



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII-D
COMMISSION MEETING 11-28-12
APPROVED BY
 DEPARTMENT DIRECTOR <i>for M. Scott</i>

November 28, 2012

FROM: MIKE SANCHEZ, Planning Manager
Development Services Division 

THROUGH: SOPHIA PAGOULATOS, Supervising Planner
Development Services Division 

BY: JACK VAN PATTEN, AICP, Planner II
Development Services Division 

SUBJECT: CONSIDERATION OF CONDITIONAL USE PERMIT APPLICATION NO. C-12-104
LOCATED AT 5606 EAST KINGS CANYON ROAD (APN: 474-030-01)

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. APPROVE the finding of a Categorical Exemption for Environmental Assessment No. C-12-104 issued August 30, 2012.
2. DENY the appeals and UPHOLD the Director's Action approving Conditional Use Permit Application No. C-12-104 to establish a convenience store (a 7-Eleven) with a State of California Alcoholic Beverage Control Type 20 license (package store—sale of beer and wine for consumption off the licensed premises where sold. Minors are allowed on the premises) for the establishment, subject to the following conditions:
 - a. Development shall comply with the Conditions of Approval dated May 22, 2012, including Police Conditions of Approval.
 - b. Development shall comply with Exhibits A, E, and F, dated May 22, 2012.
 - c. Development shall comply with the operational statement for the project dated May 22, 2012.

EXECUTIVE SUMMARY

The applicant, Richard LaRowe, of Stantec Architecture, Inc., filed Conditional Use Permit Application No. C-12-104 requesting authorization to obtain an Alcohol Beverage Control Type 20 License for a proposed 7–11 convenience store to open in an existing vacant building.

The project is located on the southeast corner of East Kings Canyon Road and South Clovis Avenues. The site is zoned C-3, *Regional Shopping Center District*.

The Development and Resource Management Department Director approved the subject conditional use permit application on August 31, 2012. In accordance with the Special Permit Procedure of the Fresno Municipal Code, a notice of granting of the conditional use permit application was mailed to property owners (and others) within 350 feet of the subject site. In response to this notice, two appeal letters were received (Exhibits Ja and Jb).

Staff recommends that the Planning Commission approve Conditional Use Permit Application No. C-12-104, subject to the conditions of approval noted above. The conditional use permit is appropriate for the site, and all findings required by Fresno Municipal Code (FMC) Section 12-405-A-2

can be made. In addition, granting of the requested special permit would not result in a significant impact under the California Environmental Quality Act (CEQA).

PROJECT INFORMATION

PROJECT	Conditional Use Permit Application No. C-12-104 requests authorization to obtain an Alcohol Beverage Control Type 20 License for a proposed 7–11 convenience store to open in an existing vacant building.		
APPLICANT	Richard LaRowe		
LOCATION	5606 East Kings Canyon Road, located on the southeast corner of East Kings Canyon Road and South Clovis Avenues. (APN: 474-030-01) (Council District 5, Councilmember Quintero)		
SITE SIZE	0.52-acres		
LAND USE	Existing	-	<i>Regional Commercial</i> Planned Land Use
ZONING	Proposed	-	Same, with a Convenience Store with an ABC Type 20 License
PLAN DESIGNATION AND CONSISTENCY	Conditional Use Permit Application No. C-12-104 is proposed in accordance with the <i>regional commercial</i> land use identified in the Roosevelt Community Plan and the 2025 Fresno General Plan.		
ENVIRONMENTAL FINDING	Categorical Exemption, Sections 15301/Class 1 and 15332/Class 32 of the California CEQA Guidelines, dated August 30, 2012		
PLAN COMMITTEE RECOMMENDATION	Council District 5 Implementation Committee has reviewed this matter and has neither approved nor disapproved this item.		
STAFF RECOMMENDATION	Approve Conditional Use Permit Application No. C-12-104		

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Community Commercial	C-2, <i>Community Shopping Center District</i> & C-3, <i>Regional Shopping Center District</i>	Community Commercial
South	Regional Commercial	C-3, <i>Regional Shopping Center District</i>	Regional Commercial
East	Regional Commercial	C-3, <i>Regional Shopping Center District</i>	Regional Commercial

West	Community Commercial	County of Fresno Jurisdiction	Community Commercial
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ENVIRONMENTAL FINDING

Conditional Use Permit Application No. C-12-104 requests authorization to obtain an Alcohol Beverage Control Type 20 License for a proposed 7–11 convenience store to open in an existing vacant building. This project is not expected to have an adverse impact on the environment and is categorically exempt pursuant to the CEQA, Sections 15301/Class 1 and 15332/Class 32.

BACKGROUND / ANALYSIS

The applicant, Richard LaRowe, filed Conditional Use Permit Application No. C-12-104 requesting authorization obtain an Alcohol Beverage Control Type 20 License for a proposed 7–11 convenience store to open in an existing vacant building.

The project is located on the southeast corner of East Kings Canyon Road and South Clovis Avenues

Based on the applicant's operational statement, the convenience store shall operate 24 hours a day, seven days a week, with no alcohol sales between the hours of 2 a.m. and 6 a.m., daily.

The appropriateness of the proposed project has been examined with respect to its consistency with the goals and policies of the 2025 Fresno General Plan and the Roosevelt Community Plan; its compatibility with surrounding existing or proposed uses; and, its avoidance or mitigation of potentially significant adverse environmental impacts. Conditional Use Permit Application No. C-12-104 will comply with all applicable codes, including parking, landscaping, walls, etc.

2025 Fresno General Plan

The 2025 Fresno General Plan designates the subject site for *Regional Commercial* planned land uses and provides objectives to guide in the development of these projects. Conditional Use Permit Application No. C-11-104 meets all policies and objectives of the 2025 Fresno General Plan. The following are excerpts of such objectives.

Policy C-12-a of the 2025 Fresno General Plan is to ensure that all commercial land uses are developed and maintained in a manner complementary to and compatible with adjacent residential land uses, to minimize interface problems with the surrounding environment and to be compatible with public facilities and services.

DIRECTOR'S ACTION ON CONDITIONAL USE PERMIT

The Development and Resource Management Department Director took action on August 31, 2012, to approve conditional use permit application number C-12-104. In accordance with Government Code Section 65091 (Planning and Zoning Law) and the Special Permit Procedure of the Fresno Municipal Code, a notice of granting of the conditional use permit application was mailed to surrounding property owner with 350 feet of the subject property (Noticing Map attached as Exhibit C). The special permit does not become effective until 15 days from the date the special permit is granted, in order to allow time for any interested parties to file an appeal. Two appeals (dated September 12 and 13, 2012) were received during the 15-day appeal period from Claude Fradue and Shirley Perry. These appeals are attached as Exhibits Ja and Jb.

APPEALS AND ANALYSIS OF THE APPEALS

The two appeals, between them, address two concerns:

- (1) Too many alcohol venues in the immediate area (supermarkets, convenience stores, restaurants, etc.), as well as too many alcohol venues in southeast Fresno.
- (2) Traffic congestion—getting in and out of the proposed 7-Eleven at Kings Canyon and Clovis—is a problem.

RESPONSE:

- (1) Too many alcohol venues. The Department of Alcohol Beverage Control (ABC) tracks the number of licenses it issues by census tracts. The site is located in Census Tract 14.14. Census Tract 14.14 is authorized, as of May, 2012, (date of most recent revision) 7 off-sale licenses and 6 on-sale licenses. The proposed 7-Eleven license would bring the actual total ABC Licenses up to 4 off-sale licenses (of 7 authorized), and leaving the actual number of on-sale licenses at 6 (of 6 authorized) in Census Tract 14.14.

As far as the number of ABC Licenses in Census Tract 14.14 at that shopping center, there are, at present, 1 off-sale license and 3 on-sale licenses (for a total of 4 licenses). The proposed 7-Eleven would bring the total ABC Licenses in the shopping center to 2 off-sale and leave the number of on-sale licenses unchanged at 3 licenses.

- (2) Traffic congestion. This is an issue that Traffic Engineering has addressed in this and prior special permits governing the site. Specifically, **Finding b:** 'Conditional Use Permit Application No. C-12-104 is located on the southeast corner of East Kings Canyon Road (Arterial) and South Clovis Avenue (Arterial) which have been analyzed by the Public Works Department, Traffic Engineering Division. The Traffic Division reviewed the proposed project and assessed the adjacent streets to ensure that the proposal would not have significant impacts on traffic and the surrounding community.' The Traffic Engineering Comments are included, by reference, in the Conditions of Approval (See Attachment H-1).

DISTRICT 5 PLAN IMPLEMENTATION COMMITTEE

The District 5 Plan Implementation Committee reviewed this matter and neither approved nor disapproved this item.

NOTICE OF PLANNING COMMISSION MEETING

The Development and Resource Management Department mailed notices of this Planning Commission hearing to all surrounding property owners within 350 feet of the site, pursuant to Section 12-401-H & 12-406-F of the FMC. Two appeals have been received to date.

CONDITIONS OF APPROVAL

Standard conditions of approval for stores, issued by the Police Department are included in the Conditions of Approval for this special permit and shall be applied to Conditional Use Permit Application No. C-12-104. These conditions address a myriad of issues related to the operation of alcohol-related uses, including employee education, security, video surveillance, and enforcement procedures. The applicant must show compliance with all conditions prior to commencing the new 7-Eleven operations.

FINDINGS

No special permit may be issued unless it is found that the privilege exercised under the permit, conforms to the findings of 12-405-A-2 of the FMC. Based upon analysis of the conditional use permit application, staff concludes that all of the required findings can be made for Conditional Use Permit Application No. C-12-104.

Findings per Fresno Municipal Code Section 12-405-A-2	
<p>a. <i>All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,</i></p>	
<p>Finding a:</p>	<p>Conditional Use Permit Application No. C-12-104 shall comply with all applicable codes, including parking, landscaping, walls, etc., given that the special conditions of project approval shall ensure that all conditions are met prior to the occupancy of the proposed buildings. The subject property is adequate in size and shape to accommodate the proposed 7–11 convenience store.</p>
<p>b. <i>The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,</i></p>	
<p>Finding b:</p>	<p>Conditional Use Permit Application No. C-12-104 is located on the southeast corner of East Kings Canyon Road (Arterial) and South Clovis Avenue (Arterial) which have been analyzed by the Public Works Department, Traffic Engineering Division. The Traffic Division reviewed the proposed project and assessed the adjacent streets to ensure that the proposal, with conditions, would not have significant impacts on traffic and the surrounding community.</p>
<p>c. <i>The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. The third finding shall not apply to uses which are subject to the provision of Section 12-306-N-30 of the FMC.</i></p>	
<p>Finding c:</p>	<p>The proposed 7–11 convenience store shall not be detrimental to the public welfare or injurious to property or improvements in the area in which it is located given that the planned land use is <i>community commercial</i>. The Police Department Conditions of Approval ensure operations that shall not be detrimental to the public safety and welfare. Design features have been incorporated into the project to ensure security and to mitigate impacts from noise and glare to the abutting properties.</p> <p>Approval of the special permit would be in accordance with applicable provisions of the Fresno Municipal Code, including the determination that all findings have been made relative to the issuance of a conditional use permit for the proposed project.</p>

Attachments:

- A Vicinity Map
- B 2008 Aerial Photograph of site
- C Noticing Map (350 foot radius)
- D Exhibit A, Site Plan, dated May 22, 2012
- E Exhibit E, Elevations, dated May 22, 2012
- F. Exhibit F, Floor Plan, dated May 22, 2012
- G Operational Statement, dated May 22, 2012
- H Conditions of Approval, dated August 30, 2012, with referenced documents attached.
- I Environmental Assessment No. C-12-104, dated August 30, 2012
- J Appeals received
 - a. Shirley Perry
 - b. Claud Fradue

A. Vicinity Map

B. Aerial Photograph

C. Noticing Map

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31324083

46326054

31324084

Request ID: C-12-104 350

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31324063

46326049

31324040S

46326048

E KINGS CANYON RD

47206024

47403001

47206030

47403043

47206031

47403048

S CLOVIS AVE

47206029

47206011

47206010

47403032

47403049

E MONTECITO AVE

PRIVATE DR

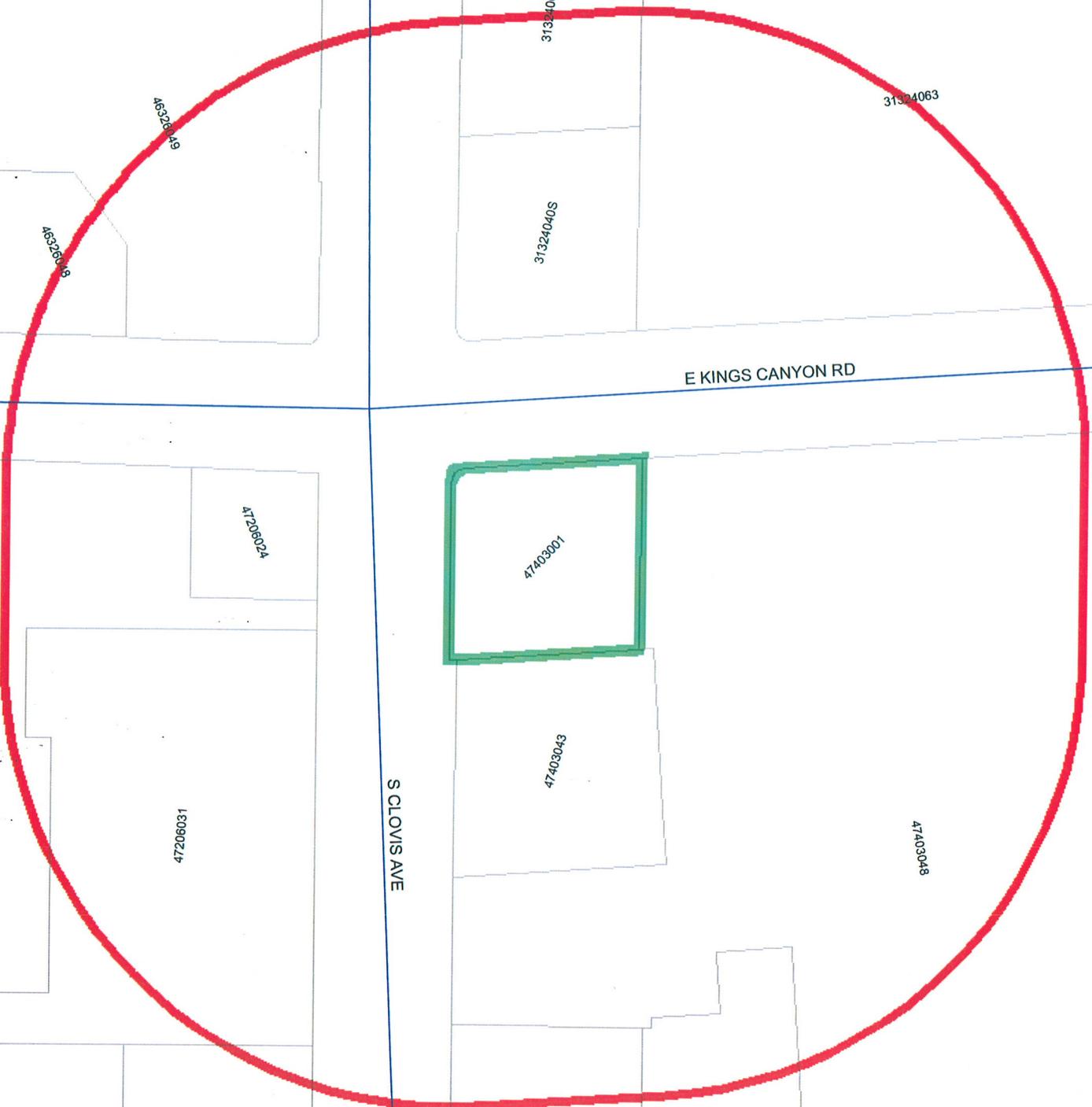
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D. C-12-104 Exhibit A (Site Plan)

E. C-12-104 Exhibit E (Elevations)

F. C-12-104 Exhibit F (Floor Plan)

G. Operational Statement

Fresno 7-Eleven, 5606 E. Kings Canyon Road, Operational Statement
Revised 5-7-12



Project Description:

This proposed 7-Eleven Tenant Improvement is being submitted by Stantec (Richard LaRowe, Sr. Project Manager) on behalf of the property owner and 7-Eleven, and pertains to the renovation of an existing building at **5606 E. Kings Canyon Rd, Fresno, CA.**

The building is constructed on **APN 474-030-01** and is zoned **C-3, Regional Shopping Center District**. The current Land Use designation is **Regional Commercial**. The Community Plan is **The Roosevelt Community Plan**. The project is not impacted by a **Redevelopment Plan**.

At this time, efforts are underway, to meet with The Council District 5 Plan Implementation Committee and the Sunnyside Property Owners Association.

We believe this proposed use, would benefit the surrounding area, specifically, the daily commuters along East Kings Canyon Rd, and S. Clovis Ave. The nearby residential areas to the west and south, would also represent our base customers.

We are requesting a **CUP to allow Beer and Wine offsite sale, Lottery sales, and 24 hour operation.**

The proposed improvements will consist of interior renovations to **3015 square feet** of the existing **6015 square foot** building.

The existing site, currently provides **19 parking spaces.**

Proposed hours of operation, are intended to be **24 hours per day**. With **4 to 6 employees** on duty, at any given time. Between customers and vendors, we anticipate **50 visits to the store per hour.**

7-Eleven uses State of the Art Technology for security. Items utilized, are DVR with up to 90 day storage, public view mirrors, exterior surveillance, personal protection devices for store employees, sales counter alarm activation, time accessed cash controller and off-site interactive monitoring.

**H. Conditions of Approval, dated August 30, 2012,
(with referenced documents attached)**

CITY OF FRESNO
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

CONDITIONS OF APPROVAL

AUGUST 30, 2012

CONDITIONAL USE PERMIT AMENDMENT

APPLICATION NO. C-12-104

5606 EAST KINGS CANYON ROAD

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.

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

PART A - PROJECT INFORMATION

Assessor's Parcel Number:	474-030-01
Job Address:	5606 East Kings Canyon Road
Street Location:	Located on the southeast corner of East Kings Canyon Road and South Clovis Avenues
Existing Zoning:	C-3, <i>Regional Shopping Center District</i>
Planned Land Use:	<i>Regional Commercial Planned Land Use</i>
Plan Areas:	Roosevelt Community Plan
Project Description:	Conditional Use Permit Application No. C-12-104 requests authorization to obtain an Alcohol Beverage Control Type 20 License for a proposed 7-11 convenience store to open in an existing vacant building.

PART B - GENERAL CONDITIONS AND REQUIREMENTS

1. Development shall take place in accordance with the Standards Specifications and Standard Drawings of the City of Fresno Public Works Department. Transfer all red line notes, etc., shown on all original site plan exhibits dated May 22, 2012, 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.
2. Development shall take place in accordance with all city, county, state and federal laws and regulations.

PART C - PROJECT SPECIFIC REQUIREMENTS

1. Development shall comply with all existing special permits on the property, including S-96-083.
2. Development shall take place in accordance with the C-3, *Regional Shopping Center District*, as defined in Section 12-219 of the Fresno Municipal Code.
3. Development shall take place in accordance with Exhibits A, E, and F, dated May 22, 2012. The correct address for the subject application is 5606 East Kings Canyon Road. All exhibits shall reflect the correct address.
4. This special permit is granted, and the conditions imposed, based upon the Operational Statement dated as received on May 22, 2012. The Operation Statement is material to the issuance of this special permit. Unless the conditions of approval specifically require operation inconsistent with the Operation Statement, a new or revised special permit is required if the operation of this establishment changes or becomes inconsistent with the Operation Statement. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the special permit or any other enforcement remedy available under the law.
5. Development shall comply with the requirements of the attached City of Fresno Department of Public Works Traffic Engineering memo dated June 11, 2012. Please contact Louise Gilio, Supervising Engineering Technician at (559) 621-8678 for further information.
6. Development shall comply with the requirements of the attached City of Fresno Department of Public Utilities Administration (Solid Waste Management) memo dated June 20, 2012. Please contact Chris Weibert, Management Analyst II at (559) 621-8628 for further information.
7. Development shall comply with the requirements of the attached City of Fresno Department of Public Utilities Planning and Engineering Division (Water) memo dated June 4, 2012. Please contact Greg Contreras, Senior Engineering Technician at (559) 621-8553 for further information.
8. Development shall comply with the requirements of the attached City of Fresno Department of Public Utilities Planning and Engineering Division

Conditions of Approval

Conditional Uses Permit Application No. C-12-104

August 30, 2012

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(Sewer) memo dated June 4, 2012. Please contact Greg Contreras, Senior Engineering Technician at (559) 621-8553 for further information.

9. Development shall comply with the requirements of the attached City of Fresno Fire Department memo dated October 27, 2012. Please contact Laurie Sawhill, Fire Prevention Inspector II at (559) 621-4147 for further information.
10. Development shall comply with the requirements of the attached City of Fresno Police Department Southeast Area Commander memo dated August 28, 2012. Please contact Sergeant Mark Hudson, at (559) 621-6305 for further information.
11. Development shall comply with the requirements of the attached City of Fresno Building and Safety Services Division memo dated May 31, 2012. Please contact Yeghia Oulashian, Supervising Plans Examiner at (559) 621-8156 for further information.
12. Development shall comply with the requirements of the attached County of Fresno Environmental Health memo dated May 31, 2012. Please contact Kevin Tsuda, Environmental Health Specialist II, at (559) 445-3271 for further information.
13. Development shall comply with the requirements of the attached Fresno Unified School District memo dated May 31, 2012 [sic]. Please contact Deana Clayton at (559) 457-3066 for further information.
14. The exercise of rights granted by this special permit must be commenced by August 31, 2016, (four years from the date of approval). **There is no extension.**

**H-1. City of Fresno Department of Public Works
Traffic Engineering memo dated June 11, 2012**



DATE: June 11, 2012
TO: Israel Trejo
Development and Resource Management Department
FROM: Louise Gilio, Supervising Engineering Technician
Public Works Department, Traffic and Engineering Services Division
SUBJECT: Conditions of Approval for **C-12-104**
APN: 474-030-01
ADDRESS: 5606 East Kings Canyon

PUBLIC IMPROVEMENT REQUIREMENTS

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

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

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

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

Survey Monuments and Parcel Configuration

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

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

Street Improvements

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

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

Off-Street Parking Facilities and Geometrics

1. Off-Street parking facilities and geometrics shall conform to the City of Fresno Public Works Department, Parking Manual and Standard Drawing(s) **P-21, P-22, P-23**.
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 **5'** 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"**.

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

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

**H-2. City of Fresno Department of Public Utilities
Administration (Solid Waste Management) memo
dated June 20, 2012**



DEPARTMENT OF PUBLIC UTILITIES

Date: June 20, 2012

To: ISREAL TREJO, Planner II
Planning and Development Department

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

Subject: C-12-104 ABCUP was filed by Richard LaRowe of Stantec Architecture, on behalf of Douglas B. Jensen Trustee and pertains to an existing 6,000 sq ft tenant space, former Blockbuster, within a shopping center at the southeast corner of East Kings Canyon Road and South Clovis Avenue, 5606 East Kings Canyon Road, APN 474-030-01. The applicant proposes an interior renovation for a 7-Eleven store and requests authorization to establish a State of California Alcoholic Beverage Control Type 20 license, package store - sale of beer and wine for consumption off the premises where sold, and operate 24 hours a day, 7 days a week. The property is zoned C-3, Regional Shopping Center.

General

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

Does Project Affect Your Agency/Jurisdiction

Yes - Project has or will be required to provide a trash enclosure.

Suggestions to Reduce Impacts/Address Concerns

None.

Recommended Conditions of Approval

None.

Additional Information

Location of enclosure is acceptable.

**H-3. City of Fresno Department of Public Utilities Planning and
Engineering Division (Water) memo dated June 4, 2012**



DEPARTMENT OF PUBLIC UTILITIES



Providing Life's Essential Services

Date: June 4, 2012

To: ISRAEL TREJO
Planning and Development

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

Subject: WATER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-12-104-ABCUP

General

C-12-104 ABCUP was filed by Richard LaRowe of Stantec Architecture, on behalf of Douglas B. Jensen Trustee and pertains to an existing 6,000 sq ft tenant space, former Blockbuster, within a shopping center at the southeast corner of East Kings Canyon Road and South Clovis Avenue, 5606 East Kings Canyon Road, APN 474-030-01. The applicant proposes an interior renovation for a 7-Eleven store and requests authorization to establish a State of California Alcoholic Beverage Control Type 20 license, package store - sale of beer and wine for consumption off the premises where sold, and operate 24 hours a day, 7 days a week. The property is zoned C-3, Regional 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.

**H-4. City of Fresno Department of Public Utilities Planning
and Engineering Division (Sewer) memo dated June 4,
2012**



DEPARTMENT OF PUBLIC UTILITIES

Date: June 4, 2012

To: ISRAEL TREJO
Planning and Development

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



Subject: SEWER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-12-104-ABCUP

General

C-12-104 ABCUP was filed by Richard LaRowe of Stantec Architecture, on behalf of Douglas B. Jensen Trustee and pertains to an existing 6,000 sq ft tenant space, former Blockbuster, within a shopping center at the southeast corner of East Kings Canyon Road and South Clovis Avenue, 5606 East Kings Canyon Road, APN 474-030-01. The applicant proposes an interior renovation for a 7-Eleven store and requests authorization to establish a State of California Alcoholic Beverage Control Type 20 license, package store - sale of beer and wine for consumption off the premises where sold, and operate 24 hours a day, 7 days a week. The property is zoned C-3, Regional Shopping Center.

Sewer Requirements

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.

Sewer Fees

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

1. 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.
2. Sewer Facility Charges are collected after occupancy on a 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.

**H-5. City of Fresno Fire Department memo dated October
27, 2012**



FIRE DEPARTMENT

DATE: June 13, 2012

TO: ISRAEL TREJO, Planner II
Development and Resource Management Department

FROM: LAURIE SAWHILL, Fire Prevention Inspector II
Fire Department, Fire Prevention and Investigation Division 

SUBJECT: C-12-104-ABCUP

The Fire Department's conditions of approval include the following:

This project was reviewed by the fire department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building and Safety Section of DARM when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building.

Existing access and water supply meet fire department requirements and there are no additional site requirements for this project. The interior of the building will be reviewed when the building plan is submitted to the Planning and Development Department.

**H-6. City of Fresno Police Department Southeast Area
Commander memo dated August 28, 2012**



Mariposa Mall
P.O. Box 1271
Fresno, CA 93715-1271

Police Department
Jerry P. Dyer
Chief of Police



August 28, 2012

7-11 Store
Douglas B. Jensen
5606 East Kings Canyon Road
Fresno, Ca 93727

CONDITIONAL USE PERMIT NO. C-12-104
5606 East Kings Canyon Road
A.P.N. 474-030-01

Dear Mr. Jensen,

The City of Fresno has reviewed the application of the property development at 5606 East Kings Canyon Road. The property is zoned C-3, *Regional Shopping Center District*, which permits retail stores, and, also, the retail sales by those stores of alcoholic beverages. The Fresno Police Department's primary concern with the application is the propensity of the premises to potentially generate calls for police service.

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, including, 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,

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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 for the surrounding area. This Conditional Use Permit allows for the retail sale of alcoholic beverages for off-site consumption pursuant to an Alcoholic Beverage Control Department Type 20 License, which, if approved by Department of Alcoholic Beverage Control, authorizes the sale of beer and wine for consumption off the premises where sold (minors are allowed on the premises). We understand from the Operational Statement that the applicant intends to operate this establishment 24 hours a day, seven days a week, with no alcohol sales between the hours of 2 a.m. and 6 a.m., daily.

We request the following conditions be included as Conditions of Approval for Conditional Use Permit Application No. C-12-104. These conditions shall 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-12-104, the Fresno Police Department shall oppose the approval of this Conditional Use Permit, and shall appeal such approval to the Planning Commission. Therefore, we request that you provide Sergeant Mark Hudson 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.

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 Billiard Hall)

FMC 9-1804 (Restriction on Attendance of Minors in Billiard Rooms)

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FMC 9-1805 (Minors allowed: Family Billiard Rooms)

FMC 10-105 (Noise Ordinance)

FMC 10-708 (Unlawful Nuisances - High Calls for Police Service)

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, federal, and local law, including but not limited to the following California Business and Professions Code sections and the California Department of Alcoholic Beverage Control 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 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. ABC Education

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

- (1) Completed training from the State of California Department of Alcoholic Beverage Control-Fresno District Office-administered

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“Leadership and Education in Alcohol and Drugs” (LEAD) Program as confirmed by receipt of an ABC-issued certificate of completion; or,

- (2) Completed equivalent training acceptable to the ABC- Fresno District Office 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:

- (1) The ABC-licensed proprietors shall have confirmed with the Development Department within 15 days of the final approval of the CUP, that a date certain has been scheduled with the local ABC Office for the prospective employees to take the LEAD Program course; and
- (2) Within 30 days of taking the course the employee(s) or responsible employer shall deliver each required LEAD Program Certificate evidencing completion of said course.

4. Contests or Promotions

At least two weeks prior to the event, the establishment shall notify the District Commander, or his/her designee of any promotional or special events. In addition, the establishment shall obtain written approval that the current Security Plan is adequate to address security issues that may arise from the event or promotion or approval of a new Security Plan that will be in place for the promotional or special event.

5. Security Plan.

Prior to the approval of this Conditional Use Permit, the establishment shall prepare and submit to the District Commander a security plan for approval. Approval of the security plan by the District Commander or his/her designee shall not be unreasonably denied. The contents of the Security Plan shall be incorporated as conditions of approval of Conditional Use Permit C-12-104. The establishment shall be responsible to have the District Commander or his/her designee re-approve the security plan annually running from the anniversary date of the final approval of the Conditional Use Permit. The establishment is responsible for providing both the District Commander and the Planning and Development Department a copy of the approved security plan.

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All establishments Security Plans shall:

- Identify the establishment's designated contact person for all safety and security management and shall provide the telephone numbers where the contact person may be reached 24 hours a day, seven days a week.
- Confirm that a manager will be on duty during business hours and will be responsible for monitoring and controlling the behavior of patrons.
- Identify all managers of the establishment and their contact telephone numbers.
- Confirm that first aid supplies and operational fire extinguishers are located in the kitchen, service areas and the manager's office.
- Confirm that the burglar and fire alarm is monitored by a security company 24 hours a day, seven days a week.
- Identify an adequate number of acceptable interior security personnel and exterior security personnel who will monitor and control the behavior of customers inside and outside the building, the parking lot and any adjacent property under the establishment's control. The security personnel may be employees of the establishment or licensed security personnel retained from a security firm.
- Confirm that the security personnel shall regularly monitor the parking lot and any adjacent property under the establishment's control to ensure the areas are (a) free of people loitering or causing a disturbance and (b) are cleared of patrons and their vehicles one-half hour after closing.

The establishment may receive from the Fresno Police Department a form of a security plan that the establishment may refer to in preparing its security plan.

The establishment shall correct any safety or security problem or security plan violation as soon as possible after receiving written notice of such problem from the Fresno Police Department. After the initial security plan is approved and implemented, it is the responsibility of the owner or owner's representative to contact the Fresno Police Department to inquire about police calls for service or public safety problems at the location. Contact may be made in person, by telephone or by electronic mail. Review of police calls for services may be conducted at any time by the Fresno Police Department.

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The applicant will maintain a copy of the current Security Plan and shall present the Security Plan immediately upon request by a peace officer.

If it is determined that police calls for service become “Frequent” (see definition below) the Fresno Police Department may initiate proceedings to amend these conditions to require state licensed uniformed security and/ or to recommend suspension or revocation proceedings.

“Frequent” as used in this subsection means police response is occurring more than 1.50 times the average number of such responses for property of a similar size in character in the same Policing District established by the police chief. (See FMC Section 10-708(g).)

6. Video Camera

Prior to exercising any privileges granted by CUP No. C-12-104-ABCUP, the applicant must install a fully functional color digital video camera system (‘System’) that meets the following requirements:

- (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.
- (2) The System shall have the correct date and time stamped onto the image at all times.
- (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 that can be made a permanent record and that can be enlarged through projection or other means.
- (4) Digital video recorder must be capable of storing at least seven days of real-time activities.
- (5) The System shall be capable of producing a CD or digital playback feature and may be subject to surrender to an authorized representative of the Fresno Police Department within 24 hours of the initial request relating to a **criminal investigation only**.
- (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

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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.

- (7) There shall be four (4) exterior cameras placed so as to record activities in the primary customer parking areas of the business. These cameras should be of sufficient quality to be able to identify persons and vehicles using the business parking lot.
- (8) All interior cameras shall record in color.
- (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 shall prevent or reduce the possibility of vandalism.

It recommended, but not required, that the owner or 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.

7. Sale of Malt and Wine-Cooler Alcoholic Beverages

- (1) Malt liquor or malt beverage products must be sold in manufacturer pre-packaged, multi-unit quantities of no less than six (6). This shall include all sizes of containers.
- (2) Wine cooler products must be sold in manufacturer pre-packaged, multi-unit quantities of no less than four (4).
- (3) Single sales of any other beer product, of any size, is permitted.

8. Wine Alcohol By Volume

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

9. Non-Refrigerated Alcoholic Beverages

Non-refrigerated 'hard' liquor or 'distilled spirits' shall be placed with the cashier's area or shall be located either in a locked cabinet or other locking shelving system, with access controlled either manually, by the use of remote-controlled locking devices, or by other appropriate and acceptable locking devices approved, in writing, by the Fresno Police Department. During the hours between 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'.

10. Property Responsibility

Frequent responses by the FPD 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 the commencement of CUP revocation proceedings pursuant to FMC, section 12-405-E. 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' is defined by FMC Section 12-326-H-1-a.

- The establishment shall not allow any loitering on building premises or any adjacent property under its ownership or control.
- The establishment shall not allow any gambling on building premises or any adjacent property under its control.
- There shall be no amusement devices or Billiard tables maintained upon the premises without the proper permits issued through the City of Fresno Business Tax Division.

11. Revocation of Conditional Use Permit

The City is permitted to revoke a Conditional Use Permit for “good cause” pursuant to the procedures set forth in FMC, section 12-405-E. Applicant is strongly encouraged to review this FMC section to understand the circumstances that constitute “good cause.”

12. Posting hours of operation and address

- The owner or proprietor or applicant shall be responsible to conspicuously post the hours of operation near the entrance of the establishment.
- It shall be 8.5x11 inches in size, to be provided for by the City.
- This posting shall be made available to City officials upon request.
- Additionally, the address of each facility shall be posted in compliance with all City codes.

13. 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 is in violation of municipal ordinances. The applicant shall 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 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.

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.

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14. 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.

###

**H-7. City of Fresno Building and Safety Services Division
memo dated May 31, 2012**

**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-12-104 - ABCUP**

Building and Safety Svcs - Yeghia Oulashian

Return Completed Form to:
Israel Trejo
Email: Routing@fresno.gov
Telephone: 559-621-8277
Development and Resource Management
2600 Fresno Street, Third Floor
Fresno CA 93721-3604

PROJECT DESCRIPTION AND LOCATION:

Conditional Use Permit Application No. C-12-104 -ABCUP was filed by Richard LaRowe of Stantec Architecture, on behalf of Douglas B. Jensen Trustee and pertains to an existing 6,000 sq ft tenant space (former Block Buster) within a shopping center at the southeast corner of E. Kings Canyon Road and S. Clovis Avenue. The applicant proposes an interior renovation for a 7-Eleven store and requests authorization to establish a State of California Alcoholic Beverage Control Type 20 license (*package store— sale of beer and wine for consumption off the premises where sold*) and operate 24 hours a day 7 days a week. The property is zoned C-3 (*Regional Shopping Center*).

APN: 474-030-01

ZONING: C-3

ADDRESS: 5606 E. Kings Canyon Road

DATE Routed: May 30, 2011

COMMENT DEADLINE: June 14, 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:

*Plans/permits
reqd*

REQUIRED CONDITIONS OF APPROVAL:

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

REVIEWED BY:

[Signature]
Name and Title

8156
Telephone Number

5-31-11
Date

**H-8. County of Fresno Environmental Health memo dated
May 31, 2012**



County of Fresno

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

May 31, 2012

999999999
LU0016405
PE 2602

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

Dear Mr. Trejo:

PROJECT NUMBER: C-12-104-ABCUP

Conditional Use Permit Application No. C-12-104 -ABCUP was filed by Richard LaRowe of Stantec Architecture, on behalf of Douglas B. Jensen Trustee and pertains to an existing 6,000 sq ft tenant space (former Blockbuster) within a shopping center at the southeast corner of E. Kings Canyon Road and S. Clovis Avenue. The applicant proposes an interior renovation for a 7-Eleven store and requests authorization to establish a State of California Alcoholic Beverage Control Type 20 license (*package store— sale of beer and wine for consumption off the premises where sold*) and operate 24 hours a day 7 days a week. The property is zoned C-3 (*Regional Shopping Center*).

APN: 474-030-01

ZONING: C-3

ADDRESS: 5606 E. Kings Canyon Road

Recommended Conditions of Approval:

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

The following comments pertain to remodeling of the existing structure:

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

- In the process of remodeling 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 process must be characterized and disposed of in accordance with current federal, state, and local requirements.

REVIEWED BY:

Kevin Tsuda

Digitally signed by Kevin Tsuda
DN: cn=Kevin Tsuda, o=Environmental Health
Division, ou=Environmental Health Specialist,
email=kttsuda@co.fresno.ca.us, c=US
Date: 2012.05.31 08:07:14 -0700

R.E.H.S.

Environmental Health Specialist II

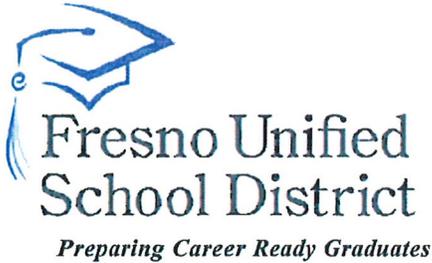
(559) 600-3271

kt

cc. Baruti/Casagrande/Tolzmann/Arnold, Environmental Health Division (CT 1404)

C-12-104 TI for 7-11

**H-9. Fresno Unified School District memo dated May 31,
2012**



Facilities Management & Planning

BOARD OF EDUCATION

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

SUPERINTENDENT

Michael E. Hanson

May 31, 2012

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

**SUBJECT: CONDITIONAL USE PERMIT NO. C-12-104-ABCUP
5606 E. KINGS CANYON RD.**

Dear Mr. Trejo,

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 proposed '7-Eleven' store to be located within existing tenant space at 5606 East Kings Canyon Road is requesting authorization to establish a State of California Alcoholic Beverage Control Type 20 (*package store – sale of beer and wine for consumption off the premises where sold*) liquor license. It is located within approximately 4,020 feet from Sunnyside High School.

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." The District 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.

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. 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
c: Sheryl Weaver, Principal, Sunnyside High School

**I. Environmental Assessment No. C-12-104, dated
August 30, 2012**

**CITY OF FRESNO
CATEGORICAL EXEMPTION**

ENVIRONMENTAL ASSESSMENT NO. C-12-104

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: Richard LaRowe
Stantec Architecture
3875 Atherton Road
Rocklin, CA 95765

PROJECT LOCATION: 5606 East Kings Canyon Road, located on the southeast corner of East Kings Canyon Road and South Clovis Avenues (APN: 474-030-01)

(Council District 5, Councilmember Quintero)

PROJECT DESCRIPTION: Conditional Use Permit Application No. C-12-104 has been filed by Richard LaRowe, of Stantec Architecture, Inc., on behalf of Douglas B. Jensen, Trustee of the Douglas B. Jensen Trust, requesting authorization to obtain an Alcohol Beverage Control Type 20 License for a proposed 7-11 convenience store to open in an existing vacant building.

This project is exempt under Section 15301/Class 1 and Section 15332/Class 32 of the State of California CEQA Guidelines.

EXPLANATION:

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Obtain a Type 20 Alcohol Beverage Control (ABC) license.

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section. (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. (e) The site can be adequately served by all required utilities and public services. By current standards, this subject site and surrounding neighborhoods are identified as "in-fill" within an urban setting.

The proposed convenience store shall occupy a portion of an existing vacant building.

The above described project is consistent with the 2025 Fresno General Plan and the Roosevelt Community Plan without negatively impacting the characteristics of the area, and complies with all conditions described in Section 15301/Class 1, Section 15332/Class 32 of California CEQA Guidelines. No adverse environmental impacts will occur as a result of the proposed project.

Finally, there is no substantial evidence in the record that any of the exceptions to these Categorical Exemptions, set forth in CEQA Guidelines section 15300.2, apply to this project

Date: August 30, 2012

Prepared By: Jack Van Patten, AICP
Planner

Submitted By:



Sophia Pagoulatos
Supervising Planner
City of Fresno
Development and Resource
Management Department
(559) 621-8277

- J. Appeals Received**
 - a. Shirley Perry**
 - b. Claud Fradue**

Dear Mr. Jack Van Patten



My name is Claude Froelich, I reside on 5684 E. Belmont, my phone number is 559-761-2893.

I understand that a Conditional Use Permit was granted to build a 7-Eleven where the old Blockbuster use to be located, on the corner of Clous and Kings Canyon, I am writing this letter to inform you of my objection and filing an appeal to your decision to grant a permit to build yet another convenience store on a poor use place in South East Fresno.

That corner is extremely congested, that property is very difficult to go in and out (I use to frequent Blockbuster while it was open.) Specially at peak hours. The 7-Eleven will only complicate and make the traffic situation worse.

There are more than 20 beer wine
places within 2 miles of that place,
there are 9 beer and wine licenses
within one block of that location.

7-Eleven has already 2 stores in
the neighborhood and to my understanding
they are planning to build several more
stores south of Shaw Ave. at a time
when they have only 1 store on the
entire length of Hornsby Ave and none
North of Herden anywhere in Fresno or
Clovis.

I welcome businesses in this neighborhood
but I am tired of being the neighborhood
that attracts only beer and wine places.

Please keep me informed of any upcoming
meeting regarding this matter.

Thank you,

Clarke Truelve 9/11/2012



CLAUD FREADUE
5684 E. Belmont
FRESNO- CA. 93727

C-12-104
KAC

FRESNO CA 93703

12 SEP 2012 PM 11 L



RECEIVED

SEP 10 2012

Planning Division
Planning & Development Dept
CITY OF FRESNO

JACK VAN PATTEN
Planning Division
2600 Fresno, Street,
FRESNO- CA. 93721-3604

93721362000



To: Jack Van Patten

Development and Resource Management Department, Planning Division

From: Shirley Perry

5568 E. Belmont

Fresno, 93727

(559) 824-6311

City database
shows 5568
E. Washington

Date: 9/10/2012

This letter is a written appeal to your office in objection of the Conditional Use Permit # C-12-104 issued on August 31, 2012 to allow 7-Eleven to build a convenience store on the South East Corner of Clovis and Kings Canyon Road.

I am a resident of South East Fresno and do believe that our area is over saturated with establishments selling Beer and Wine, according to my count we have nine establishment selling beer and wine within one block , fourteen within one mile and twenty within two miles.

Although I am in favor of encouraging businesses to open in our area, I am absolutely convinced that we are becoming dumping grounds for beer wine establishments in South Fresno.

Regardless of how well maintained 7-Eleven are , the facts remain that there is not a single 7-Eleven north of Herndon Ave and only one 7-Eleven on Herndon Ave. Yet they intend to build several more in South Fresno.

My objection is not directed towards 7-Eleven rather it is an objection of that type of business.

Please keep me informed of any upcoming meeting regarding this matter.

Sincerely

Shirley Perry



SHIRLEY PERRY
5516 C WASHINGTON
FRESNO, CA. 93717

C-12-104
P00



RECEIVED

RESOURCE MANAGEMENT DEPARTMENT
PLANNING DIVISION - ATTEN JACK VAN PATTER

SEP 13 2012
Planning Division
Development Dept
CITY OF FRESNO

2600 FRESNO STREET,
FRESNO, CA. 93721-3604

93721362000

