIST. CASHIER SHED (TO BE REMOVED)
F EXIST. POWER POLE TO REMAIN AT PRESENT
G EXIST. GAS PUMPS
H LINE OF EXIST. G.I. CANOPY
I EXIST. DRIVEWAY APPROACH TO REMAIN AT PRESENT PROVIDE 4' ADA CLEARANCE IF NOT EXISTING BEHIND RAMPS.
J EXIST. SITE LIGHT POLE TO BE RELOCATED
K EXIST. STREET LIGHT TO REMAIN AT PRESENT
L EXIST. WATER METER TO BE RELOCATED IN FUTURE (NOT SHOWN) IDENTIFY
M EXIST. TREE WELL TO BE REMOVED.
M EXIST. TREE WELL TO BE ENLARGED TO 4'X6'
N LINE OF EXIST. BUILDING
O EXIST. SIGN POST/TRAFFIC LIGHT TO REMAIN AT PRESENT
P EXIST. POWER BOX TO REMAIN AT PRESENT
Q EXIST. PG&E VAULT TO REMAIN AT PRESENT



SITE PLAN

SCALE: 1"=20'

LEGEND:
<E> EXISTING
<N> PROPOSED NEW
<F> FUTURE (TO BE DONE LATER @ STREET WIDENING)
EXISTING (TO REMAIN)
FUTURE (TO BE DONE LATER)
EXISTING TO BE REMOVED



HAMMERHEAD RAMP

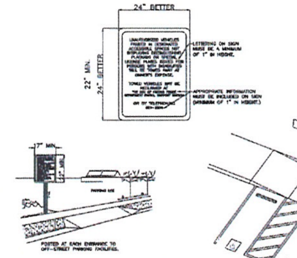


FIG. 21

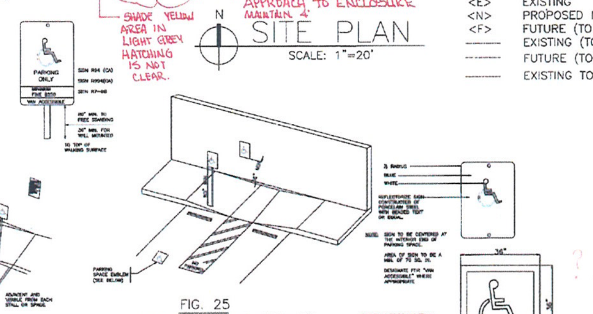
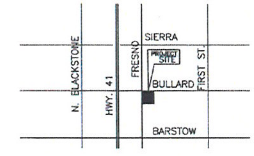


FIG. 25
PARKING SPACE SIGNAGE



VICINITY MAP

NOT TO SCALE

LEGAL DESCRIPTION:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL A OF PARCEL MAP NO. 73-17, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 7 PAGE 49 OF PARCEL MAPS, FRESNO COUNTY RECORDS.

PROJECT DATA:

AGENCY OF JURISDICTION: CITY OF FRESNO
PROJECT ADDRESS: 5790 N. FRESNO ST., FRESNO, CA 93710

APN: 418-021-01
ZONING: C-1 (NEIGHBORHOOD COMM'L. SHOPPING CENTER)
LAND USE – MEDIUM DENSITY RESIDENTIAL
LOT AREA: 27,225 S.F. (0.625 ACRES)
COMMUNITY PLAN: HOOVER
PROP. BLDG. AREA: 4,888 S.F.
RESTAURANT – 916 S.F.
C-STORE – 3,868 S.F.
STAIRS TO ROOF – 64 S.F.
APARTMENT – 1,748 S.F.

OCCUPANCY: M
PARKING STALLS: COMMON
PROVIDED 16 STALLS+ 8 (UNDER CANOPY)= 24 P.S.
REQUIRED PARKING STALLS 4,888 X 2 = 26 P.S. (370)

PARKING RATIO TO FLOOR AREA= 1/202
PAVEMENT AREA= 9,532 S.F.
PROP. LANDSCAPED AREA = 2,728 S.F.
FUTURE LANDSCAPED AREA = 825 S.F.

EXISTING USE: <E> GAS STATION, AUTO REPAIR SHOP; <E> PIT 1,628 S.F. (TO BE USED FOR C-STORE STORAGE)

PROPOSED USE: <P>GAS STN., C-STORE, SANDWICH SHOP, APARTMENT (MIXED USE)

TYPE OF CONSTRUCTION: VB SPRINKLERED

BUILDING COVERAGE PROPOSED: 26%
BUILDING COVERAGE ALLOWED: 33%

	C-STORE	REST.	APT. 1	APT. 2
SQ. FT.	3,698 S.F.	1,060 S.F.	1,038 S.F.	710 S.F.
OCCUPANCY:	M	B	R	R
OCCUPANT LOAD:	55 (2 EXITS)	35	5	5

OUTDOOR PLAY AREA ON ROOF 1,448 S.F.
PRIVATE DECKS (2ND FLOOR) 164 S.F.
TOTAL 1,612 S.F.

PREVIOUS ENTITLEMENTS:
C-89-21
R-3969D
R-4068D
C-6786
V-6928
R-4680/C-4784
C-10-174

PROP. DEVIATION FROM C-1 STANDARDS
• OPEN SPACE ON ROOF = 30% OF BLDG. AREA
• RES. DENSITY = 3.2 DWELL. UNITS/ACRE
• PARKING DEVIATION = 2 PARKING SPACES SHORTAGE
• SETBACK ENCROACHMENT:
@ EAST PROP. LINE = 640 S.F.
@ SOUTH PROP. LINE = 920 S.F.
TOTAL SETBACK ENCROACHMENT = 1,560 S.F.

OWNER/APPLICANT:
HARDEEP SINGH
294. N. FRESNO ST.,
FRESNO, CA 93700
TEL: 559-237-7384
GHSBROTHERS@YAHOO.COM

C.P. 3

REVISIONS
NOV. 19, 2011
NOV. 19, 2011
MAY 2, 2011
MARCH 24, 2011
MARCH 8, 2011
JAN. 23, 2011

PROJECT/LOCATION: XPRESS FOOD MART, BULLARD/FRESNO SEC

DESIGNED BY: AESTHETICS DRAFTING DESIGNS

SHEET CONTENTS: SITE PLAN, NOTES

SHEET NO. SP1

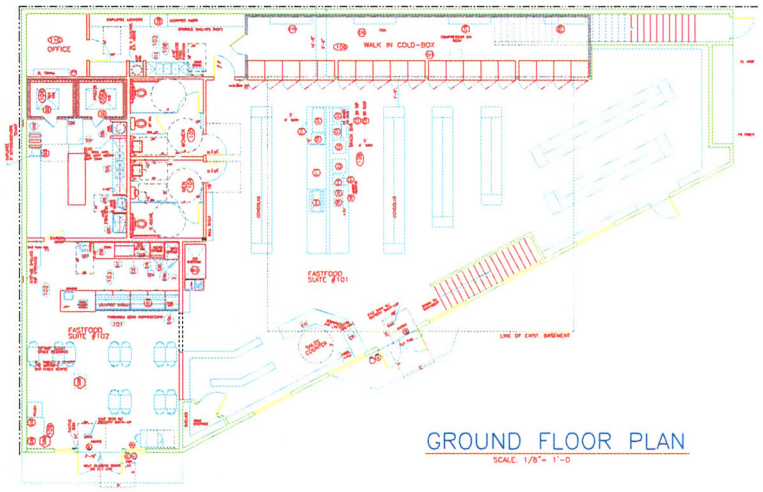
APPL. NO C-10-174 EXHIBIT A DATE 11-2011
TRAFFIC ENG. L GILIO DATE 11/4/11

Exhibit I

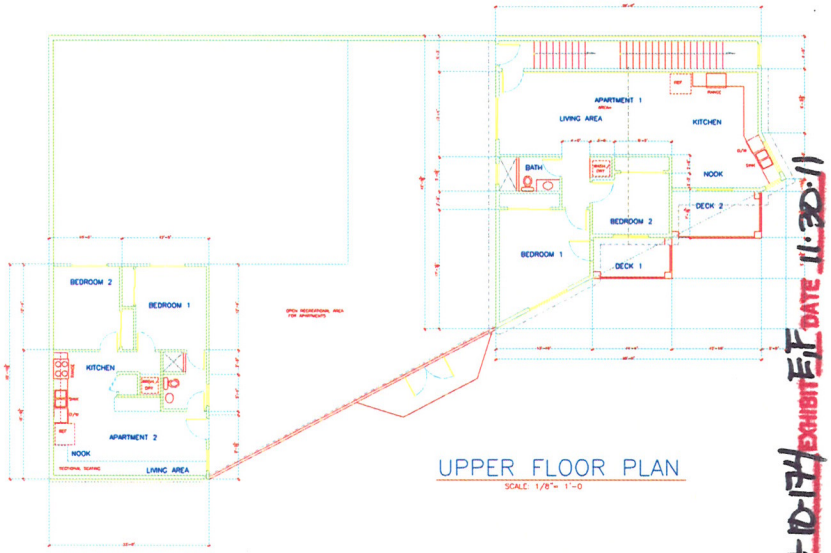
Floor Plan and Elevations

1. FINAL ELEVATIONS TO BE APPROVED PRIOR TO PERMITS

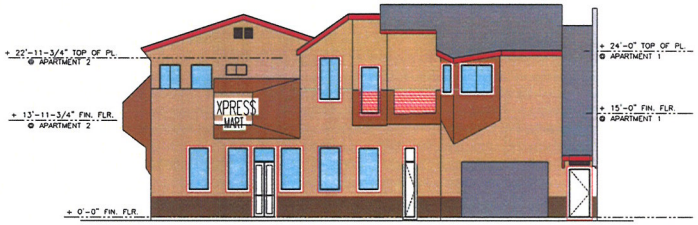
2 COLOR & MATERIAL SAMPLES TO BE APPROVED PRIOR TO PER PERMITS



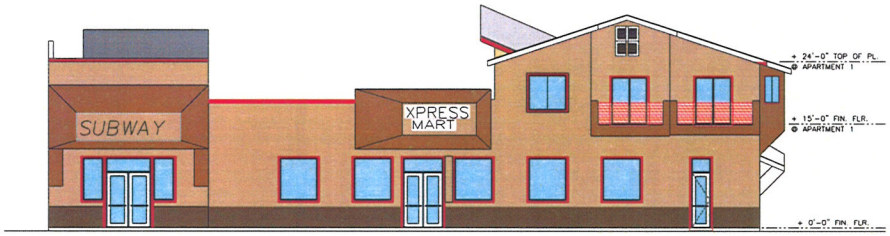
GROUND FLOOR PLAN
SCALE: 1/8"= 1'-0



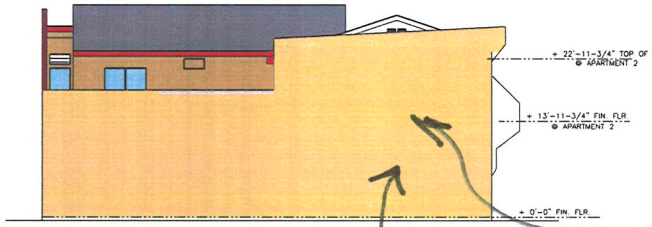
UPPER FLOOR PLAN
SCALE: 1/8"= 1'-0



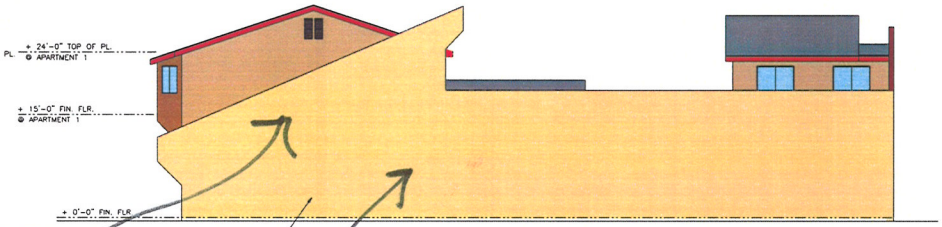
WEST ELEVATION
SCALE: 1/8"= 1'-0



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



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



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

4. COLORS/MATERIALS OF SOUTH & EAST WALLS TO BE COMPATIBLE W/ADJ. PROP.

3. ADD COLOR/TEXTURE OR FEATURES TO AVOID BLANK WALL APPEARANCE

APPL. NO. C-10174 EXHIBIT E.F DATE 11-30-11
PROJ ENG. _____ DATE _____
TRAFFIC ENG. _____ DATE _____
COND. APPROVED BY _____ DATE _____
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

APRIL 9, 2011
APRIL 5, 2011
REVISIONS

PROJECT/LOCATION
XPRESS MART
BULLARD/FRESNO S/E CORNER

AESTHETICS DESIGNS
ELIAS SALIBA, A.I.A. ARCHITECT
(559) 276-0479

SHEET CONTENTS
SANDWICH SHOP, C-STORE APARTMENTS

SHEET NO.
A2.1

Exhibit J

Agency Comments

CITY OF FRESNO - DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
REQUEST FOR COMMENTS, CONDITIONS, ENVIRONMENTAL ASSESSMENT, AND ENTITLEMENT APPLICATION REVIEW OF CONDITIONAL USE PERMIT APPLICATION NO. C-10-174 - ABCUP

P&D/Building and Safety Svcs - Yeghia Oulashian

Return Completed Form to:
Sophia Pagoulatos
Development Services/Planning
Email: Routing@fresno.gov
Telephone: 559-621-8277
Development & Resource Management
2600 Fresno Street, Third Floor
Fresno CA 93721-3604

PROJECT DESCRIPTION AND LOCATION:

A minor amendment to Conditional Use Permit Application No. C-10-174 was filed by Elias Saliba, on behalf of Hardeep Singh, and pertains to 0.63 acre of property located on the southeast corner of North Fresno Street and East Bullard Avenue. The applicant proposes to convert the existing lube shop building into a 4,888 square-foot convenience store and sandwich shop and construct a second story duplex-- 710 square-foot unit and 1,038 square-foot unit. The existing 2,120 square-foot gas island canopy and the 4 gas pump dispensers will remain. The basement pit will be converted to storage. The applicant requests authorization to establish a State of California Alcoholic Beverage Control Type 21 License *(Package Store -- sale of beer, wine, and distilled spirits for consumption off the premises where sold)* for the Xpress Food Mart. The property is zoned C-1 *(Neighborhood Shopping Center)*.

APN: 418-021-01 **ZONING: C-1** **ADDRESS: 5790 North Fresno Street**

DATE ROUTED: May 9, 2011 **COMMENT DEADLINE: May 19, 2011**

If no response is received by the comment deadline, it will be assumed you have no comments to submit.

WILL THIS PROJECT AFFECT YOUR AGENCY/JURISDICTION? (If yes, specify.)

SUGGESTION(S) TO REDUCE IMPACTS/ADDRESS CONCERNS:

REQUIRED CONDITIONS OF APPROVAL:

Plans/permits reqd
Bldg issues addressed
@ plan review including
covered parking.

IS ANY ADDITIONAL INFORMATION NEEDED FOR YOU TO COMPLETE YOUR REVIEW? (Be specific):

REVIEWED BY: [signature] 8156 5-9-11

Name and Title | Telephone Number | Date

Council District 4; Hoover Community Plan

City of

FRESNO

FIRE DEPARTMENT

Date: May 19, 2011

To: SOPHIA PAGOULATOS, Planner III
Planning and Development Department , Advance Planning

From: RICHARD FULTZ, Senior Fire Prevention Inspector
Fire Department, Fire Prevention & Investigative Services

Subject: A Minor Amendment to C-10-174 ABCUP was filed by Elias Saliba, on behalf of Hardeep Singh, and pertains to 0.63 acre of property located on the southeast corner of North Fresno Street and East Bullard Avenue, 5790 North Fresno Street, APN 418-021-01. The applicant proposes to convert the existing lube shop building into a 4,888 square foot convenience store and sandwich shop and construct a second story duplex, 710 square foot unit and 1,038 square foot unit. The existing 2,120 square foot gas island canopy and the 4 gas pump dispensers will remain. The basement pit will be converted to storage. The applicant requests authorization to establish a State of California Alcoholic Beverage Control Type 21 License, Package Store, sale of beer, wine, and distilled spirits for consumption off the premises where sold, for the Xpress Foot Mart. The property is zoned C-1, Neighborhood Shopping Center.

Other

Existing access and water supply meet fire department requirements and there are no additional site requirements for this project. The interior of the building will be reviewed when the building plan is submitted to the Planning and Development Department. The addition of the residence above the existing structure will require that a fire sprinkler system be installed as part of the remodel.

City of
FRESNO

DEPARTMENT OF PUBLIC UTILITIES

Providing Life's Essential Services

Date: May 10, 2011

To: SOPHIA PAGOULATOS, Planner III
Planning and Development Department, Advance Planning

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

Subject: A Minor Amendment to C-10-174 ABCUP was filed by Elias Saliba, on behalf of Hardeep Singh, and pertains to 0.63 acre of property located on the southeast corner of North Fresno Street and East Bullard Avenue, 5790 North Fresno Street, APN 418-021-01. The applicant proposes to convert the existing lube shop building into a 4,888 square foot convenience store and sandwich shop and construct a second story duplex, 710 square foot unit and 1,038 square foot unit. The existing 2,120 square foot gas island canopy and the 4 gas pump dispensers will remain. The basement pit will be converted to storage. The applicant requests authorization to establish a State of California Alcoholic Beverage Control Type 21 License, Package Store, sale of beer, wine, and distilled spirits for consumption off the premises where sold, for the Xpress Foot Mart. The property is zoned C-1, Neighborhood Shopping Center.

General

Comply with Department of Public Utilities requirements in memo dated August 30, 2010 (Solid Waste)

City of
FRESNO

DEPARTMENT OF PUBLIC UTILITIES

Providing Life's Essential Services

Date: August 30, 2010

To: SOPHIA PAGOULATOS, Planner III
Planning and Development Department, Advance Planning

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

Subject: C-10-174 ABCUP was filed by Cynthia Zamora, on behalf of Hardeep Singh, and pertains to 0.63 acre of property located on the southeast corner of North Fresno Street and East Bullard Avenue, east of State Route 41, 5790 North Fresno Street, APN 418-021-01. The applicant proposes to remodel the existing lube shop building and convert it to a convenience store. The applicant requests authorization to establish a State of California Alcoholic Beverage Control Type 21 License, Package Store, sale of beer, wine, and distilled spirits for consumption off the premises where sold, at the existing gasoline service station. The property is zoned C-1, Neighborhood Shopping Center.

Does Project Affect Your Agency/Jurisdiction

Yes - Project will be serviced by Solid Waste Division

Suggestions to Reduce Impacts/Address Concerns

Enclosure shall be constructed on a level surface.

Recommended Conditions of Approval

Project will be serviced by Solid Waste Division.
Enclosure shall be built in accordance with current Solid Waste standards.
Two cell trash enclosure required.

Additional Information

Location of enclosure is acceptable

DEPARTMENT OF PUBLIC WORKS

TO: **Sophia Pagoulatos, Planning Manager**
Planning Division

FROM: **Hilary Kimber, Parks Supervisor II (559-621-1345)**
Public Works, Engineering

DATE: May 17, 2011

SUBJECT: SITE PLAN REVIEW NO. C-10-174 **MINOR AMENDMENT**

The Department of Public Works offers the following comments regarding 5790 North Fresno Street (APN: 418-021-01) located on the southeast corner of East Bullard Avenue and North First Street on landscape and irrigation plans by Aesthetics Drafting Designs, dated May 2, 2011, for Xpress Food Mart.:

GENERAL REQUIREMENTS

1. The Public Works Department requires one street tree for every 60 lineal feet of street frontage. There are approximately 165 lineal feet of street frontage along N. First St. resulting in the requirement of three (3) street trees. Please infill the two existing 3' x 3' tree wells with concrete. Approved onsite trees located within 10' of the back of the sidewalk will count towards the street tree requirement for N. First St.

2. The northernmost drive approach on N. Fresno St. near the corner of N. Fresno St. and E. Bullard Ave. is to be removed and landscape and irrigation installed according to the newly revised landscape plans.

3. The landscape plans show four (4) trees, two (2) Platanus racemosa (California Sycamore) and two (2) Pistacia chinensis (Chinese Pistache) planted within ten feet of the back of the future sidewalk when N. Fresno St. is widened. These onsite trees are acceptable in-lieu-of street trees are acceptable to Public Works.

4. There are approximately 175 lineal feet of street frontage along East Bullard Avenue resulting in the requirement of three (3) street trees. Please infill the two existing 3' x 3' tree wells with concrete. The landscape plan indicates one (1) Platanus racemosa and one (1) Ulmus parvifolia 'Drake' (Chinese Evergreen Elm) to be planted onsite in-lieu of street trees. These species are acceptable to Public Works and meet the requirements.

5. Please review both the irrigation and landscape plans for minor redline comments.

CITY OF FRESNO - DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

REVISED SITE PLAN TO COMPLY WITH COMMENTS-

PROJECT HAS NOT YET BEEN APPROVED

REQUEST FOR COMMENTS

ENTITLEMENT NO. C-10-174

Address: 5790 N. Fresno Street

To: Public Works, Street Maintenance
Attn: Hilary Kimber

Return Completed Form to:
Sophia Pagoulatos *Ph: (559) 621-8062*
2600 Fresno Street
Fresno, CA 93721

DATE ROUTED: DECEMBER 20, 2011 BACK CHECK COMMENT DEADLINE: DECEMBER 23, 2011

If no response is received by the comment deadline, it will be assumed that you have no comments to submit.

EXHIBIT A DATED: NOVEMBER 30, 2011

Have original comments been met? NO.

List conditions that have not been satisfied; if applicable: NEED AN IRRIGATION DESIGN THAT INCLUDES LOCATIONS OF ALL PORTIONS OF SYSTEM (TIMECLOCK, BACKFLOW, VALVES, IRRIGATION HEADS, ETC.) ALSO NAMES OF MANUFACTURERS AND MODEL NUMBERS.

Is any additional information needed for you to complete your back check? (if yes, list specific information.): YES. SEE ATTACHED.

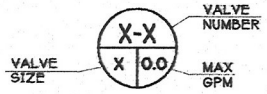
☐ **APPROVED** ☒ **RESUBMIT**

Reviewed by: H. Kimber PS II X-1345 1.5.12
Name and title Telephone Number Date

Attachments: Exhibit A dated 11.30.11
PREVIOUS COMMENTS

IRRIGATION EQUIPMENT LEGEND

SYMBOL	MANUFACTURER & DESCRIPTION
	IRRITROL - ULTRAFLOW SERIES (SIZE AS NOTED)
A	ALEX-TRONIX IRRIGATION CONTROLLER - ENERCON SERIES
	FEBCO - #825Y-2" REDUCED PRESSURE BACKFLOW PREVENTOR
	NIBCO - BRONZE GATE VALVE (LINE SIZE)
M	2" WATER METER
	MAINLINE - SCHEDULE 40 PVC PIPE (SIZE AS NOTED)
	LATERALS - CLASS 200 PVC (SEE SIZING CHART)
	SLEEVES - SCHEDULE 40 PVC



ELECTRIC VALVE DESIGNATION

LATERAL PIPE SIZING CHART

0-7 GPM USE 3/4" CL 200 PVC LATERAL LINE
7-12 GPM USE 1" CL 200 PVC LATERAL LINE
12-20 GPM USE 1 1/4" CL 200 PVC LATERAL LINE
20-28 GPM USE 1 1/2" CL 200 PVC LATERAL LINE
28-45 GPM USE 2" CL 200 PVC LATERAL LINE
45-70 GPM USE 2 1/2" CL 200 PVC LATERAL LINE

SHRUB HEADS

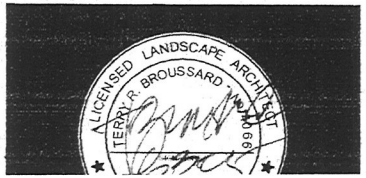
SYM.	MANUF./ DESCRIPTION	NOZZLE RADIUS	GPM
	TORO 570S-12P-PRX-COM	8' MPR SERIES F, H, T, Q, VAN	1.13, 0.56, 0.34, 0.
	TORO 570S-12P-PRX-COM	10' MPR SERIES F, H, T, Q, VAN	1.55, 0.80, 0.59, 0
	TORO 570S-12P-PRX-COM	12' MPR SERIES F, TT, H, T, Q, VAN	2.27, 1.51, 1.19, 0.8
	TORO 570S-12P-PRX-COM	15' MPR SERIES F, TQ, TT, H, T, Q, VAN	4.00, 2.93, 1.83, 1.
	TORO 570S-12P-PRX-COM	4-SST (4x24) & 4-EST (3x12)	1.01, 0.51

TURF HEADS

SYM.	MANUF./ DESCRIPTION	NOZZLE RADIUS	GPM
	TORO 570S-6P-PRX-COM	8' MPR SERIES F, H, T, Q, VAN	1.13, 0.56, 0.34, 0.
	TORO 570S-6P-PRX-COM	10' MPR SERIES F, H, T, Q, VAN	1.55, 0.80, 0.58, 0.
	TORO 570S-6P-PRX-COM	12' MPR SERIES F, TT, H, T, Q, VAN	2.27, 1.51, 1.19, 0.8
	TORO 570S-6P-PRX-COM	15' MPR SERIES F, TQ, TT, H, T, Q, VAN	4.00, 2.93, 1.83, 1.
	TORO 570S-6P-PRX-COM	4-SST (4x24) & 4-EST (3x12)	1.01, 0.51

BUBBLERS

SYM.	MANUF./ DESCRIPTION	PATTERN; BODY	GPM; RADIUS
●	(2) FB-50-PC NOZZLE	FLOOD; 570S-3P-PRX-COM	0.45; N/A



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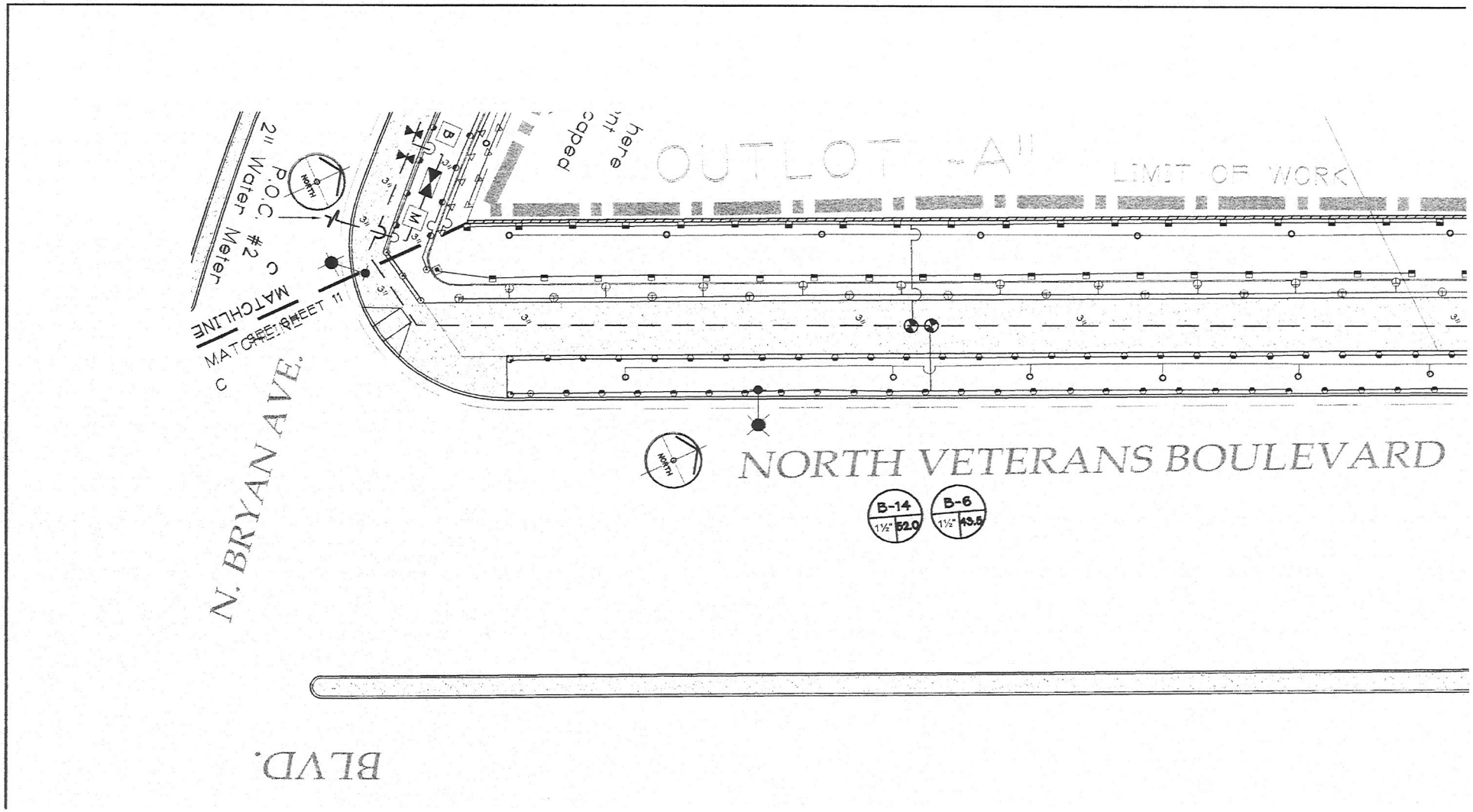

OUTLOT -A"
LIMIT OF WORK
NORTH VETERANS BOULEVARD
B-14
1½" 52.0
B-6
1½" 43.5
N. BRYAN AVE.
BLVD.
P.O.C. #2
2" Water Meter
MATCHLINE
SEE SHEET 11
NORTH

City of
FRESNO

DEPARTMENT OF PUBLIC UTILITIES

Providing Life's Essential Services

Date: May16, 2011

To: SOPHIA PAGOULATOS
Planning and Development Department

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

Subject: SEWER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-11-074 ABCUP

General

A Minor Amendment to C-10-174 ABCUP was filed by Elias Saliba, on behalf of Hardeep Singh, and pertains to 0.63 acre of property located on the southeast corner of North Fresno Street and East Bullard Avenue, 5790 North Fresno Street, APN 418-021-01. The applicant proposes to convert the existing lube shop building into a 4,888 square foot convenience store and sandwich shop and construct a second story duplex, 710 square foot unit and 1,038 square foot unit. The existing 2,120 square foot gas island canopy and the 4 gas pump dispensers will remain. The basement pit will be converted to storage. The applicant requests authorization to establish a State of California Alcoholic Beverage Control Type 21 License, Package Store, sale of beer, wine, and distilled spirits for consumption off the premises where sold, for the Xpress Foot Mart. The property is zoned C-1, Neighborhood Shopping Center.

Sanitary Sewer Requirements

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

1. The Project Developer shall contact Wastewater Management Division/Environmental Services at (559) 621-5100 prior to pulling building permits regarding conditions of service for special users.

Sanitary Sewer Fees

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

City of
FRESNO

DEPARTMENT OF PUBLIC UTILITIES

Providing Life's Essential Services

Date: May 16, 2011

To: SOPHIA PAGOULATOS
Planning and Development Department

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

Subject: WATER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-11-074 ABCUP

General

A Minor Amendment to C-10-174 ABCUP was filed by Elias Saliba, on behalf of Hardeep Singh, and pertains to 0.63 acre of property located on the southeast corner of North Fresno Street and East Bullard Avenue, 5790 North Fresno Street, APN 418-021-01. The applicant proposes to convert the existing lube shop building into a 4,888 square foot convenience store and sandwich shop and construct a second story duplex, 710 square foot unit and 1,038 square foot unit. The existing 2,120 square foot gas island canopy and the 4 gas pump dispensers will remain. The basement pit will be converted to storage. The applicant requests authorization to establish a State of California Alcoholic Beverage Control Type 21 License, Package Store, sale of beer, wine, and distilled spirits for consumption off the premises where sold, for the Xpress Foot Mart. The property is zoned C-1, Neighborhood Shopping Center.

Water Requirements

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

1. Water service with meter shall be required.

Water Fees

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

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

August 20, 2010

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

Project: Conditional Use Permit Application No. C-10-174

District California Environmental Quality Act (CEQA) Reference No: 20100683

Dear Ms. Pagoulatos:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the above referenced project. The District offers the following comments:

1. Based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 ton/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality.

2. The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

3. The District recommends that a copy of the District's comments be provided to the project proponent.

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

www.valleyair.org www.healthyairliving.com

Printed on recycled paper.

If you have any questions or require further information, please call Ms. Debbie Johnson, at (559) 230-5817.

Sincerely,

David Warner
Director of Permit Services

Debbie Johnson
for Arnaud Marjollet
Permit Services Manager

DW: dj

Cc: File

City of FRESNO

DATE: September 3, 2010

TO: Sophia Pagoulatos, Supervising Planner
Planning and Development Department, Planning Division

FROM: Mario Rocha, Senior Engineering Technician
Public Works Department, Engineering Division

SUBJECT: Conditions of Approval for **C-10-174**
APN: **418-021-01**
ADDRESS: **5790 North Fresno Street**

SITE PLAN REQUIREMENTS: This site plan is incomplete. Please provide the following information prior to Building Permits:

A. General Requirements
1. **Legend:** Provide line type symbols.
2. **Parcel of Record:** Provide on the site plan a legal description of legal lot of record.
3. **Property Lines:** Identify and dimension existing and proposed property lines.
4. **Easements:** Identify and dimension all existing and proposed easements.

B. Offsite Information:
1. **Section and Center Lines:** Identify all section and center lines.
2. **Irrevocable offer of dedication:** Identify all proposed dedications. Provide a dimension from the section and center lines to the existing and proposed property lines.
3. **Street Improvements:** Identify proposed curb, gutter, sidewalks (provide width), ADA ramps (provide radius), street lights (specify if wood or metal pole)
4. **ADA:** Identify the required 4' minimum path of travel along the public sidewalk adjacent to property.
5. **Median Islands:** Identify and specify if existing to remain, proposed or to be modified.
6. **Intersections:** Identify the entire intersection on the site plan with striping and offsite improvements.

C. Onsite Information:
1. **Access:** Provide pedestrian, vehicular and service access. Identify in the operational statement the maximum size of vehicle to enter and exit the site. Provide turning templates on the site plan for all large vehicles.
2. **Parking Lots:** (existing and proposed)
   a. **Stalls:** Provide length and width. Provide the number that are required, provided, compact and disability parking stalls. Identify the 3' vehicular overhang adjacent to continuous curbing. No obstructions shall be within the 3' overhang. (ground cover is allowable.)
   b. **Circulation Aisles:** provide widths
   c. **Directional flow of traffic:** Identify existing and proposed directional arrows
   d. **Disability parking, ramps, signage:** provide details
   e. **Planters:** provide planter dimensions and radii
   f. **Paving:** per Public Works Standards P-41,P-42, P-43

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 Mario Rocha at (559) 621-8684 / Mario.Rocha@fresno.gov, Engineering Division, Traffic Planning Section.

Submit the following, as applicable, in a single package to the City of Fresno Public Works Department Engineering Division (559-621-8650), Plan Check and GIS Mapping Section and Traffic Engineering, 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 Traffic Engineering (Randy Schrey) in advance to make sure that sidewalks or an approved accessible path remain open during construction.

Underground all existing off-site overhead utilities within the limits of this site/map as per FMC Section 12-1011 and Resolution No. 78-522/88-229.

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.**

Bullard Avenue: Arterial

Provide irrevocable offers of dedication for the following:

a) **56'** of property from section line for public street purposes within the limits of this application per Public Works Standard **P-52**, **P-52A,** and **P-69**.
b) A corner cut for public street purposes at the intersection of Bullard and Fresno.
c) **2'** of property for pedestrian purposes behind driveway approach to provide for a minimum of a **4'** clear path.

Fresno Avenue: Collector

Provide an irrevocable offer of dedication for the following:

a) A sufficient amount of property to accommodate dual left turn lanes, (2) thru lanes, (1) right turn lane and (1) bike lane for public street purposes within the limits of this

application. (Exact dedication to be determined once additional information has been provided.

Irrevocable offer of dedication documents for the required dedications shall be prepared by the applicant's engineer and submitted to the Public works Department, Engineering Division, Special Districts / Projects and Right of Way Section with verification of ownership **prior** to issuance of building permits.

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, Engineering Division, Special Districts / Projects and Right of Way Section, (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. **Street Construction Plans are required and shall be approved 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, Engineering Services Section 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 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.

***Bullard Avenue: Arterial**

1. Construct a standard curb ramp per Public Works Standard **P-29,** based on a **30'** radius.
2. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a **7'** commercial pattern.
3. Construct a concrete pedestrian walkway behind all driveway approaches as identified on Exhibit "A". Asphalt concrete paving per City of Fresno Public Works Standard Drawing **P-41** may be substituted for concrete. (Refer to City of Fresno Public Works Standard Drawings **P-1** thru **P-3** for additional information.)
4. **Provide 10' of red curbing (3 coats) on both sides of the existing driveway approach.**
5. Remove existing improvements and install required improvements to new street alignment and grade.
6. Construct **20'** of permanent paving (measured from face of curb) within the limits of this application.

7. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-7** for Arterial Streets.

***Fresno Avenue: Collector**

1. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a **7'** commercial pattern.
2. Construct a concrete pedestrian walkway behind all driveway approaches as identified on Exhibit "A". Asphalt concrete paving per City of Fresno Public Works Standard Drawing **P-41** may be substituted for concrete. (Refer to City of Fresno Public Works Standard Drawings **P-1** thru **P-3** for additional information.)
3. **Provide 10' of red curbing (3 coats) on both sides of the existing driveway approach.**
4. Remove existing improvements and install required improvements to new street alignment and grade.
5. Construct **20'** of permanent paving (measured from face of curb) within the limits of this application.
6. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-8** for Collector Streets.

- ***Apply for a deferral agreement for offsite improvements. The City of Fresno will construct entire intersection as a single project. Credits to be determined.**

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-41**, **P-42**, **P-43**.
2. Install **30"** state standard "STOP" sign(s) at location(s) shown. Sign shall be mounted on a **2"** galvanized post with the bottom of the sign **7'** above ground; located behind curb and immediately behind a major street sidewalk. A "right turn only" sign is also required, at the same location; install a **30" x 36"** state standard sign immediately below the stop sign on the same post.
3. Provide parking space needs, circulation, access, directional signs (e.g. "Entrance," "Exit," "Right Turn Only," "One Way" signs, etc.) as noted on **Exhibit "A".**

Traffic Impact Study

A trip generation calculation will be provided once we have received the square footage and uses of the redesigning of building(s).

Traffic Signal Mitigation Impact (TSMI) Fee:

This project shall pay its TSMI 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.

This TSMI fee is credited against signal installation and Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) anticipated to build out the 2025 General Plan circulation element and included in the Nexus Study for the TSMI fee. Project

specific impacts that are not consistent with the 2025 General Plan, Public Works P69 standards, and/or already incorporated into the TSMI fees infrastructure costs are not reimbursable unless the City Engineer and City Traffic Engineer include the new traffic signal and/or ITS infrastructure in the next update and the applicant agrees to pay the new calculated TSMI fee that includes the new infrastructure. Failure to pay this fee or construct improvements that are credited/reimbursable with this fee will result in a significant unmitigated impact as this fee is applied to all projects within the City Sphere of Influence. If the applicant is conditioned with improvements that are credited/reimbursable with this fee they should work with the Department of Public Works and identify with a Professional Engineers estimate the costs associated with the improvements prior to paying the TSMI fee at time of building permit.

Fresno Major Street Impact (FMSI)Fees:

This entitlement is in the **Infill Area**; therefore pay all applicable City-wide regional street impact fees.

State of California Department of Transportation (Caltrans) Fees:

Applicant shall pay fair share contribution as determined by the State of California Department of Transportation (Caltrans) to be collected by the City of Fresno Public Works Department Traffic Engineering, (559) 621-8820, **prior** to a Building Permit.

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 building permits.

Sophia Pagoulatos

From: Christopher Preciado
Sent: Monday, June 06, 2011 10:34 AM
To: Sophia Pagoulatos
Subject: RE: C-10-174-Minor Amendment
Attachments: FAX-SEC-Bullard+Fresno.pdf

Sophia,
FAX would like to submit comments for this application:

FAX comments:

1. Provide min. 80' of reinforced curb and gutter, eastbound along Bullard, including at proposed drive approach (gutter only).
2. Provide min. 40' clear between drive approach's to facilitate future bus stop.
3. See attached mark-up for clarification.
4. Contact PW Traffic for any bus bay depth requirements. Note: Curbside bus stop is acceptable to FAX, although if PW Traffic determines a bus bay is required due to street geometrics, the second drive approach would need to be designed to include provisions for the minimum transition length requirements of P-73.

Thanks,
Christopher Preciado
Transit Planner II
City of Fresno
Department of Transportation
Planning Division
Fresno Area Express
559-621-1463
Christopher.Preciado@fresno.gov

From: Sophia Pagoulatos
Sent: Friday, June 03, 2011 1:28 PM
To: Christopher Preciado
Subject: RE: C-10-174-Minor Amendment

Of course. We are just finished receiving comments on a major re-submittal. The building was moved to the SE corner of the site and residential added as a second floor. We're at least 30 days from approval. I know driveways and the location of the bus stop along the Bullard frontage were of major concern to Public Works.

Did you have a specific question or concern?

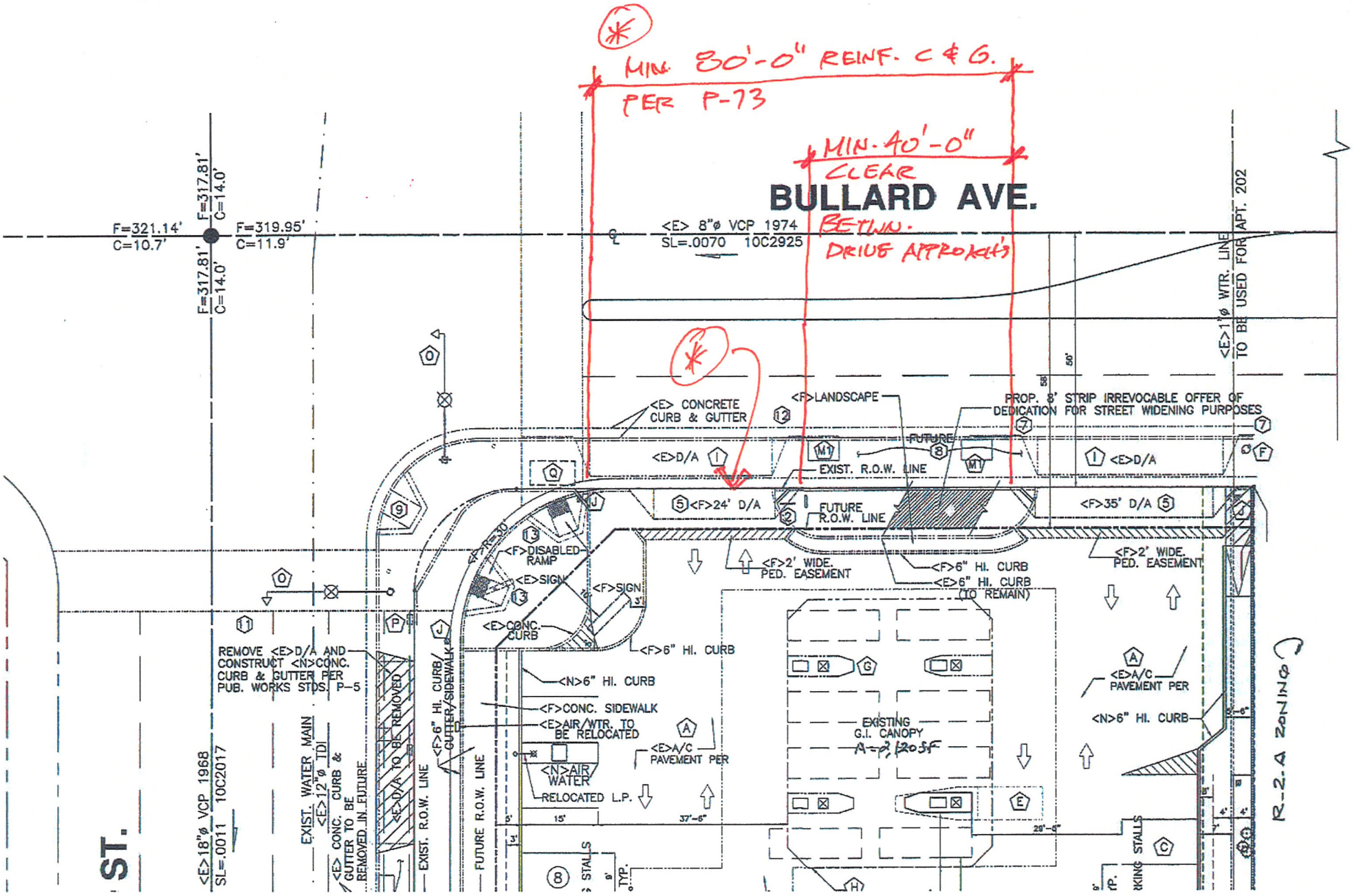
Sophia

From: Christopher Preciado
Sent: Friday, June 03, 2011 12:46 PM
To: Sophia Pagoulatos
Subject: C-10-174-Minor Amendment

Hi Sophia,
Can I ask what the status is on this application?

Thanks,

Christopher Preciado
Transit Planner II
City of Fresno
Department of Transportation
Planning Division
Fresno Area Express
559-621-1463
Christopher.Preciado@fresno.gov



(*) - AT D/A, GUTTER REINF. REQ'D

DEPARTMENT OF TRANSPORTATION
1352 WEST OLIVE AVENUE
P. O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 488-7307
FAX (559) 488-4088
TTY (559) 488-4066

Flex your power!
Be energy efficient!

May 10, 2011

2131-IGR/CEQA
6-FRE-41-29.463+/-
C-10-174-ABCUP
XPRESS FOOD MART/SUBWAY

Ms. Sophia Pagoulatos
City of Fresno Development Department
2600 Fresno Street
Fresno, CA 93721

Dear Ms. Pagoulatos:

We have reviewed the application proposing to convert an automobile lube shop at an existing gas station to a convenience store with deli store attachment. The site is located on the southeast corner of Fresno Street and Bullard Avenue, just east of the State Route (SR) 41 interchange. Caltrans has the following comments:

It is anticipated that the conversion would generate additional trips during the A.M. and P.M. peak travel periods; however, these trips would likely be derived from the local area and pass-by vehicles and not drawn from SR 41. The SR 41 interchange at Bullard Avenue is not expected to be significantly impacted; yet, the additional trips would likely impact the Fresno Street and Bullard Avenue intersection. While this intersection is recognized as a City intersection, the failure of this intersection would likely impact the nearby northbound SR 41 ramp intersection at Bullard Avenue. Therefore, due to the relationship and the proximity of these two intersections, it is important that any impacts this project may have towards the Fresno Street and Bullard Avenue intersection be mitigated. As such, it is to be noted the City of Fresno has included in the City's TSMI fee program future mitigation measures for impacts to the Fresno Street and Bullard Avenue intersection.

If you have any questions, please call me at (559) 488-7307.

Sincerely,

JENNIFER BRYAN-SANCHEZ
Office of Transportation Planning
District 06

File No. 210.413

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

FR CUP No. 2010-174R

PUBLIC AGENCY
SOPHIA PAGOULATOS
DEVELOPMENT SERVICES/PLANNING
CITY OF FRESNO
2600 FRESNO STREET, THIRD FLOOR
FRESNO, CA 93721-3604

DEVELOPER
HARDEEP SINGH
294 N. FRESNO STREET
FRESNO, CA 93701

PROJECT NO: **2010-174R**
ADDRESS: **5790 N. FRESNO STREET**
APN: **418-021-01**
SENT: 5/16/11

Drainage Area(s)	Preliminary Fee(s)
N	$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 5/09/11 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.

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

1. X **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".

X None required.

3. The following final improvement plans shall be submitted to the District for review prior to final development approval:

X Grading Plan

_____ Street Plan

_____ Storm Drain Plan

_____ Water & Sewer Plan

_____ Final Map

_____ Other

_____ None Required

4. Availability of drainage facilities:

X 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.)

X 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.

FR CUP No. 2010-174R

FR CUP No. 2010-174R

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

Michael Maxwell
Project Engineer

CC:

ELIAS SALIBA, AESTHETICS DESIGNS

4668 W. PINE AVE.

FRESNO, CA 93722

FR CUP No. 2010-174R

OTHER REQUIREMENTS
EXHIBIT NO. 2

In an effort to improve storm water runoff quality, outdoor storage areas shall be constructed and maintained such that material which generates contaminants will not be conveyed by runoff into the storm drain system.

The District encourages, but does not require that roof drains from non-residential development be constructed such that they are directed onto and through a landscaped grassy swale area to filter out pollutants from roof runoff.

Runoff from areas where industrial activities, product, or merchandise come into contact with and may contaminate storm water must be directed through landscaped areas or otherwise treated before discharging it off-site or into a storm drain. Roofs covering such areas are recommended. Cleaning of such areas by sweeping instead of washing is to be required unless such wash water can be directed to the sanitary sewer system. Storm drains receiving untreated runoff from such areas that directly connect to the District's system will not be permitted. Loading docks, depressed areas, and areas servicing or fueling vehicles are specifically subject to these requirements. The District's policy governing said industrial site NPDES program requirements are attached.

Development No. CUP 2010-174Rev

County of Fresno
Department of Public Health
Edward L. Moreno, M.D., M.P.H., Director-Health Officer

May 19, 2011

FA0169641
LU0015759
PE 2602

Sophia Pagoulatos
City of Fresno
Development Department
2600 Fresno Street
Fresno, CA 93721

Dear Ms. Pagoulatos:

PROJECT NUMBER: C-10-174-Revised

A minor amendment to Conditional Use Permit Application No. C-1 0-174 was filed by Elias Saliba, on behalf of Hardeep Singh, and pertains to 0.63 acre of property located on the southeast corner of North Fresno Street and East Bullard Avenue. The applicant proposes to convert the existing lube shop building into a 4,888 square-foot convenience store and sandwich shop and construct a second story duplex-- 710 square-foot unit and 1,038 square-foot unit. The existing 2,120 square-foot gas island canopy and the 4 gas pump dispensers will remain. The basement pit will be converted to storage. The applicant requests authorization to establish a State of California Alcoholic Beverage Control Type 21 License *(Package Store -- sale* of *beer, wine, and distilled spirits for consumption* off *the premises where sold)* for the Xpress Food Mart. The property is zoned C-1 *(Neighborhood Shopping Center).*

APN: 418-021-01 **ZONING: C-1** **ADDRESS: 5790 North Fresno Street**

Recommended Conditions of Approval:

- Prior to operation, the applicant/owner shall pay all fees due to the Environmental Health Division.

- 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) 445-3334 for more information.

- 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. Contact the Consumer Food Protection Program at (559) 445-3334 for more information.

- Prior to operation, the applicant shall contact the California Alcoholic Beverage Control Department at (559) 225-6334 for information relative to applying for and obtaining a license to sell alcoholic beverages.

- Prior to occupancy, the 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. Contact the Certified Unified Program Agency at (559) 445-3271 for more information.

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

- Should the structure have an active rodent or insect infestation, the infestation should be abated prior to remodeling/demolition of the structure in order to prevent the spread of vectors to adjacent properties.

- In the process of remodeling/demolishing the existing structure, the contractor may encounter asbestos containing construction materials and materials coated with lead based paints.

- 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/demolition 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: 2011.05.19 15:09:11 -07'00'

R.E.H.S., M.P.H.
Environmental Health Specialist III

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(559) 445-3271

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jg

cc: Baruti/Casagrande/Tolzmann, Environmental Health Division
Bains/Gleghorn, Environmental Health Division

Fresno Unified School District

Preparing Career Ready Graduates

REVISED

BOARD OF EDUCATION
Michelle A. Asadoorian, President
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Valerie F. Davis
Lindsay Cal Johnson
Carol Mills, J.D.
Larry A. Moore
Tony Vang, Ed.D.

SUPERINTENDENT
Michael E. Hanson

May 10, 2011

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

SUBJECT: **CONDITIONAL USE PERMIT NO. C-10-174-ABCUP (Minor Amendment)**
5790 N. FRESNO ST.

Dear Ms. Pagoulatos,

In response to the City's request for comments on the pending Conditional Use Permit (C.U.P.) referenced above, Fresno Unified School District (FUSD) has the following comments and concerns:

The existing gasoline service station located at 5790 North Fresno Street, is requesting to establish a Type 21 (*Package Store – sale of beer, wine, and distilled spirits for consumption off the premises where sold*) ABC liquor license for the Xpress Food Mart. It is located within approximately 1,260 feet from Robinson Elementary School. Applicant also proposes to remodel an existing lube shop building and convert it to a convenience store and sandwich shop.

As per the State of California's Alcohol Beverage Control Act, an alcohol license can be refused by the State if the location is "within at least 600 feet from schools." FUSD has concerns regarding potentially dangerous interaction between our students and the proposed operation. FUSD's response on this project is subject to the Alcohol Beverage Control Act and the Fresno Police Department's review and support of the project with regard to the concentration and use of alcohol-related business in close proximity to school sites.

Further, any new commercial/industrial development which occurs, may ultimately affect the District by generating employees. The children of those employees living in the District will need to be housed in District schools.

The Fresno Unified School District levies a commercial/industrial development fee of $0.47 per square foot. If no new square footage is constructed, no development fee will be charged. For the Minor Amendment to this C.U.P. regarding the construction of a second story duplex with 710 and 1,038 square feet, respectively: 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. Any new development on the property will be subject to the development fee prior to issuance of a building permit.

If you have any questions or require additional information regarding our comments and concerns, please contact Deana Clayton, Project Manager, at (559) 457-3066.

Sincerely,

Lisa LeBlanc, Executive Director
Facilities Management and Planning

LL:hh
DWC
c: Antonio Sanchez, Principal, Robinson Elementary School

Exhibit K

Police Department Conditions

City of
FRESNO

POLICE DEPARTMENT
Northeast Problem Oriented Policing
1450 E. Teague
Fresno, California 93720
(559) 621-6400 Fax:(559) 436-6245

Jerry Dyer
Chief of Police

August 23, 2010

City of Fresno, Development Department
Director of Planning & Development.
Special Permit, Conditional Use Permit
2600 Fresno Street
Fresno, California, 93721-3604

Attn. Sophia Pagoulatos

Re: SPECIAL PERMIT NO. C-10-174 ABCUP
Circle K
5790 N. Fresno St.
Fresno, Ca 93710
A.P.N. 418-021-01

Dear Mr. Bergthold,

Pursuant to your Department's request, the Fresno Police Department has reviewed the special permit application for property located at 5790 N. Fresno St., Fresno. The property has been zoned **C-1**, (Neighborhood Shopping Center). The Fresno Police Department's primary concern with the application is the propensity of the operations on the premises to generate calls for police service, and therefore, be detrimental to the public welfare.

As you know, to approve any Conditional Use Permit, the City must make the following findings:

1. All applicable provisions of the Fresno Municipal Code are complied with and the site of the proposed use is adequate in size and shape to accommodate the use, and all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,

2. 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,

3. 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. This third finding shall not apply to uses which are subject to the provisions of Section 12-306-N-39 of the Fresno Municipal Code (Regulating Adult Businesses).

The conditions are established to ensure public safety, and to minimize any impact to the surrounding area. If approved, this Conditional Use Permit would allow for an **off-sale Type 21 ABC license.** We request the following conditions be included as Conditions of Approval for Conditional Use Permit Application No. C-10-174. These conditions will help to insure maintain an environment that is least likely to generate criminal activity, public complaints and police calls for service.

The Fresno Police Department is not in opposition of this Conditional Use Permit, providing the applicant agrees to the listed conditions. If the following conditions are not included as conditions of approval of CUP No. **C-10-174** The Fresno Police Department shall oppose the approval of this Conditional Use Permit, and shall appeal such approval to the Planning Commission. As such, we request that you provide Detective Janette Olson with notice of the Director's decision regarding this Conditional Use Permit as well as a complete copy of the conditions of approval, if the Director approves the Conditional Use Permit.

Requested Conditions of Approval:

1. **Fresno Municipal Codes**

The applicant shall comply with all applicable provisions of the Fresno Municipal Codes ("FMC"), including but not limited to:

FMC 9-502 (Amusement Devices - Permit Required)
FMC 9-1803 (Hours of Operation of Billiard Hall)
FMC 9-1804 (Restriction on Attendance of Minors in Billiard Rooms)
FMC 9-1805 (Minors allowed: Family Billiard Rooms)
FMC 9-1905 (Public Dancing - Permit Required)
FMC 10-105 (Noise Ordinance)
FMC 10-708 (Unlawful Nuisances - High Calls for Police Service)
FMC 12-224 (C-M Zone, Adult Theater activities not permitted, see 12-105-T-1.1 for definition of Adult Theater, and 12-306-N-30 for additional limitations on Adult Business activities.)

A current version of the Fresno Municipal Code may be viewed at the City of Fresno's website: www.Fresno.gov. The link to the FMC is located on the Home Page of that website.

2. **State and Federal Law**

The applicant shall comply with all applicable state and federal law, rules and regulations, including but not limited to the following California Business and Professions Code sections and ABC rules:

BP 24046 (Required to Post ABC License on Premises)
BP 25612.5 (Loitering, Open Alcoholic Beverage Containers, Consuming Alcoholic Beverages on Premises, Exterior Lighting, Litter Removal, Graffiti Removal, Signs and Barriers in Windows and Doors, Public Phones Blocked From Incoming Calls, Areas to Display Harmful Matter, Required Copies of Operating Standards Available for Public Viewing)
BP 25631 (No sale of alcoholic beverages between 2:00 a.m. and 6:00 a.m.)
BP 25665 (Minors Remaining in Public Premises)
ABC Act Rule 106 (No Buy One Get One Free Drinks)
ABC Act Rule 107 (No One Under 21 Allowed Signs Posted)
ABC Act Rule 139 (Interior Lighting Required for Identification of Patrons)

3. **Video Camera**

Prior to exercising any privileges granted by CUP No. C-10-174 the applicant must install a fully functional color digital video camera system ("System") that meets the following requirements:

3.1 The System must continuously record, store, be capable of playing back images and be fully functional at all times, including during any hours the business is closed. The System must be maintained in a secured location inside of the business.

3.2 The System shall have the correct date and time stamped onto the image at all times.

3.3 The camera storage capacity should be for at least one week (seven calendar days). Such cameras must be capable of producing a retrievable and identifiable image than can be made a permanent record and that can be enlarged through projection or other means.

3.4 Digital video recorder must be capable of storing at least seven days of real-time activities.

3.5 The System shall be capable of producing a CD or digital playback feature and may be provided to an authorized representative of the Fresno Police Department within 24 hours of the initial request relating to a **criminal investigation only**.

3.6 The interior of the business must have at least one camera placed to focus on each cash register transaction to include the clerk as well as the customer waiting area. There

should be at least one camera focused on the entrance and the camera view should clearly show an image of the color coded height tape installed on the inside of the door jamb.

3.7 There shall be four (4) exterior cameras placed so as to record activities in the primary customer parking areas of their business. These cameras should be of sufficient quality to be able to identify persons and or vehicles utilizing the business parking lot.

3.8 All interior cameras shall record in color.

3.9 All exterior cameras shall record in color and have automatic low light switching capabilities to black and white. Exterior cameras should be in weatherproof enclosures and located in a manner that will prevent or reduce the possibility of vandalism.

It is recommended, but not required, that the owner/operator provide the IP address(s) to the Fresno Police Department Communications Center for any system that is browser-based or viewable from a remote site. The Fresno Police Department may perform periodic inspections of the System to ensure compliance with these specifications. An inoperable System may be good cause for seeking revocation of this Conditional Use Permit.

4. ABC Education

Any and all employees hired to sell alcoholic beverages shall provide evidence that they have either:

4.1 Completed training from the State of California Department of Alcoholic Beverage Control--Fresno District Office-administered "Leadership and Education in Alcohol and Drugs" (LEAD) Program as confirmed by receipt of an ABC-issued certificate of completion; or,

4.2 Completed equivalent training acceptable to the ABC-- Fresno District Office to ensure proper distribution of beer, wine, distilled spirits, tobacco, and inhalants to ensure proper distribution of beer, wine, distilled spirits, tobacco, and inhalants to adults of legal age.

If any prospective employee designated to sell alcoholic beverages, tobacco or inhalants does not currently have such training then:

4.3 The ABC-licensed proprietors shall have confirmed with the Development Department within 15 days of the final approval of the CUP or within 15 days of the opening to the public of a new store, whichever is later, that a date certain has been scheduled with the local ABC Office for said prospective employees to take the LEAD Program course; and

4.4 Within 30 days of taking said course the employee(s) or responsible employer shall deliver to the Planning Department each required LEAD Program Certificate evidencing completion of said course.

5. **Sale of Malt and Wine-Cooler Alcoholic Beverages**

5.1 Malt liquor or malt beverage products shall not be sold in less than six (6) pack quantities for sale. They must be sold in manufacturer pre-packaged multi-unit quantities. This will include all sizes of containers.

5.2 All wine cooler products shall not be sold in less than four (4) pack quantities for sale. They must be sold in manufacturer pre-packaged multi-unit quantities.

5.3 Single Sales of any other beer product, of any size, is permitted.

6. **Wine Alcohol Per Volume**

No wine shall be sold with an alcoholic content greater than 24% volume, except premium dessert wines priced at $10.00 or more.

7. **Non-refrigerated Alcoholic Beverages**

Non-refrigerated "hard" liquor or "distilled spirits," shall be placed within the cashier's area or, shall be located either in a locked cabinet, or other locked shelving system, with access controlled with either manual or remote control locking devices. During the hours of midnight and 2:00 a.m. the cabinet or shelving system shall be locked and opened only after an authorized employee has verified that the customer seeking to purchase items within the cabinet or shelving system is of "legal age."

8. **Posting Property**

The applicant shall post the property with the appropriate Fresno Municipal Code signs advising that consumption of alcoholic beverages, gambling, trespassing or loitering will be in violation of municipal ordinances. The applicant must send a letter to the Fresno Police Department, signed and dated by the applicant, every 180 days that authorizes FPD peace officers to enter the applicant's real property and/or establishment to enforce against the aforementioned activities at the business. The owners and employees are responsible for abating those activities when they occur during business hours.

9. **Consumption of Alcoholic Beverages and Loitering.**

9.1 The establishment shall not allow alcoholic beverages to be consumed outside the building premises or any other adjacent property under its control. No alcoholic beverage will be consumed on any property adjacent to the premises (i.e., parking lot and sidewalks). If the alcoholic beverages are consumed on property not

owned or controlled by the applicant, the applicant shall immediately report such consumption to the Fresno Police Department.

9.2 The establishment shall not allow any loitering on building premises or any adjacent property under its ownership or control.

9.3 The establishment shall not allow any gambling on building premises or any adjacent property under its control.

10. Property Responsibility

"Frequent" responses by the Fresno Police Department arising out of or relating to the operation or management of the real property owned or controlled by the permittee causing any combination of the following: animal disturbances; violent criminal acts; illegal consumption of intoxicants in public view; gaming activities; and juvenile disturbances, or any of the other activities set forth in the Fresno Municipal Code section 10-708(g) may result in an FPD recommendation to the Director of Planning and Development to commence proceedings to revoke the Conditional Use Permit for violation of the Management of Real Property Ordinance. In addition to recommending the commencement of revocation proceedings, the FPD may pursue any of the other remedies set forth in FMC, section 10-710, including assessing fines against the proprietor for the violations of the Management of Real Property Ordinance.

"Frequent" means response by the Fresno Police Department is occurring more than 1.5 times the average number of such responses (3 calls for every 2) for property of a similar size and character within the same policing district.

11. The establishment shall ensure that all employees are aware of and comply with these conditions. The establishment shall have each employee sign a written acknowledgment that he/she has reviewed and understood each of these conditions. The written acknowledgement shall be maintained by the establishment and made available to the Fresno Police Department upon reasonable request.

FRESNO POLICE DEPARTMENT

Officer #1097 Date: 9.15.10
Officer Janette Olson #1097
Northeast District POP

Sergeant Date: 9-15-10
Sgt. Eric Hodge #S76
Northeast District-Det/POP

Captain Date: 9/15/10
Captain Al Maroney
Northeast DistrictCommander

City of
FRESNO

POLICE DEPARTMENT
Northeast Problem Oriented Policing
1450 E. Teague
Fresno, California 93720
(559) 621-6400 Fax:(559) 436-6245

Jerry Dyer
Chief of Police

August 8, 2011

City of Fresno, Development Department
Director of Planning & Development.
Special Permit, Conditional Use Permit
2600 Fresno Street
Fresno, California, 93721-3604

CUP C-10-174 AMENDMENT

Attn. Sophia Pagoulatos

Re: SPECIAL PERMIT NO. C-10-174/ABCUP
Circle K
5790 N. Fresno St.
Fresno, Ca 93710
A.P.N. 418-021-01

Dear Mr. Fabino,

This is an amendment to the ABCUP that was issued to Circle K on November 15, 2010. The following conditions apply to the single sales of beer products. We request the following conditions be included as Conditions of Approval for Conditional Use Permit Application No. C-10-174. These conditions will maintain an environment that is least likely to generate public complaints and calls for service. The Fresno Police Department is not in opposition of this Conditional Use Permit, provided the applicant agrees to the listed conditions.

If the following conditions are not included as conditions of approval of CUP No. C-10-174, the Fresno Police Department shall oppose the approval of this Conditional Use Permit, and shall appeal such approval to the Planning Commission. As such, we request that you provide Detective Janette Olson with notice of the Director's decision regarding this Conditional Use Permit as well as a complete copy of the conditions of approval, should the Director approve the Conditional Use Permit.

Condition of Approval:
Condition 5.3 should read as follows:

5.3 Single sales of any other beer product, *16 oz. or less in size*, is not permitted.

All other conditions shall remain the same as stated on the original CUP # C-10-174.

FRESNO POLICE DEPARTMENT

#1097 Date: 9.21.11
Officer **Janette Olson #1097**
Northeast District POP

Date: 9/21/11
Sergeant Eric Hodge #S96
Northeast District-Det/POP

Date: 9/21/2011
Captain **Al Maroney**
Northeast District Commander

Exhibit L

Environmental Assessment No. C-10-174

CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT NO. C-10-174

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: Elias Saliba, Architect
Aesthetics Drafting Designs
4688 West Pine Ave
Fresno, CA 93722

PROJECT LOCATION: 5790 N. Fresno Street
Fresno, CA 93710
(APN: 418-021-01)

PROJECT DESCRIPTION: Conditional Use Permit Amendment No. C-10-174 pertains to to 0.63 acres of property located on the southeast corner of North Fresno Street and East Bullard Avenue. The applicant proposes to convert the existing lube shop building into a mixed use building which would include a 4,888 square-foot convenience store and sandwich shop and a second story duplex (two residential units). The existing 2,120 square-foot gas island canopy and the 4 gas pump dispensers will remain. The basement pit will be converted to storage. The applicant also requests authorization to establish a State of California Alcoholic Beverage Control Type 21 License *(Package Store -- sale of beer, wine, and distilled spirits for consumption off the premises where sold)* for the proposed Xpress Food Mart. The property is zoned C-1 *(Neighborhood Shopping Center)* and is located within the Hoover Community Plan and the 2025 Fresno General Plan areas.

This project is exempt under Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines.

EXPLANATION: Section 15332/Class 32 exempts infill projects from further environmental review when they meet the following criteria:

1. 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.
   The project is consistent with the policies in the 2025 Fresno General Plan, the Hoover Community Plan, C-1 (Neighborhood Shopping Center) zone district and the Mixed Use provisions of the Fresno Municipal Code (FMC Section 12-325).
2. The proposed development occurs within city limits on a site of no more than five (5) acres substantially surrounded by urban uses; *The project is located within Fresno city limits on a 0.63 acre site and is surrounded by urban uses;*
3. The project site has no value as habitat for rare, endangered or threatened species;
   The site has no value as habitat for rare, endangered or threatened species;
4. Approval of the project would not result in any significant impacts related to traffic *(see PW traffic engineering memo dated 9.3.10 and email dated 12.20.11)*, noise (see Fresno County Department of Public Health memo dated 5.19.11), air quality (see email dated 5.9.11 from the San Joaquin Valley Air Pollution Control District) or water quality (see Fresno County Department of Public Health memo dated 5.19.11); and.
5. The site can be served by all required utilities and public services (see memoranda from the Department of Public Utilities Solid Waste, Sewer and Water divisions dated 5.10.11 and 5.16.11, respectively).
   The site is within the City of Fresno's service area for all urban services and will be served.

None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

Date: December 21, 2011

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Submitted By: Sophia Pagoulatos

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