City of FRESNO

REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII-A
COMMISSION MEETING 5-19-10

APPROVED BY

DEPARTMENT DIRECTOR

May 19, 2010

FROM: JERRY D. BISHOP, Assistant Director
Planning and Development Department

KEITH BERGTHOLD, Assistant Director
Planning and Development Department

THROUGH: MIKE SANCHEZ, Planning Manager
Planning Division

BY: SOPHIA PAGOULATOS, Planner
Planning Division

SUBJECT: CONSIDERATION OF CONDITIONAL USE PERMIT NO. C-10-015 AND RELATED ENVIRONMENTAL FINDING FOR ENVIRONMENTAL ASSESSMENT NO. C-10-015

RECOMMENDATION

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan and the Edison Area Community Plan, and the; its compatibility with surrounding existing or proposed uses, and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment.

Upon consideration of staff evaluation, it can be concluded that proposed Conditional Use Permit No. C-10-015 is appropriate for the project site. Therefore, staff recommends that the Planning Commission take the following actions:

1. APPROVE the environmental finding of Environmental Assessment C-10-015, which finds the proposed project to be categorically exempt from further review under the California Environmental Quality Act Guidelines Section 15301 as the minor alteration of an existing facility;

2. DENY the appeal and UPHOLD the action of the Planning and Development Department Director approving Conditional Use Permit Application No. C-10-015 subject to the following:

    i. Development shall take plan in accordance with Exhibits A-1, A-2, A-3 and Exhibit O, dated May 3, 2010;

    ii. Development shall be in accordance with the conditions of approval dated March 22, 2010.

EXECUTIVE SUMMARY

Ron Muratore Associates on behalf of Westcare California filed Conditional Use Permit No. C-10-015 pertaining to 5.1 acres of property located on the northwest corner of Martin Luther King Jr. Blvd and Annadale Avenue. The application is a minor amendment to Conditional Use Permit C-99-38, and proposes the construction of a 1,270 square-foot building addition to be utilized as a children's area at the WestCare Transitional Facility (existing facility is 74,500 square feet). The property is zoned R-2 *(Low Density Multiple Family Residential)*.

The decision of the Planning Commission is final unless the application is appealed to the City Council by the Council Member or Mayor, or unless the environmental determination is appealed to the City Council.

PROJECT INFORMATION

PROJECT	Muratore Associates, on behalf of Westcare California, filed Conditional Use Permit No. C-10-015 pertaining to 5.1 acres of property located on the northwest corner of Martin Luther King Jr. Blvd and Annadale Avenue. The application is a minor amendment to Conditional Use Permit C-99-38, and proposes the construction of a 1,270 square-foot building addition to be utilized as a children's area at the WestCare Transitional Facility (existing facility is 74,500 square feet). The property is zoned R-2 *(Low Density Multiple Family Residential).*
APPLICANT	Ron Muratore Muratore Associates 5250 N. Sequoia Avenue Fresno, CA 93711
LOCATION	2772 S. Martin Luther King, Jr. Blvd., Fresno, CA 93706 Northwest corner of S. Martin Luther King, Jr. Blvd. and E. Annadale Avenue Assessor's Parcel Number: **479-040-48** **Council District 3, Councilmember Sterling**
SITE SIZE	Approximately 5.1 acres
LAND USE	Existing – Public Facility/hospital Proposed- Public Facility/hospital
ZONING	Existing- R-2 (*Low Density Multiple Family Residential)* Proposed- R-2 (*Low Density Multiple Family Residential)*
PLAN DESIGNATION AND CONSISTENCY	The proposed R-2 zone district is consistent with the planned land use of Public Facility shown in Table 2 of the 2025 Fresno General Plan
ENVIRONMENTAL FINDING	Finding of Exemption from the California Environmental Quality Act pursuant to Section 15301 of the CEQA Guidelines as the minor alteration of an existing structure involving negligible expansion of use.
PLAN COMMITTEE RECOMMENDATION	No District 3 Plan Implementation Committee exists at this time.
STAFF RECOMMENDATION	Recommend that the Planning Commission deny the appeal and uphold the Director's determination to approve Conditional Use Permit C-10-015.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Medium Low Density Residential	**R-A/UGM** *Single Family Residential Agricultural/Urban Growth Management*	Church
South	Medium Low Density Residential	**R-A/UGM** *Single Family Residential Agricultural/Urban Growth Management*	Vacant/agricultural
East	Medium Density Residential	**R-1** *Single Family Residential*	Cluster Single Family Residences
West	Medium Low Density Residential	**R-2/UGM** *Low Density Multiple Family/Urban Growth Management*	Vacant/agricultural

ENVIRONMENTAL FINDING

This project is exempt under Section 15301/Class 1 of the California Environmental Quality Act (CEQA) Guidelines. Section 15301/Class 1 states that projects characterized as the minor alteration of existing public or private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination are exempt from further environmental review. Minor alteration is further defined as 50% of the existing floor area of the structures before the addition or 2,500 square feet, whichever is less. While the facility has 74,500 total existing square feet, the proposed addition does not exceed 1,270 square feet, and it will not result in the expansion of the use, because the space is for children that already reside in the facility.

PUBLIC NOTICE

In accordance with Government Code Section 65091 (Planning and Zoning Law) and Fresno Municipal Code Section 12-406-D-2, all property owners within 350 feet of the subject property were mailed a Notice of Granting of the Director's decision to approve Conditional Use Permit Application No. C-10-015. The notice included a brief project description, the environmental finding, and a description of the appeal process, including a 15-day appeal period. The same property owners also received a notice of the public hearing for this appeal (see Attachment 4 for Noticing Map).

APPEAL

An appeal of the Director's decision was received by the Planning and Development Department on April 6, 2010 (see Attachment 9). The appeal was filed by The H.E.A.T for SouthWest Fresno Community based on the reasons outlined below, which have been excerpted from the appeal letter, and are addressed by planning staff:

1. *"There are only a few of the planned amendments [sic] applications, rezoned [sic] applications, environmental assessments, conditional use permits and site plan reviews that have been presented to the Planning & Development Department"…".the current application is another project that will affect the community as a whole. However, it has not been presented to the community at a public meeting/hearing."*

   Pursuant to Fresno Municipal Code Section 12-406-C, the Planning and Development Department Director has granting authority over Special Permits (i.e. Site Plan Review and Conditional Use Permit applications) unless the Director elects to refer the permit to the Planning Commission, or unless appealed pursuant to FMC Section 12-406-F. Therefore, most Site Plan Review and Conditional Use Permit applications are not considered by the Planning Commission, however in Council Districts in which a Plan Implementation Committee exists, the application will be considered by the committee prior to Director action. In addition, all special permits, with the exception of minor revisions to special permits, are noticed pursuant to FMC Section 12-406-D.

   Currently no Plan Implementation Committee exists in District 3, so the project was not considered by such a committee. However the conditional use permit, which is a minor amendment to the original conditional use permit for the existing facility on the site, was noticed to all property owners within 350 feet of the subject property pursuant to FMC Section 12-406-D-2.

2. *"All of these will have an impact on the area in regards to:*
   a. *Increased population in the area-*
   b. *Increased traffic congestion in the area*
   c. *Loss of agricultural land*
   d. *Loss of long established single family residential housing*
   e. *Increase in multifamily housing which is not compatible with the current long established single-family residential housing*
   f. *Loss of historical landmarks and buildings"*

The project consists of a 1,270 square foot addition of a children's day room to the existing 74,500 square foot Westcare Transitional Facility. The Westcare Transitional facility is an adult residential alcohol and/or drug abuse recovery and treatment facility licensed to house up to 299 adults and 50 dependent children of residents. The day room proposed in conditional use permit C-10-015 is not establishing a new use but is intended to serve the existing children residing on the site. The site has been developed with its current use since 1999, and prior to that it was a homeless transition shelter. The earliest permit on file with the city is for a 100-bed convalescent home, approved in 1975. Therefore the property has been in an urbanized condition since 1975 and its minor modification would not result in loss of agricultural land. The property boundaries remain the same as those of the conditional use permit approved in 1999. The capacity of the facility is not changing with the subject conditional use permit, nor are additional vehicular trips generated. Therefore the assertions made in the appeal letter about increasing population, traffic congestion, loss of agricultural land, etc. are erroneous. No residential housing is affected by the proposal; no historical landmarks are affected.

LAND USE PLANS AND POLICIES

The most relevant objectives and policies of the various plans that pertain to the project are discussed below:

2025 Fresno General Plan

Objective C-14: The city will support establishment of public facilities and institutions to meet needs for services and administration in a manner consistent with general plan policies and provision of adequate access and utility services.

C-14-a Policy: These facilities will be sited and developed in a manner which protects the integrity of surrounding neighborhoods.

The property is currently developed according to the standards of the R-2 (Low Density Multiple Family) zone district; both frontages include curb, gutter, sidewalks and street trees; both frontages have landscaped setbacks. The architecture of the facility is single story and residential in character. The proposed 1,270 square foot addition would be only partially visible from the Annadale frontage looking north and not visible from the Martin Luther King, Jr. frontage, where existing housing exists across the street. The proposed addition will be located behind a security wall that is already constructed on the property.

C-14-b Policy: Major public facilities/institutions shall have adequate vehicular access (to a properly classified street) and should be easily reached by public transit.

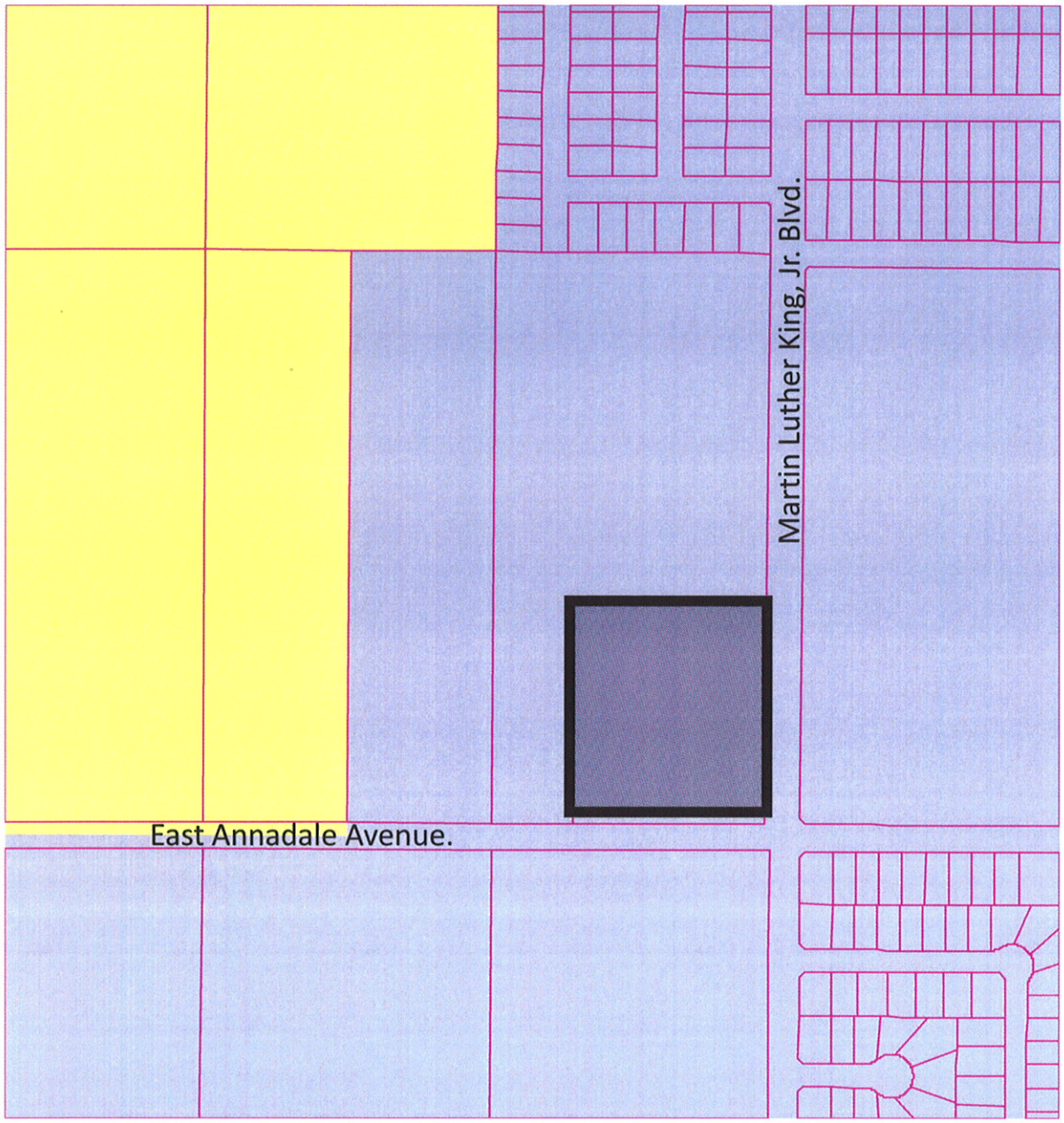
The property takes its access from Martin Luther King, Jr. Blvd, a collector, and is served by Fresno Area Express Route 32, which provides transit service into downtown Fresno and points north.

CONCLUSION

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan and the Edison Area Community Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Conditional Use Permit No. C-10-015 is appropriate for the project site.

Attachments:

1. Vicinity Map
2. 2008 Aerial Photograph of site
3. Planned Land Use Map
4. Noticing Map (350-foot radius)
5. Exhibit A: Site Plan
6. Exhibit E: Elevations
7. Conditions of Approval dated March 22, 2010
8. Finding of Categorical Exemption dated April 7, 2010
9. Appeal Letter dated April 6, 2010



Subject Property

VICINITY MAP

PLANNING AND DEVELOPMENT DEPARTMENT

CONDITINAL USE PERMIT APPLICATION NO. C-10-015

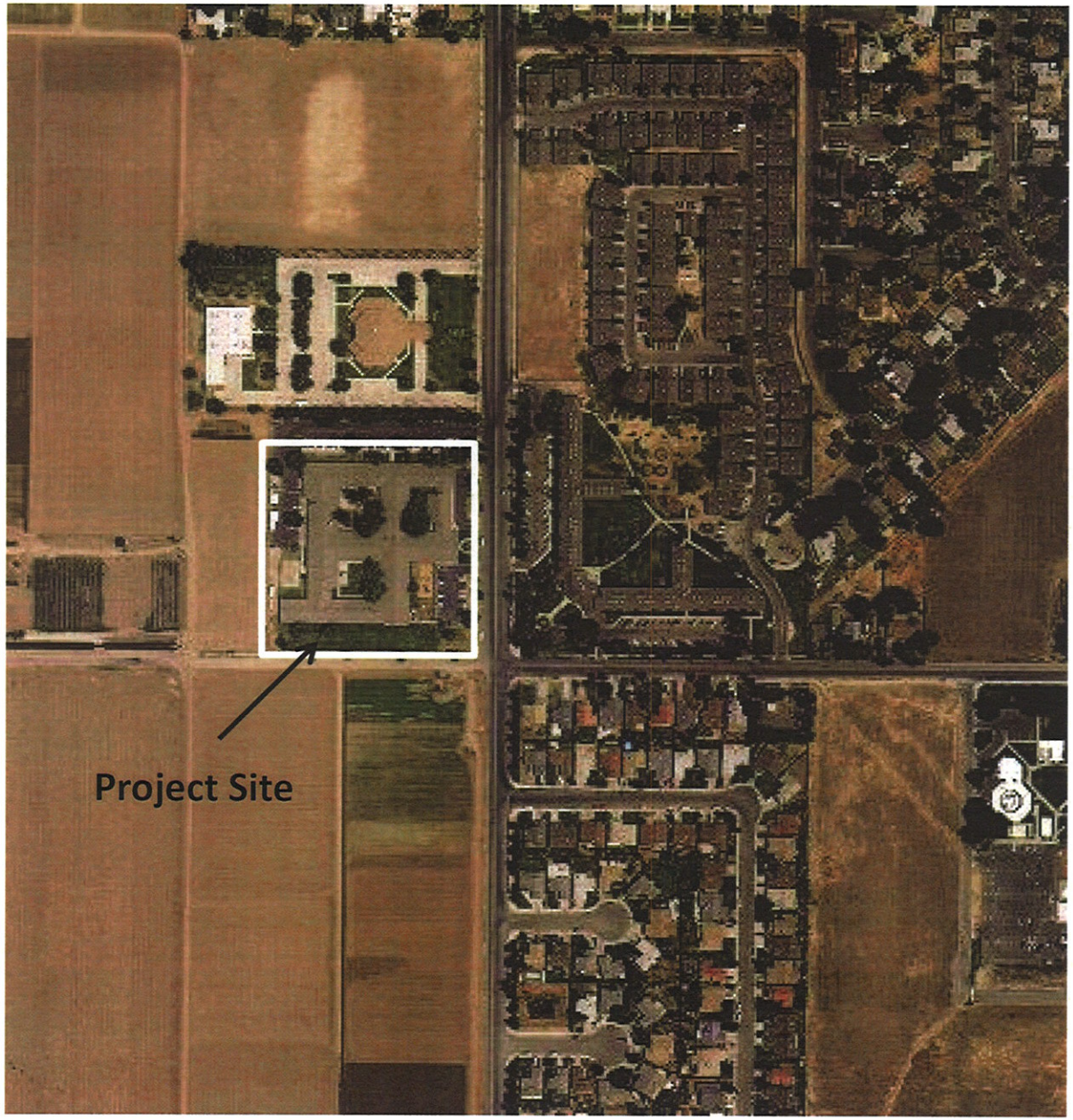
PROPERTY ADDRESS

2772 S. Martin Luther King, Jr. Blvd.

APN: 479-040-48

Zone District: R-2 *(Low Density Multiple Family)* zone district
By: S. Pagoulatos, May 19, 2010

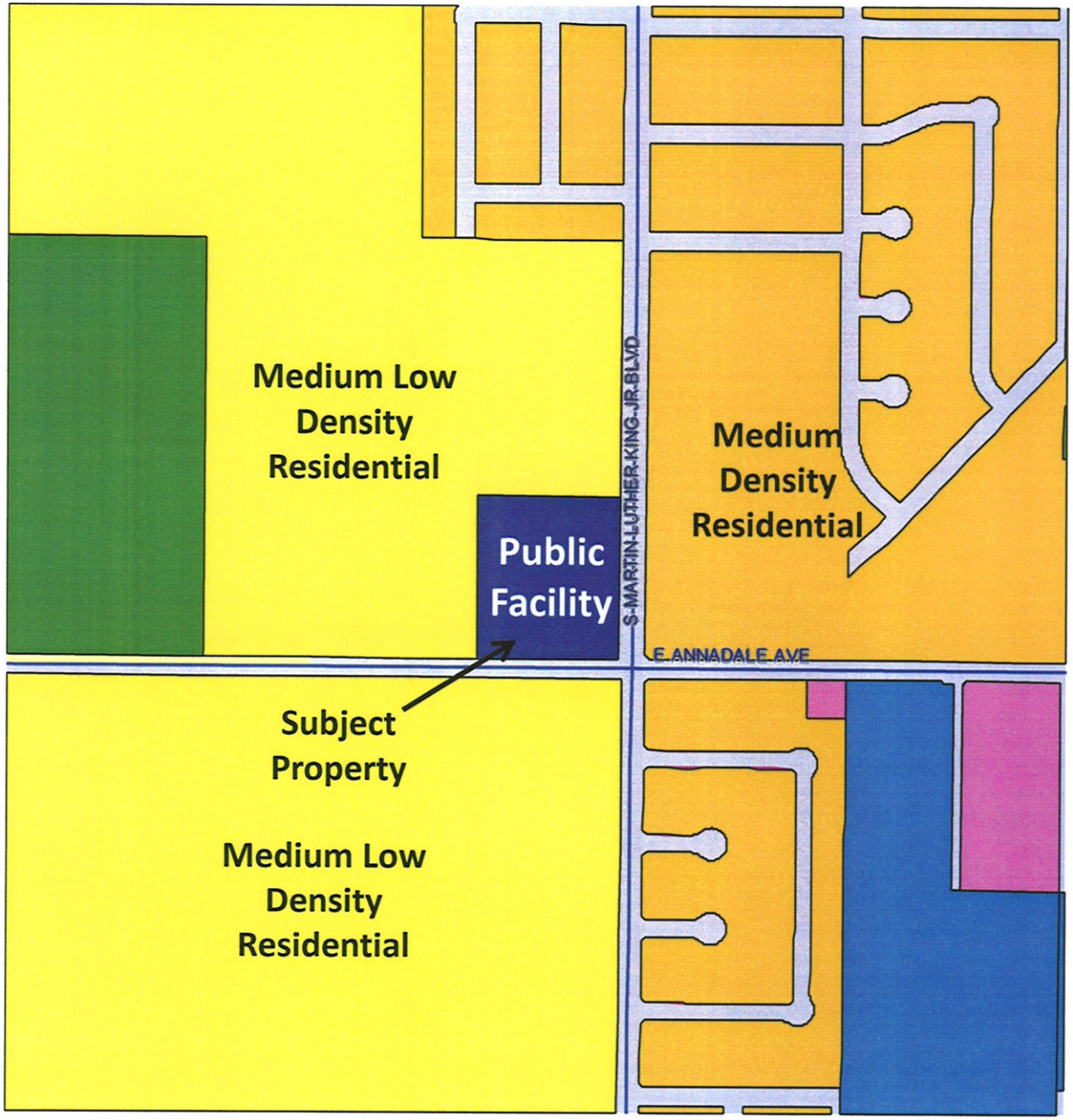
Attachment 1



2008 Aerial Photo

North

Attachment 2



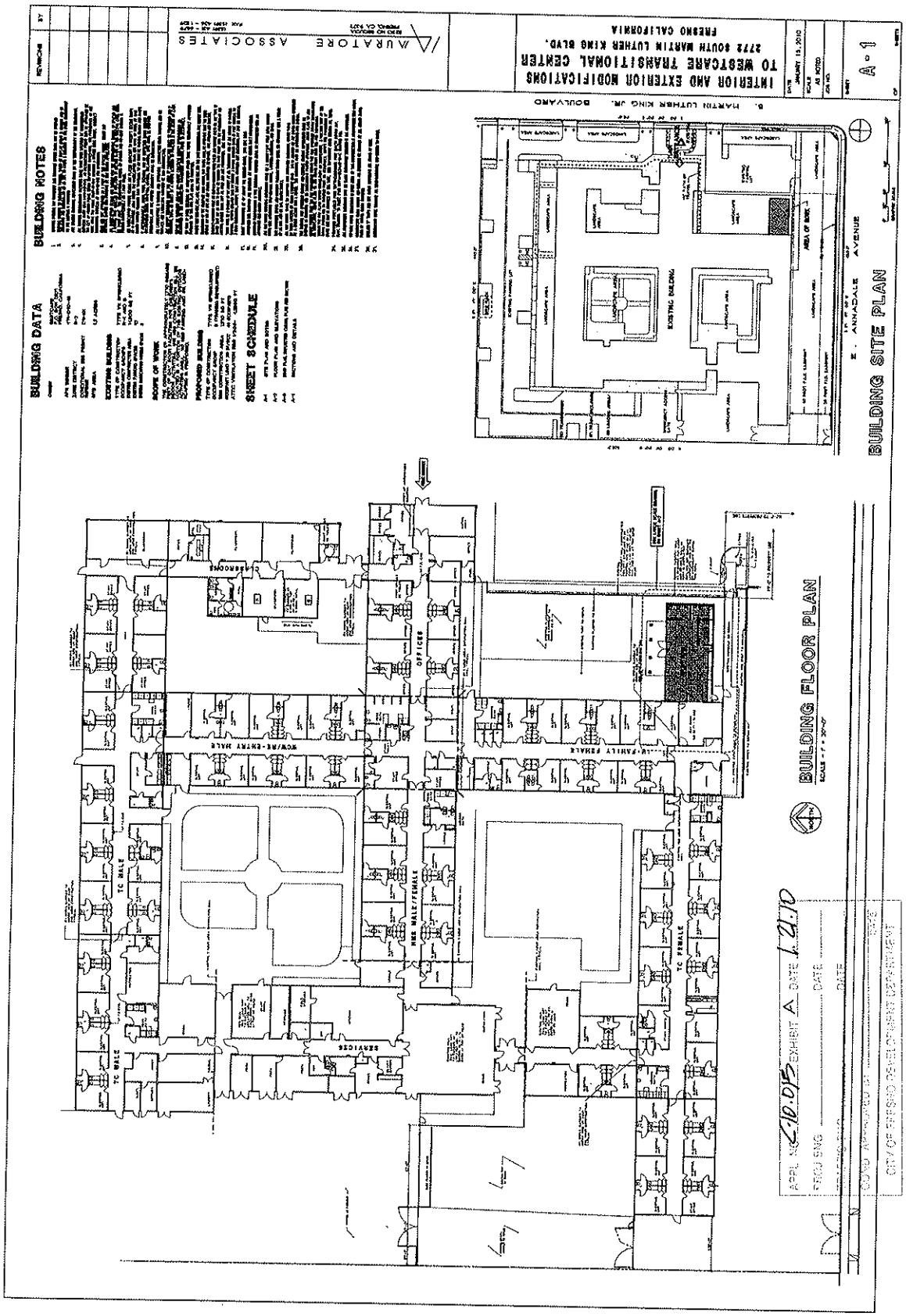
2025 Fresno General Plan Land Use Map

North

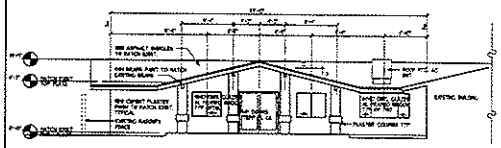
Attachment 3

Request ID: C-10-15 350

Attachment 4

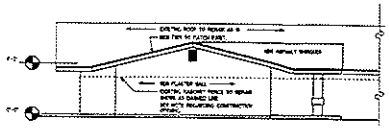


Attachment 5



PARTIAL NORTH ELEVATION

SCALE 1/8" = 1'-0"

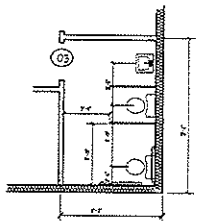


PARTIAL EAST ELEVATION

SCALE 1/8" = 1'-0"

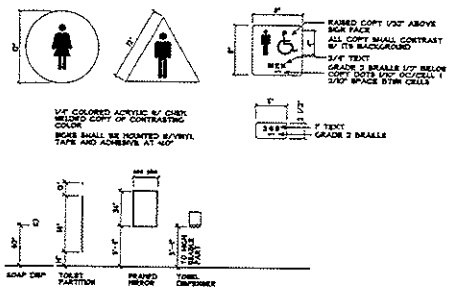
PARTIAL SOUTH ELEVATION

SCALE 1/8" = 1'-0"



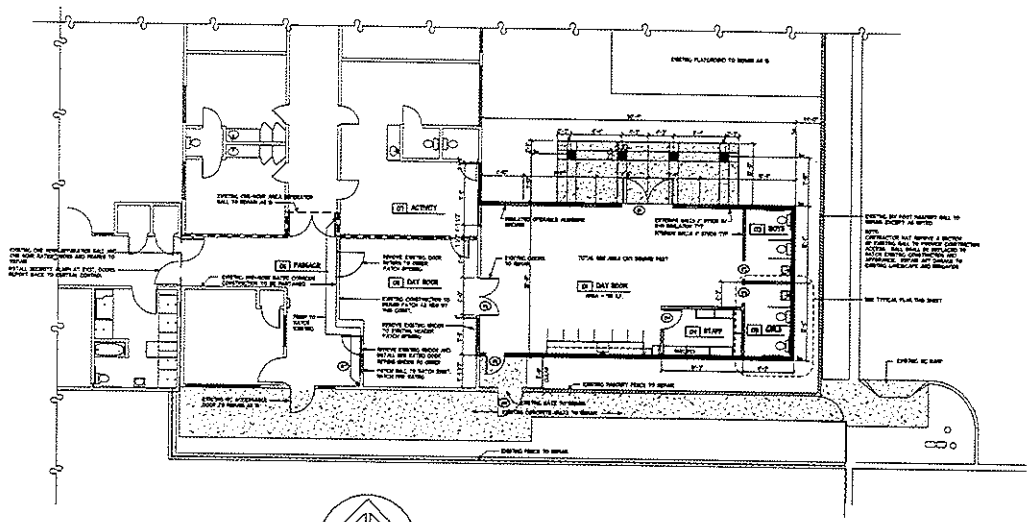
TYPICAL TOILET ROOM PLAN

SCALE 1/4" = 1'-0"



TYPICAL HANDICAPPED REQUIREMENTS

NO SCALE



PARTIAL FIRST FLOOR PLAN NEW DAY ROOM

SCALE 1/8" = 1'-0"

APPL. NO. C-10-015 EXHIBIT B DATE 1.21.10

PROJ. ENG. _____ DATE _____

TRAFFIC ENG. _____ DATE _____

COND. APPROVED BY _____ DATE _____

CITY OF FRESNO DEVELOPMENT DEPARTMENT

SYMBOLS

EXISTING PARTITION TO REMAIN (REFER AS REQUIRED BY NEW CONSTRUCTION 1 WIRE SCHEDULE)

EXISTING CONSTRUCTION TO BE REMOVED (1 WIRE FLOOR PLANS)

NEW TYPE 'X' 5/8" BD BOTH SIDES PLY WOOD STUDS. 1-HR. OR HOTWIN, W DETAIL. FOR NEW FULL HEIGHT STUDS FOR NEW WALLS AND 1-1/2" BD PLY WOOD STUDS. SEE DETAIL AND 1-1/2" BD PLY AT ALL NEW LOCATIONS. SEE PLAN FOR LOCATION OF 8" WOOD STUDS.

EXISTING 1-HOUR AREA SEPARATION WALL. REPAIR ANY DAMAGE DONE DURING CONST.

EXISTING 2 HOUR AREA SEPARATION WALL. REPAIR ANY DAMAGE DONE DURING CONST.

DOOR NUMBER SEE SCHEDULE

ROOM NUMBER SEE SCHEDULE

INTERIOR ELEVATION LOCATION

DETAIL NUMBER AND LOCATION

REVISIONS	BY

AURATORE ASSOCIATES

ARCHITECTS PLANNERS

2600 FRESNO STREET, FRESNO, CA 93721

TEL: (559) 442-1000

FAX: (559) 442-1009

INTERIOR AND EXTERIOR MODIFICATIONS TO WESTCARE TRANSITIONAL CENTER

2772 SOUTH MARTIN LUTHER KING BLVD.

FRESNO CALIFORNIA

DATE: JANUARY 15, 2010

SCALE: AS NOTED

JOB NO.:

SHEET: A-2

Attachment 6

City of
FRESNO

Planning and Development Department

2600 Fresno Street, Third Floor
Fresno, California 93721-3604
(559) 621-8277 FAX (559) 498-1012

John M. Dugan AICP, Director

March 22, 2010

Please Reply To:
Sophia Pagoulatos
(559) 621-8062

Mr. Ronald Muratore
Muratore Associates
5250 N. Sequoia
Fresno, CA 93711

SUBJECT: MINOR CUP AMENDMENT APPLICATION NO. C-10-15 MODIFIES CONDITIONAL USE PERMIT C-99-38 FOR A 1,270 SQUARE FOOT ADDITION TO BE UTILIZED AS A CHILDREN'S DAY ROOM AT 2772 S MARTIN LUTHER KING JR. BLVD (APN 479-040-48)

Dear Mr. Muratore:

The Planning and Development Director on March 22, 2010, approved Minor Amendment Conditional Use Permit Application No. C-10-15, requesting the above-noted changes, subject to the following conditions:

CONDITIONS OF APPROVAL

1. Approval of said project is based on the definition of the project as common area for a children's day room for children in residence at the site; this space is exempt from state day care license requirements pursuant to Health and Safety Code Section 101158 as a co-op and is not a day care facility under the Fresno Municipal Code;

2. The project shall comply with the conditions of approval for all previous conditional use permits on the property, including C-99-38, C-91-101 and C-5146 (available upon request);

3. The project shall comply with the R-2 *(Low Density Multiple Family Residential)* zone district as defined in section 12-212 of the Fresno Municipal Code and all other applicable sections of the Fresno Municipal Code;

4. The project shall comply with Exhibits A and B and the operational statement dated January 21, 2010;

5. The project shall comply with the attached memoranda from city departments and partner agencies as noted below in the attachments to these conditions;

6. Final landscape and irrigation plans shall be submitted and approved by the Planning and Development Department; all approved landscaping and irrigation shall be certified by a landscape architect and installed prior to issuance of the certificate of occupancy;

7. Any building modifications and/or additions not included with this application are not approved with this special permit and would be subject to a new special permit;

8. The project shall comply with all applicable local, state and federal regulations.

9. The exercise of rights granted by this special permit must be commenced by March 22, 2014, (four years from the date of approval). There is no extension.

The project was determined to be exempt from the California Environmental Quality Act under the CEQA Guidelines Section 15301 as an existing facility involving negligible or no expansion of use beyond that existing at the time of the local agency's determination.

Please be advised that this project may be subject to a variety of discretionary conditions of approval. These conditions based on adopted City plans and policies, those determined through conditional use permit review and environmental assessment essential to mitigate adverse effects on the health, safety and welfare of the community, and recommend conditions for development that would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings pursuant to Section 12-405 can be made.

Discretionary conditions of approval will ultimately be deemed mandatory unless appealed in writing to the Director within 15 days.

In the event you wish to appeal the Director's decision, you may do so by filing a written appeal with the Director. The appeal shall include the appellant's interest in or relationship to the subject property, the decision or action appealed and specific reasons why the applicant believes the decision or action appealed should not be upheld.

If you wish to appeal the decision, a written request must be received at the Development Department by **April 6, 2010**. The written request should be addressed to John M. Dugan, Director and include the application number referenced above.

Please Note: To complete the backcheck process for building permits relative to planning and zoning issues, submit eight copies of the corrected site plan and six copies of elevations, landscaping and irrigation plans, together with required covenants (or preparation fees) and studies or analysis to the Planning Division for final review and approval, ten days before applying for building permits.

Copies of the final approved site plan, elevations, landscaping and irrigation plans stamped by the Planning Division must be submitted for unstamped copies of the same in each of the four sets of construction plans submitted for plan check prior to the issuance of building permits.

On-site inspections will not be authorized unless the final stamped approved site plan, elevations, landscaping and irrigation plans are included in the plan check field copy.

If you have any questions regarding this letter, feel free to give me a call at the number listed above.

Sincerely,

Sophia Pagoulatos,
Planning Division

C: JAF

Enclosures:

Exhibits A, B and Operational Statement dated January 21, 2010
Memorandum from City of Fresno Fire Department dated February 22, 2010
Memorandum from City of Fresno Public Works Traffic Engineering Division dated March 18, 2010
Memoranda from the City of Fresno Department of Public Utilities dated March 22, 2010
Memorandum from Pacific Gas and Electric dated February 4, 2010
Memorandum from Fresno Metropolitan Flood Control District dated February 12, 2010
Memorandum from Fresno Irrigation District dated March 23, 2010

Operational Statement

Submitted By: Shawn Jenkins, Senior Vice President/COO, WestCare Foundation, Inc.
On Behalf of WestCare California, Inc.

Pertains to 5.11 **acres**

Located at 2772 S. Martin Luther King Jr Blvd., Fresno, Ca 93776.

APN: 479-04-048

Currently Zoned: R-2

With A planned land use of: operation of a substance abuse recovery facility, which is compatible with the previous use of the property.

WestCare is requesting Authorization to: Build a 25 foot 54 foot in size room that will be used as a children area of the facility. This room will be adjacent to a larger structure on one side, and will have immediate access to a state-of-the art playground on the other side. The children's area and the playground will be ADA compliant

The Proposed Development will consist of: A 25 foot by 54 foot in size room that will be used as a children's area.

The existing site currently exists of: Substance Abuse Rehabilitation Facility serving women, men and their children.

Existing parking spaces: There are 92 parking places total, which includes 5 handicap-parking **places.** In addition, parking is available on the street in front of the project.

Exhibit A- Other facts pertinent to this project are as follows:

Efforts to discuss the proposed project with the neighbors: This project is compatible with the previous uses operated on this site. This site is located in the Edison Community Plan Area and the proposed use conforms to the medium-density residential designation. On April 5, 1999, the Edison Community Plan Implementation Committee recommended approval for the current use of this facility.

This Project compliments the surrounding neighborhood: This property had previously been an eyesore and hazard for the local community. The building was abandoned, vandalized and many of the local homeless population had moved into the building. The building now provides a stable, well-maintained establishment and is a complement to the local community and surrounding neighborhood.

This project helps implement the 2025 Fresno General Plan: This project compliments the 2025 General Plan in that it poses no potential impact for future or existing generations.

Describe reasonable foreseeable effects from construction and/or operation of the site that may impact the neighbors: There are no reasonable foreseeable effects of this construction site. This site has operated for 9 years in its present capacity without negative neighbor impact.

Long-Term Construction Impacts and Mitigation
No significant long-term impacts to resources are anticipated with this project.
There will be no long-term local increases in traffic, noise, and dust.

1. Land: the proposed project will not generate significant demands on natural resources of the immediate or surrounding areas. The project area is not a significant wildlife habitat as they consist of existing buildings, walkways, and lawn areas.

2. Water (surface and groundwater): This project will not generate significant demands on natural resources of the immediate or surrounding areas.

3. Air: This project will not generate long-term significant impacts or demands on the air quality.

4. Plants and animals: This project will not generate significant long-term demands on plant or animal life in the immediate or surrounding area.

5. Historic and archeological resources: This project generates no demands on the historic or archeological resources. WestCare has conducted a cultural resources records search and that search concluded that there are no known and/or recorded cultural resources within the project area and a one-half mile radius. If cultural resources are unearthed during the ground disturbance activities, all work will halt in the area of the find and a qualified professional archeologist will be called to assess the findings and make the appropriate mitigation recommendations.

6. Noise: This project will not generate significant long-term changes in the noise.

7. Neighborhood character: This project will not generate long-term demands on the neighborhood character, conversely- this project will enhance the character of the neighborhood.

Irreversible Environmental Changes
No long-term losses of significant resources are anticipated with this project. The proposed Site will neither consume nor alter significant land and water resources. The proposed project will not generate other significant demands on natural resources of the immediate or surrounding

area. This proposed project will not significantly disturb wildlife or disturb archaeological sites.

Short-Term Construction Impacts and Mitigation
The impacts related to construction will likely include local increases in traffic, noise, dust, and sediment transport from the Site. These items will be addressed by the contractor hired to construct the facility and will include the following:

1. Traffic – For traffic control and safety, construction vehicles will enter and leave the Site at controlled points only. Workers will be used to direct vehicles and pedestrians to facilitate the movement of construction vehicles in and out of the Site. Construction barriers will be erected for safety around the site.

2. Noise – Site work activities will be restricted to daytime operations. Attempts will also be made to limit unnecessary noise during the day to limit impacts to adjacent buildings.

3. Dust – Fugitive dust emissions will be controlled by wetting exposed soil and site areas with water as necessary. Seeding will be completed as soon as possible following activities that disturb soil.

4. Particulates in Air – Particulate emissions will be controlled by the off-site disposal of construction and demolition debris.

5. Generated Wastes – Environmentally deleterious materials generated by the demolition and construction activities will be disposed of off site in an appropriate, legal, and safe manner.

Describe in Detail the proposed use:
This project at WestCare California Inc, Martin Luther King Facility consists of the construction of a 25 foot by 54 foot in size room that will be used as a children's area for the children of the facility's residents. This room will be adjacent to a larger structure on one side, and will have immediate access to a state-of-the art playground on the opposite side. The children's area and the playground will be ADA compliant. The target population for the use of this children's area are the children of men and women who reside at WestCare's Central Valley Campus (Martin Luther King - MLK). The MLK center provides intensive alcohol and other drug abuse treatment services for adult man and women from Fresno, California and surrounding communities.

Detail the hours of operation and the number of employees: WestCare's Martin Luther King facility is operated 24 hours a day, with the following restrictions on the time for clients to enter and exit the building: M-F- 6:00 A.M. – 9:00P.M. and Sat- Sun 6:00A.M. – 10:00P.M.

Detail the expected daily visitors/users/Guest:

Visitors: ~30/day
Staff: ~50/day
Clients: ~60/day

Detail any Security Measures: This project will not impact the level of security at the facility or in the surrounding areas.

Site History:
- The original structure on the property was built in 1968.
- The North and South Wing additions were added in 1975 and 1976 respectively.
- WestCare Renovated in 1999 and again in 2000.

- Previous use code CCOHOOO = Convalescent Hospital
- Prior to Convalescent Hospital- We believe that it was used for industrial use
- Prior to Industrial use we believe that this property was agricultural
- The current structure 64,000 square foot residential facility was constructed in 1968.

Exhibit B: Operational Narrative

Operational Narrative:

Project's Name:
MLK Substance Abuse Program Children's Area

Located:
WestCare California Inc. is located at 4944 E. Clinton Way, Suite 101, in Fresno, California. The construction site is the Martin Luther King Center at 2772 S. MLK Blvd., Fresno, CA 93776.

Parcel Number:
479-04-048

Legal Physical Address:
2772 Martin Luther King Jr. Blvd
Fresno, CA 93706,
Previously known as 2772 S. Fig
Fresno, Ca 93706.

Sponsor of Project: Department of Health and Human Services; Health Resources and Services Administration

Cost of Project: Total Direct Cost/Approved Budget: $ 379,190.00

Operational Narrative

WestCare California's Martin Luther King center provides intensive alcohol and other drug abuse treatment services, in an in-patient environment, for adult man and women from the City of Fresno, California and surrounding rural communities.

The new room addition will be ADA compliant with doors at appropriate locations that will facilitate an evacuation should there be any type of emergency. This facility could not be used as a place to conduct triage and treatment of mass casualties because there are no medical personnel on site. However, because of the size of the building and the secured yard, it may be possible to work with local authorities and use the facility, on a limited basis, to house 25 -30 adults and their children for a couple of days in case of a community emergency. This facility is licensed to house 299 adults and 50 children. We average 256 adult residents and 28 of their children.

This construction project does not include development of electronic health records.

This construction project enhances the system of providing drug and alcohol treatment services on site. Adult residents in recovery are more likely to stay treatment compliant if children's issues are taken care of in the comfort and security of the children's area operated by the same management that operates the residential facility where they are receiving care. The children's area will have a modern communication system that allows for instant communication with WestCare's corporation and other service sites.

WestCare works hand in hand with Fresno County to fill the gap that exists between mental health/substance abuse services and a large indigent population that includes men and women receiving these types of services in the residential environment of MLK.

Consumers are referred to the MLK center by a number of government entities such as, the criminal courts, probation and parole departments, mental health providers, etc. The efforts and resources of those agencies are linked with WestCare to provide a comprehensive system of alcohol and drug rehabilitation for eligible consumers. The enhanced size of the children's area is a "value added" when a

consumer and/or the referring agency are considering the most suited residential facility for the client and his/her children.

State of California

Department of Alcohol and Drug Programs

License and Certification

In accordance with applicable provisions of the Health and Safety Code of California and its rules, regulations, and standards, the Department of Alcohol and Drug Programs hereby licenses and certifies:

WESTCARE CALIFORNIA, INC.

to operate and maintain an adult residential alcohol and/or drug abuse/ recovery or treatment facility using the following name and location:

WESTCARE CALIFORNIA
2772 SOUTH MARTIN LUTHER KING BOULEVARD
FRESNO, CALIFORNIA 93706

This license and certification extends to the following services:

INDIVIDUAL SESSIONS; RECOVERY OR TREATMENT PLANNING; DETOXIFICATION; GROUP SESSIONS; AND EDUCATIONAL SESSIONS

Limitations or conditions are listed as follows:
*Treatment/Recovery Capacity: **299***
*Total Occupancy for location of **349** may include up to **50 Dependent Children of Residents***

MALES AND FEMALES

License/Certification Number:
100010FN

Effective Date: 02/01/2008
Expiration Date: 01/31/2010

Linda Bradley
Authorized Representative

Complaints regarding services provided in this facility should be directed to:
Complaint Coordinator, Program Compliance Branch
1700 K Street, Sacramento, California 95811-4037
(916) 322-2911 FAX: (916) 324-4505 E-mail: LCBcomp@adp.state.ca.us

Post in a prominent location. This License and Certification is not transferable.

Section 101158
EXEMPTION FROM LICENSURE

(a) As specified in Health and Safety Code Section 1596.792, the child care center regulations contained in this division shall not apply to any of the following:

HANDBOOK BEGINS HERE

(1) Any health facility, as defined by Section 1250 of the Health and Safety Code.

(2) Any clinic, as defined by Section 1202 of the Health and Safety Code.

(3) Any community care facility, as defined by Section 1502 of the Health and Safety Code.

(4) Any family day care home providing care for the children of only one family in addition to the operator's own children.

(5) Any cooperative arrangement between parents for the care of their children where no payment is involved and the arrangement meets all of the following conditions:

(A) In a cooperative arrangement, parents shall combine their efforts so that each parent, or set of parents, rotates as the responsible care giver with respect to all the children in the cooperative.

(B) Any person caring for children shall be a parent, legal guardian, stepparent, grandparent, aunt, uncle, or adult sibling of at least one of the children in the cooperative.

(C) There can be no payment of money Or receipt of in-kind income in exchange for the provision of care. This does not prohibit in-kind contributions of snacks, games, toys, blankets for napping, pillows, and other materials parents deem appropriate for their children. It is not the intent of this paragraph to prohibit payment for outside activities, the amount of that may not exceed the actual cost of the activity.

(D) No more than 12 children are receiving care in the same place at the same time.

(6) Any arrangement for the receiving and are of children by a relative.

City of
FRESNO

FIRE DEPARTMENT

DATE: February 22, 2010

TO: Sophia Pagoulatos
Planning and Development Department

FROM: Mike Schmidt, Supervising Inspector MS
Fire Prevention and Investigative Services Division

SUBJECT: 2772 S Martin Luther King Blvd.

The Fire Department has completed a review of the Site Plan C-10-015. The following requirements and conditions are to be placed on this site map as a condition of approval by the Fire Department.

1. ( ) All pedestrian gates, where required for compliance of the "150' rule," shall remain unlocked or be provided with Police/Fire bypass locks. ("Best" padlock model 21B700 series)

City of
FRESNO

DATE: March 18, 2010

TO: Sophia Pagoulatos, Development Services/Planning
Planning and Development Department, Planning Division

FROM: Ann Lillie, Senior Engineering Technician
Public Works Department, Engineering Division

SUBJECT: Conditions of Approval for **C-10-015**
APN: **479-040-48**
ADDRESS: **2772 South Martin Luther King Jr. Boulevard**

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 **Ann Lillie at (559) 621-8690 / ann.lillie@fresno.gov**, Engineering Division, Traffic Planning Section.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.

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 and Encroachment Permits

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

The construction of any overhead, surface or sub-surface structures and appurtenances in the public rights-of-way is prohibited unless an encroachment permit is approved by the City of Fresno Public Works Department, 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. 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 improvements as determined by the City of Fresno Public Works Department, Construction Management Division, (559) 621-5600.

South Martin Luther King Jr. Boulevard: Collector

1. Modify or replace the 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. Reference Public Works Standards **P-28** thru **P-31**, **P-86** and **P-87**.

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. 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 Traffic Impact Study is not required.

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.

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.

City of
FRESNO

DEPARTMENT OF PUBLIC UTILITIES

Providing Life's Essential Services

Date: March 22, 2010

To: SOPHIA PAGOULATOS, Supervising Planner
Planning and Development Department

From: ROBERT A. DIAZ, Senior Engineering Technician
Department of Public Utilities, Planning and Engineering

Subject: WATER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-10-015

General

C-10-015 was filed as a minor amendment by Ronald Muratore on behalf of WestCare California, Inc., and pertains to approximately 5.11 acres of property located on the northwest corner of East Annadale and North Martin Luther King Jr. Boulevard. The applicant proposes the construction of a 1,270 square-foot building addition to be utilized as a children area at the WestCare Transitional Facility. The room addition will be adjacent to a larger structure on the one side and will have immediate access to a state-of-the-art playground on the other side. The children's area and the playground will be ADA compliant. The property is zoned R-2 (Low Density Multiple Family Residential).

Environmental Recommendations

A NEGATIVE DECLARATION MAY BE ISSUED: The project may have adverse impacts but impacts can be mitigated without further study or are not serious enough to warrant an Environment Impact Report.

Water Requirements

The nearest water main to serve the proposed project is a 12-inch main located in South Martin Luther King Boulevard. The following water facility requirements shall apply only when the Department of Public Works requires the permanent street improvements on West Annadale Avenue:

1. Construct a 12-inch water main (including fire hydrants) in East Annadale Avenue from South Martin Luther King Boulevard west across the project frontage.
2. On-site water facilities shall be private.
3. Separate water services with meter boxes shall be provided to each lot.
4. Engineered improvement plans prepared by a Registered Civil Engineer are required for proposed additions to the City Water System.
5. All Public water facilities shall be constructed in accordance with The Department of Public Works standards, specifications, and policies.

Water Fees

The following Water Connection Charges and fees shall be paid for the project.

1. Wet-tie(s) connection fee.

City of
FRESNO

DEPARTMENT OF PUBLIC UTILITIES

Providing Life's Essential Services

Date: March 22, 2010

To: SOPHIA PAGOULATOS, Supervising Planner
Planning and Development Department

From: ROBERT A. DIAZ, Senior Engineering Technician
Department of Public Utilities, Planning and Engineering

Subject: SANITARY SEWER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-10-015

General

C-10-015 was filed as a minor amendment by Ronald Muratore on behalf of WestCare California, Inc., and pertains to approximately 5.11 acres of property located on the northwest corner of East Annadale and North Martin Luther King Jr. Boulevard. The applicant proposes the construction of a 1,270 square-foot building addition to be utilized as a children area at the WestCare Transitional Facility. The room addition will be adjacent to a larger structure on the one side and will have immediate access to a state-of-the-art playground on the other side. The children's area and the playground will be ADA compliant. The property is zoned R-2 (Low Density Multiple Family Residential).

Environmental Recommendations

A NEGATIVE DECLARATION MAY BE ISSUED: The project may have adverse impacts but impacts can be mitigated without further study or are not serious enough to warrant an Environment Impact Report.

Sanitary Sewer Requirements

The nearest sanitary sewer mains to serve the proposed project are a 12-inch main located in South Martin Luther King Jr. Boulevard. The following sewer facility requirements shall apply only when the Department of Public Works requires the permanent street improvements on West Annadale Avenue:

1. Construct an 8-inch sanitary sewer main in East Annadale from the existing 10-inch sewer main in East Annadale Avenue, west across the project frontage, from South Martin Luther King Jr. Boulevard.
2. On-site sanitary sewer facilities shall be private.
3. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed additions to the City Sewer System.
4. All public sanitary sewer facilities shall be constructed in accordance with City Standards, specifications, and policies.
5. The project developer should contact Wastewater Management Division/Environmental Services (559) 621-5100 regarding conditions of service for special users.

Sanitary Sewer Fees

The following Sewer Connection Charges are due and shall be paid for the Project:

1. Sewer Facility Charge (Non-Residential)

2. Upon connection of this Project to the City Sewer System the owner shall be subject to payment of Sewer Facility charges per Fresno Municipal Code Section 6-304 and 6-305. Sewer Facility Charges consist of two components, a Wastewater Facilities Charge and Trunk Sewer Charge where applicable.

3. Sewer Facility Charges are collected after occupancy on a bi-monthly basis over time based on metered (water or sewer effluent) usage. The developer may contact the Department of Public Utilities/Wastewater-Environmental Control at (559) 621-5153 to receive an estimated cost of the Sewer Facility Charges applicable to the project (based on a constant sewer discharge and loading (Biochemical Oxygen Demand [BOD] and Total Suspended Solids [TSS] levels anticipated) at the current rates in effect, at that time, per Fresno's Master Fee Resolution. The developer shall provide data regarding estimated sewer discharge rates [flow] and loading [BOD/TSS levels] required for calculating the estimated charges.

Pacific Gas and Electric Company™

Kyle Patten
Land Agent
650 O Street Bag 23
Fresno, CA. 93760
Land Services

Phone: 559-263-5167
E Mail kap6&pge.com

February 4, 2010

Fresno Planning and Development
Attn: Sophia Pagoulatos
2600 Fresno Street, 3rd Floor
Fresno, CA 93721

RE: 2772 Martin Luther King Blvd.- Project C-10-15
California-McCall 115 KV Electric Transmission Poleline

Dear Ms. Pagoulatos:

Pacific Gas and Electric Company (PG&E), owns an electric transmission easement for electric transmission lines, referenced above, that is adjacent to your property/project's boundaries, also referenced above. It is PG&E's policy to permit certain uses within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples that may be of interest to you are as follows:

1. **Buildings and Other Structures:** *No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas.*

Note: The California Public Utility Commission's bulletin, General Order 95, Overhead Electric Line Construction which provides required clearances between high voltage electric lines and structures, may impose additional restrictions outside of PG&E's transmission easement. Proposed buildings on subdivision lots adjacent to the easement will require PG&E review to insure that the proper clearance is maintained.

2. **Grading:** *Cuts, trenches or excavations must not be made within 25 feet of PG&E's tower(s). PG&E's engineers must review grade changes in the vicinity of the tower(s). No fills will be allowed which would impair ground-to-conductor clearances. Tower(s) shall not be left on mounds without adequate road access to base of tower(s) or structure(s).*

3. **Fences:** *Heavy equipment access to PG&E's facilities is to be maintained at all times. Metal fences are to be grounded to PG&E specifications. No fence is to be installed within 15 feet of tower footing(s) and open access must be maintained from a tower structure(s) to the nearest street. Retaining or sound walls and property line fences proposed along or within the fee strip(s) and/or easement(s) will require PG&E review. Retaining or sound walls and property line fences proposed along or within the easement will require PG&E review. Masonry block sound walls proposed to be constructed within the easement area will require an encroachment agreement and special review and approval by the California Public Utilities Commission under*

Section 851 rules and regulations that can require up to 12 months lead time prior to construction.

4. **Landscaping:** *Landscaping is allowed. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. Reasonable access to PG&E facilities is to be maintained, including access by heavy equipment. No planting is to occur within the footprint of the tower leg(s). Greenbelts are encouraged.*

5. **Reservoirs, Sumps, Drainage Basins, Ponds:** *Allowed, provided reasonable access to facilities is maintained and ground clearances above the water surface are maintained.*

6. **Automobile Parking:** *Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structure(s) by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense to PG&E specifications. Blocked-up vehicle(s) are not allowed. Carports, canopies, or awnings are not allowed.*

7. **Storage of Flammable, Explosive or Corrosive Materials:** *This is not allowed, including the storage of trash. No trash bins or incinerators allowed.*

8. **Streets and Roads:** *Access to PG&E's facilities to be maintained. PG&E facilities to be provided with protection from traffic. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance(s).*

9. **Pipelines:** *Pipelines are allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structure(s) require review by PG&E. Sprinklers systems are allowed. Leach fields and septic tanks are not allowed.*

10. **Signs:** *Signs are not allowed except in rare cases subject to individual review by PG&E.*

11. **Recreation Areas:** *Playgrounds, parks, tennis courts, basketball courts, barbecue pits are allowed, but require special PG&E review and approval. Pedestrian trails are allowed.*

12. **Construction Activity:** *Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety, as well as any other safety regulations. For more information regarding safety regulations, clearances, or other safety advice, PG&E's Electric Transmission Supervisor can be reached at (559) 263-7100. Also, the Supervisor must be informed 72 hours prior to any construction activity within PG&E's fee strip(s) and/or easement(s).*

Additionally, I am providing the following comment regarding EMF: Electric and Magnetic Fields exist wherever there is electricity, in appliances, homes, schools and offices, and in power lines. There is no scientific consensus on the actual health effects of EMF exposure, but it is an issue of public concern. If you have questions about EMF exposure, please contact Mr. Michael Herz, EMF Program Consultant, at (925) 866-5202.

PG&E encourages you to contact this office regarding specific uses as early as possible in the planning stages of any proposed construction within PG&E's easement(s). If PG&E has an existing pole line facility that serves the property and the existing pole line crosses proposed property lines (and is not covered by an existing easement), it is the property owner's responsibility to provide PG&E with adequate rights-of-way. PG&E is available to assist the property owner in making the determination if an easement will be necessary. The property owner or their agent may contact the undersigned for assistance.

Any existing gas or electric facility relocations necessitated by any proposed development of the parcel including new street improvements (which are required as conditions of a development's final acceptance by the appropriate/responsible local governmental authority) will be at the sole expense of the developer.

If you have any questions regarding this matter please call me at (559) 263-5167.

Sincerely,

Kyle Patten
Land Agent

File No. 210.413

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

PUBLIC AGENCY

Kevin Fabino
Planning & Development Department
City of Fresno
2600 Fresno Street
Fresno, CA 93721

DEVELOPER

SHAWN JENKINS, VP, WESTCARE FOUNDATION, I
C/O RONALD MURATORE ASSOC.
5250 N. SEQUOIA AVE.
FRESNO, CA 93711

CUP

PROJECT NO. **2010-015**
DRAINAGE AREA " SS " " - "
DATE 2/12/10
APN **479-040-48**

PRELIMINARY FEE(S) (See below)

DRAINAGE AREA	" SS "	$0.00
DRAINAGE AREA	" - "	-
TOTAL FEE		$0.00

ADDRESS **2772 S. MARTIN LUTHER KING JR. BLVD.**

No. 2010-015

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 February 28, 20 10 based on the site plan submitted to the District on 02/05/10 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.

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Two sided document

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 ~~be directed to~~ **remain as existing.**

_____ b. Grading and drainage patterns shall be as identified on Exhibit No. 1 // 2

_____ 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:

_____ Grading Plan _____ Storm Drain Plan _____ Final Map

_____ Street Plan _____ Water & Sewer Plan _____ Other

4. Availability of drainage facilities:

__X__ a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City of Fresno 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.)

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_____ Appears to be located within a 500 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District.

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.

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.

CUP No. 2010-015

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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

Project Engineer: Rick Lyons

C: -
-
-
-

5469 E. OLIVE - FRESNO, CA 93727 - (559) 456-3292 - FAX (559) 456-3194

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 2010-015

E-File

OFFICES OF
FRESNO IRRIGATION DISTRICT
PHONE (559) 233-7161
FAX (559) 233-8227
2907 SOUTH MAPLE AVENUE
FRESNO, CALIFORNIA 93725-2218

Your Most Valuable Resource - Water

March 22, 2010

Ms. Sophia Pagoulatos
City of Fresno
Planning & Development Department
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

RE: Conditional Use Permit C-10-015, N/W Annadale and Martin Luther King Jr.
FID's Fresno Colony Canal No. 24

Dear Ms. Pagoulatos:

The Fresno Irrigation District (FID) has reviewed the Conditional Use Permit C-10-015 where the applicant proposes the construction of a 1,270 square-foot building addition to be utilized as a children area at the West Care Transitional Facility located northwest of Annadale Avenue and Martin Luther King Jr. Boulevard, APN: 479-040-48, and has the following comments:

1. FID's Fresno Colony canal traverses along the south edge of the subject property in an exclusive 20-foot wide easement recorded on August 21, 1968 as Document No. 58589, Official Records of Fresno County, as shown on the attached FID exhibit map.

2. FID's records indicate this section of canal is a 42 year old 48-inch diameter Cast-in-Place Concrete Pipe (CIPCP). CIPCP is a non-reinforced pipe that is easily damaged, extremely prone to leakage and does not meet FID's minimum standards for developed areas. Normally FID would require pipeline of this type and age to be replaced as a condition of development. However, since it appears from the Site Plan provided that the scope of work covered under this application falls within the existing building foot print and outside of FID's area of concern FID will not require its pipeline be replaced at this time. FID will reserve its right to modify this condition if any future development occurs on the subject property.

BOARD OF DIRECTORS President JEFFREY G. BOSWELL, Vice-President JEFF NEELY
STEVE BALLS, RYAN JACOBSEN, GEORGE PORTER, General Manager GARY R. SERRATO

3. From the Site Plan provided there appears to be an access gate off of Annadale Avenue at the southwest corner of the subject property. FID will assume that the Contractor may wish to utilize this access and the existing FID and PG & E Easements as a construction staging area. If this becomes the case, FID will not allow heavier vehicles, (concrete trucks, 18-wheel flat bed trucks, etc.) to cross the easement which could result in damage to the pipeline.

4. FID requires its easements be shown on all maps with proper recording information, and that FID be made a party to signing the final map.

5. FID requires it review, approve and be made a party to signing all improvement plans which affect its property/easements and canal/pipeline facilities including but not limited to Sewer and Water, FMFCD, Street, Landscaping, Dry Utilities, and all other utilities.

6. FID does not allow FID owned property or easements to be in common use with public utility easements but will, in certain instances, allow its property to be in common use with landscape easements if the City of Fresno enters into an appropriate agreement with FID. FID requires all block walls and fences to be located outside of its property and easements.

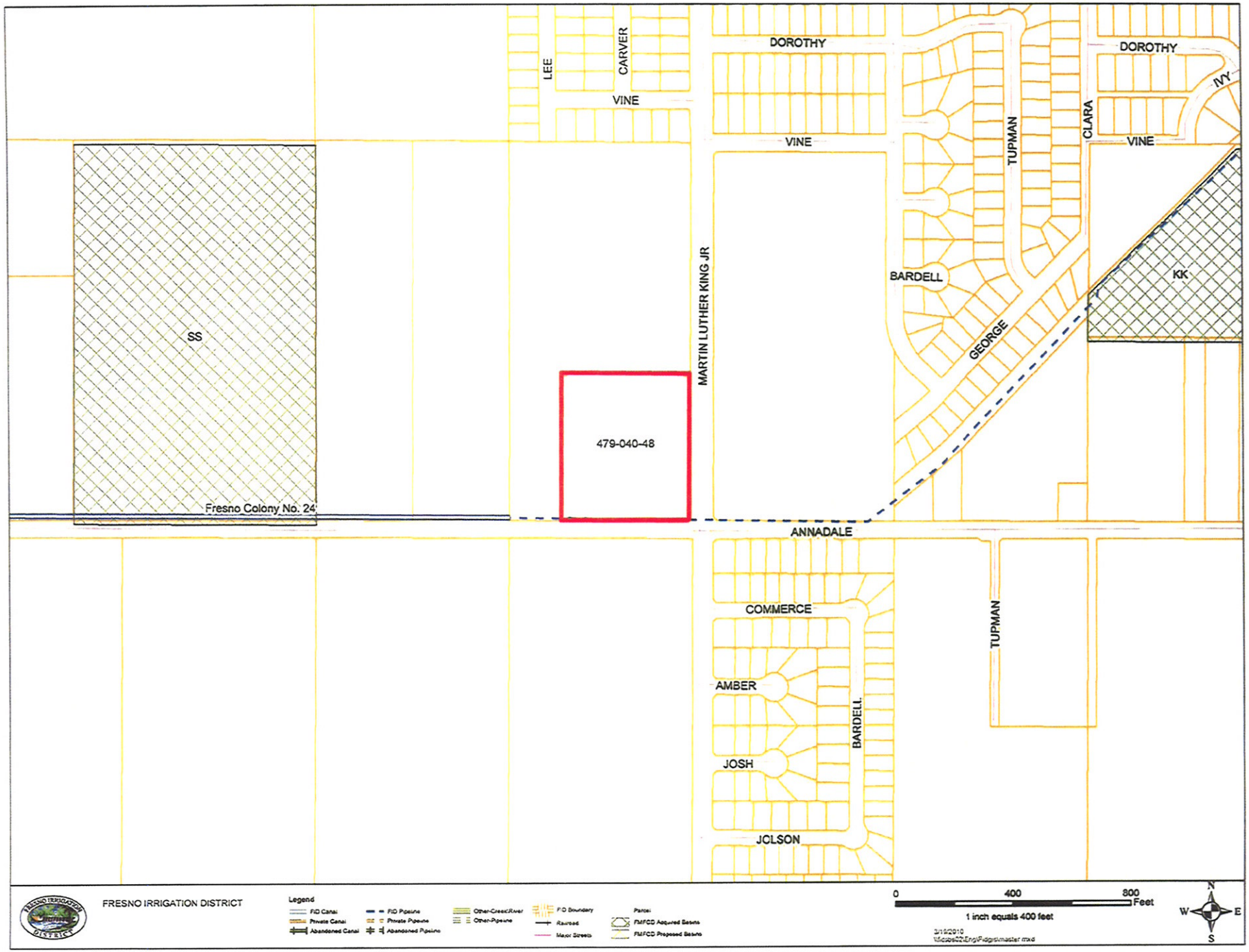
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact James Shields at 233-7161 extension 319 or jshields@fresnoirrigation.com.

Sincerely,

William R. Stretch

William R. Stretch, P.E.
Chief Engineer

Attachment


LEE
CARVER
VINE
DOROTHY
VINE
DOROTHY
IVY
CLARA
VINE
TUPMAN
BARDELL
GEORGE
KK
SS
MARTIN LUTHER KING JR
479-040-48
Fresno Colony No. 24
ANNADALE
COMMERCE
AMBER
JOSH
JOLSON
BARDELL
TUPMAN
FRESNO IRRIGATION DISTRICT
Legend
FID Canal
Private Canal
Abandoned Canal
FID Pipeline
Private Pipeline
Abandoned Pipeline
Other-Creek/River
Other-Pipeline
FID Boundary
Railroad
Major Streets
Parcel
FMFCD Acquired Basins
FMFCD Proposed Basins
0
400
800
Feet
1 inch equals 400 feet
N
W
E
S

CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT NO. C-10-15

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: Ronald Muratore
Muratore Associates
5250 N. Sequoia Avenue
Fresno, CA 93711

PROJECT LOCATION: **2772 S. Martin Luther King, Jr. Blvd.**
Fresno, CA 93706
(APN: 479-040-48)

PROJECT DESCRIPTION: Conditional Use Permit Application No. C-10-15 requests authorization to construct a 1,270 square-foot building addition to be utilized as a children area at the WestCare Transitional Facility within the boundaries of the Edison Community Plan and the 2025 Fresno General Plan.

This project is exempt under Section 15301/Class 1 of the California Environmental Quality Act (CEQA) Guidelines.

EXPLANATION: Section 15301/Class 1 states that projects characterized as the minor alteration of existing public or private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination are exempt from further environmental review. Minor alteration is further defined as 50% of the existing floor area of the structures before the addition or 2,500 square feet, whichever is less. While the facility has 75,000 total existing square feet, the proposed addition does not exceed 1,270 square feet, and it will not result in the expansion of the use, because the space is for children that already reside in the facility.

Date: April 7, 2010

Prepared By: Sophia Pagoulatos, Supervising Planner

Submitted By:

City of Fresno
Planning & Development Department
(559) 621-8062

K:\Master Files - 2009\CUP\CUP\C-10-15, 10-16 San Pablo Avenue

Attachment 8

The H.E.A.T for SouthWest Fresno Community
(Hope Effort Appropriately Thriving)
P O Box 12571
Fresno, CA 93778
e-mail:HEATSWFC@aol.com

RECEIVED
APR 06 2010
By

RECEIVED
APR
Planning Division
Planning & Development Dept
CITY OF FRESNO

April 6, 2010

John M. Dugan, Director
Planning & Development Department
City of Fresno
2600 Fresno St., Room 3043
Fresno, CA 93721

Re: Granting of Special Permit
Conditional Use Permit Application No. C-10-15

Dear Director Dugan,

The members of H.E.A.T. for SW Fresno Community are residents of SW Fresno & District #3.

H.E.A.T. for SW Fresno Community/District #3, object to the granting of this special permit/conditional use permit application No. C-10-15 for the following reasons:

1) The number of planned amendment applications already approved:
A-06-27, A-06-28, A-08-007, A-09-04
2) The number of rezoned applications already approved:
R-06-74, R-06-75, R-09-08, R-08-034, R-09-005, R-09-006
3) The number of environmental assessments already approved:
RDA-2005-02
4) The number of conditional use permits already approved:
C-09-118, C-09-166, C-09-122

5) The number of site plan review already approved:
   S-09-61

These are only a few of the planned amendments applications, rezoned applications, environmental assessments, conditional use permits and site plan reviews that have been presented to the Planning & Development Department. All of these will have an impact on the area in regards to:

1) Increased population in the area
2) Increased traffic congestion in the area
3) Loss of agricultural land
4) Loss of long established single-family residential housing
5) Increase in multi-family housing which is not compatible with the current long established single-family residential housing
6) Loss of historical landmarks & buildings

With all of the above mentioned, either completed or pending, the current application is another project that will affect the community as a whole. However, it has not been presented to the community at a public meeting/hearing.

With so many projects, amendment changes, rezone applications, etc., it is very difficult to foresee what SW Fresno/District #3 will look like in the future. Too much of the land is being rezoned from single family to multi-family, agricultural land loss to urbanization and light & heavy industrial land use. Much of this has been done without the community, as a whole, being made aware of the impact that this will have on the future of SW Fresno/District #3 and our families.

Sincerely,
H.E.A.T. for SW Fresno Community