



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII-A
COMMISSION MEETING 9-1-10

September 1, 2010

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

APPROVED BY


DEPARTMENT DIRECTOR

THROUGH: MIKE SANCHEZ, Planning Manager 
Development Services Division

BY: BONIQUE SALINAS, Planner 
Development Services Division

SUBJECT: CONSIDERATION OF CONDITIONAL USE PERMIT APPLICATION NO. C-10-120
AND ENVIRONMENTAL FINDING FOR ENVIRONMENTAL ASSESSMENT NO.
C-10-120

RECOMMENDATION

Upon consideration of staff evaluation, it can be concluded that the proposed Conditional Use Permit Application No. C-10-120 is appropriate for the project site. Therefore, staff recommends the Planning Commission take the following actions:

1. APPROVE the environmental finding of Environmental Assessment No. C-10-120 dated July 8, 2010, a determination that the proposed project is exempt from CEQA through a Class 1 and Class 32 Categorical Exemption.
2. DENY the appeal and UPHOLD the action of the Development and Resource Management Department Director approving Conditional Use Permit Application No. C-10-120 subject to the following:
 - a. Development shall take place in accordance with A and F dated May 12, 2010.
 - b. Development shall take place in accordance with the Conditions of Approval detailed in the approval letter for Conditional Use Permit Application No. C-10-120 dated July 16, 2010, with the exception of Condition #4 which is no longer required.

EXECUTIVE SUMMARY

Conditional Use Permit Application No. C-10-120, filed by Stephen Foster of the Downtown Fresno Coin, Jewelry & Loan Company, pertains to 0.62 acre of property located on the southeasterly side of Tulare Street between Van Ness Avenue and the Fulton Mall. The applicant requests authorization to establish and operate as a pawnbroker within a 1,640 square foot tenant space in an existing building. Operational hours will be from 9 a.m. to 5:30 p.m. Monday through Friday and from 9 a.m. to 3 p.m. on Saturday. The applicant anticipates hiring 3-4 employees and anticipates serving approximately 20 customers a day.

The Development and Resource Management Department Director approved this conditional use permit application on July 16, 2010. 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 surrounding property owners. In response to this notice, an appeal was received from Bruce A. Neilson, an attorney for two appellants (Leon Alchian and Tom Etheridge). Mr. Alchian and Mr. Etheridge own businesses located at 1924 Tulare Street and 922 Van Ness Avenue. Both businesses are located less than 500 feet from the proposed project location (see attached Exhibit C).

PROJECT INFORMATION

| | |
|----------------------------------|--|
| PROJECT | Conditional Use Permit Application No. C-10-120 is a request for authorization to establish and operate as a pawnbroker within a 1,640 square foot tenant space in an existing building |
| APPLICANT | Stephan J. Foster on behalf of the Fresno Coin Gallery (TW Patterson Investors are the owners of the subject site). |
| LOCATION | Located on the southeasterly side of Tulare Street between Van Ness Avenue and the Fulton Mall (APN: 468-254-10). |
| SITE SIZE | ± 0.62 acres |
| LAND USE | Existing - Vacant tenant space formerly used as a transit customer service center Proposed - Pawnshop |
| ZONING | C-4 (<i>Central Trading District</i>) |
| PLAN DESIGNATION AND CONSISTENCY | The request to establish a Pawnshop is consistent with the existing C-4 (<i>Central Trading</i>) zone district and the Commercial Mixed Use Level 2 planned land use designation of the 2025 General Plan and the Central Area Community Plan. |
| ENVIRONMENTAL FINDING | Staff has determined that the proposed project is exempt from CEQA through Class 1 and Class 32 Categorical Exemptions |
| PLAN COMMITTEE RECOMMENDATION | There is no Plan Implementation Committee in Council District 3 |
| STAFF RECOMMENDATION | Staff recommends approval of Conditional Use Permit Application No. C-10-120 subject to the Conditions of Approval detailed in the approval letter dated July 16, 2010, with the exception of Condition #4 which is no longer required. |

BORDERING PROPERTY INFORMATION

| | Planned Land Use | Existing Zoning | Existing Land Use |
|-----------|------------------------------|--|--|
| Northeast | Commercial Mixed Use Level 2 | C-4 (<i>Central Trading District</i>) | Vacant Lot |
| Southeast | Commercial Mixed Use Level 2 | C-4 (<i>Central Trading District</i>) | Fulton Mall Retail/Commercial Uses |
| Southwest | Commercial Mixed Use Level 2 | C-4 (<i>Central Trading District</i>) | Fulton Mall Office/Commercial Uses |
| Northwest | Commercial Mixed Use Level 2 | C-4 (<i>Central Trading District</i>) | Restaurant and Commercial Uses |

ENVIRONMENTAL FINDING

The proposed project was determined to be exempt from CEQA by the Development and Resource Management Department on July 8, 2010 through a Class 1 and Class 32 Categorical Exemption. Class 32 consists of projects characterized as in-fill development meeting the conditions described in this Section, which are as follows: (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.

The proposed project is located within the Central Area Community Plan and complies with all conditions described in Section 15332/Class 32 of California CEQA Guidelines. The proposed use will be located in an existing building within an urban area and will not result in any impacts related to traffic, noise, air quality, or water. The site is also adequately serviced by all required utilities and public services.

A Class 1 exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities,.... involving negligible or no expansion of an existing use. The proposed project will be located within an existing building and will not result in an expansion of this building or alterations to the subject site. The applicant has only proposed minor interior alterations. In addition, the proposed use will not have more employees or customers than the previous use at this site. Thus, the proposed use involves negligible or no expansion of the commercial use that the site was previously utilized for.

BACKGROUND / ANALYSIS

Conditional Use Permit Application No. C-10-120 is a request for authorization to establish and operate as a pawnbroker within a 1,640 square foot tenant space in an existing building. Pursuant to Section 12-220.3-B-22, a pawnshop is allowed in the C-4 zone district subject to a conditional use permit.

LAND USE PLANS AND POLICIES

The subject site is located within the boundaries of the Central Area Community Plan and the 2025 Fresno General Plan. The proposed project has been required to comply with all applicable goals and policies within these plans.

DIRECTOR'S ACTION ON CONDITIONAL USE PERMIT

The Development and Resource Management Department Director took action on July 16, 2010 to approve Conditional Use Permit Application No. C-10-120. 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 owners within 350 feet of the subject property (Noticing Map attached as Exhibit D). 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. One appeal (dated August 2, 2010) was received during the 15-day appeal period from Bruce A. Neilson, an attorney for two appellants (Leon Alchian and Tom Etheridge). Mr. Alchian and Mr. Etheridge own businesses located at 1924 Tulare Street and 922 Van Ness Avenue. This appeal letter is attached as Exhibit E.

ANALYSIS OF THE APPEAL LETTER

Below is an analysis of the issues raised in the appeal letter dated August 2, 2010.

Issue: The Director has determined that the project is categorically exempt from the preparation of environmental documents pursuant to Section 15301/Class 1 and Section 15332/Class 32 of the State of California CEQA Guidelines. The appellant believes this determination is not correct for the following two reasons:

1. A Class 1 categorical exemption is not appropriate for this project because the project does not consist of "negligible or no expansion of an existing use". The prior use of this tenant space was a Fresno Area Express business office. Such a business office is not comparable to the heavy retail traffic involved in the pawnshop use proposed for the project.

Response:

The proposed project meets all of the requirements of a Class 1 categorical exemption. The appellants contend that the proposed project does not meet all requirements of this exemption because the project will result in an expansion of an existing use. This, however, is not the case. The Fresno Area Express (FAX) Downtown Service Center was the previous occupant of the tenant space that the pawnshop proposes to operate within. According to a press release (Attached as Exhibit G), this customer service center offered "a full complement of services including: ticket/pass sales, route information, lost and found inquiries, and FAX I.D. card preparation". Thus, this previous use was not simply an office, but also had customer foot traffic.

According to Greg Eisner, Support Service Manager for FAX, the Downtown Service Center had 5-6 employees and served an average of 30-40 customers per day. This is actually more employees and more customers than the proposed pawnshop anticipates having. According to the operational statement submitted for Conditional Use Permit Application No. C-10-120 (attached as Exhibit J), the applicant anticipates having 3-4 full time employees servicing 20 customers a day.

2. A Class 32 categorical exemption is not appropriate for this project because the project does not meet the requirement that "approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality". As stated above, the proposed pawn shop use relies heavily on retail, on site, walk in customer traffic. As such this use will necessarily bring more vehicular traffic with its attendant noise and air quality effects.

Response:

The proposed project meets all of the requirements of a Class 32 categorical exemption. The appellants contend that the proposed project does not meet all requirements of this exemption because the project will bring in more vehicular traffic which in turn will result in noise and air quality impacts. As mentioned above, the proposed pawnshop will actually have fewer employees and fewer customers than the previous use that existed at this site. Thus, the proposed project meets with all requirements of the Class 32 categorical exemption because the project will not result in any significant effects relating to traffic, noise, air quality, or water quality.

CONDITIONAL USE PERMIT APPLICATION REVIEW FINDINGS

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

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

| Findings per Fresno Municipal Code Section 12-405-A-2 | |
|--|--|
| <p>a. <i>All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,</i></p> | |
| <p>Finding a:</p> | <p>The subject site is adequate in size and shape to accommodate the proposed use. Conditional Use Permit Application No. C-10-120 will comply with all applicable codes given that the special permit conditions of approval will ensure that all conditions are met prior to the site being occupied by the proposed use.</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>The proposed project will be located in an existing building in a tenant space already approved for and occupied by commercial uses and thus will not result in significant impacts to traffic. In fact, the proposed pawnshop will actually have fewer employees and fewer customers than the previous use that existed at this site, thus resulting in fewer impacts to traffic.</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 use will not have a negative impact on either the subject site, or neighboring properties given that the proposed project will be compatible with existing adjacent uses. The applicant has been required to comply with conditions that will help to protect the health, safety and welfare of public. One such condition requires that the pawnshop comply with Chapter 9, Article 6 of the Fresno Municipal Code, which requires, among other things, a permit from the Fresno Police Department.</p> |

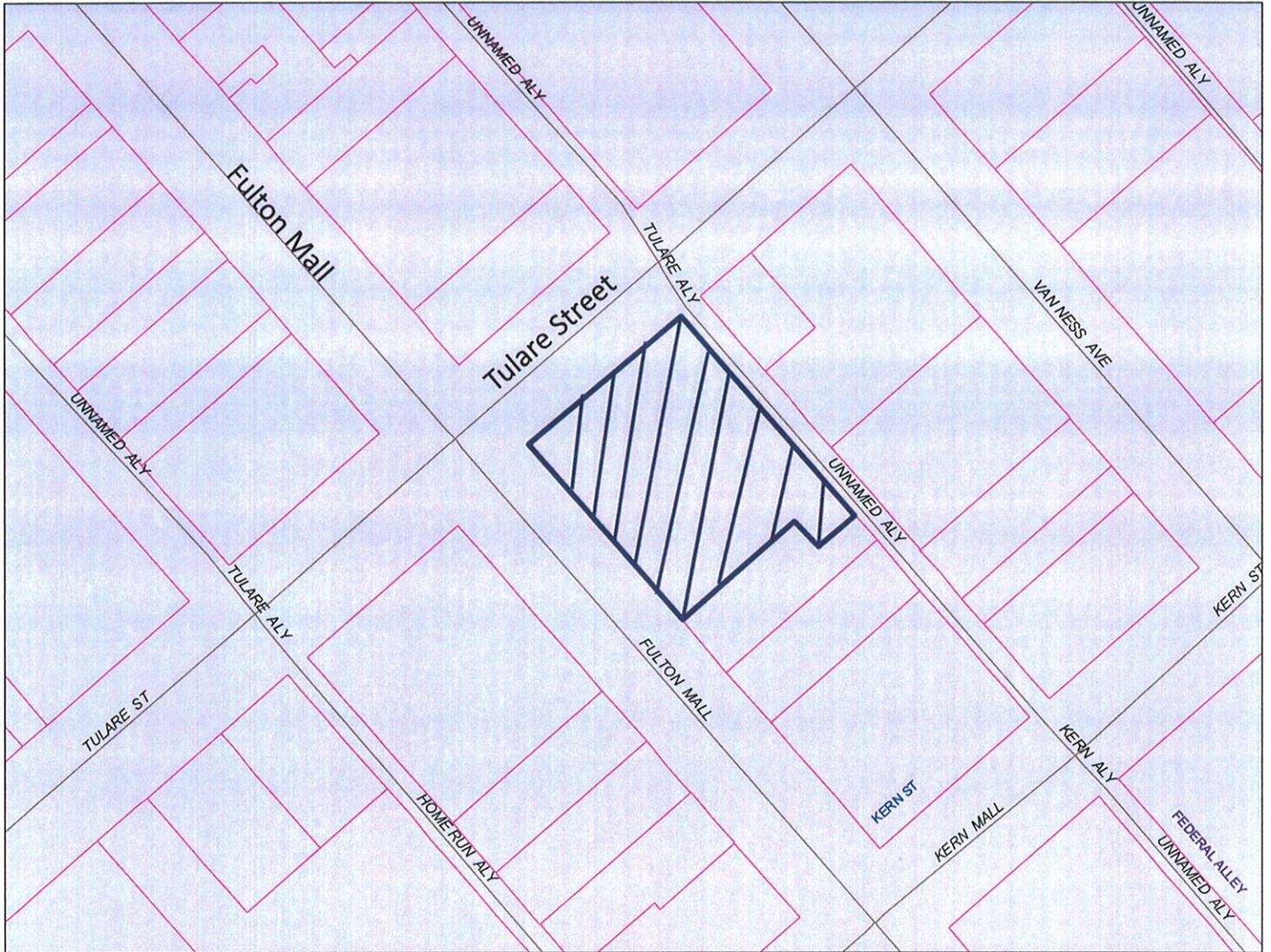
Conclusion

In conclusion, given that all mandated conditional use permit findings required pursuant to Section 12-405-A-2 of the Fresno Municipal Code can be made for Conditional Use Permit Application No. C-10-120 and given that the project meets all requirements of a Class 1 and Class 32 Categorical Exemption and is thus exempt from CEQA, staff recommends that the Planning Commission deny the appeal and uphold the action of the Director as previously described in this staff report.

- Attachments:
- Exhibit A: Vicinity Map
 - Exhibit B: 2008 Aerial Photograph of site
 - Exhibit C: Aerial Photo depicting site and Appellants' property
 - Exhibit D: Noticing Map (350-foot radius)
 - Exhibit E: Appeal Letter
 - Exhibit F: Applicant Response to Appeal Letter
 - Exhibit G: Press Release Describing FAX Service Center
 - Exhibit H: Approval Letter/Conditions of Approval dated July 16, 2010
 - Exhibit I: Site Plan and Floor Plan
 - Exhibit J: Operational Statement
 - Exhibit H: Environmental Assessment No. C-10-120

Exhibit A
Vicinity Map

VICINITY MAP



CONDITIONAL USE PERMIT APPLICATION NO. C-10-120

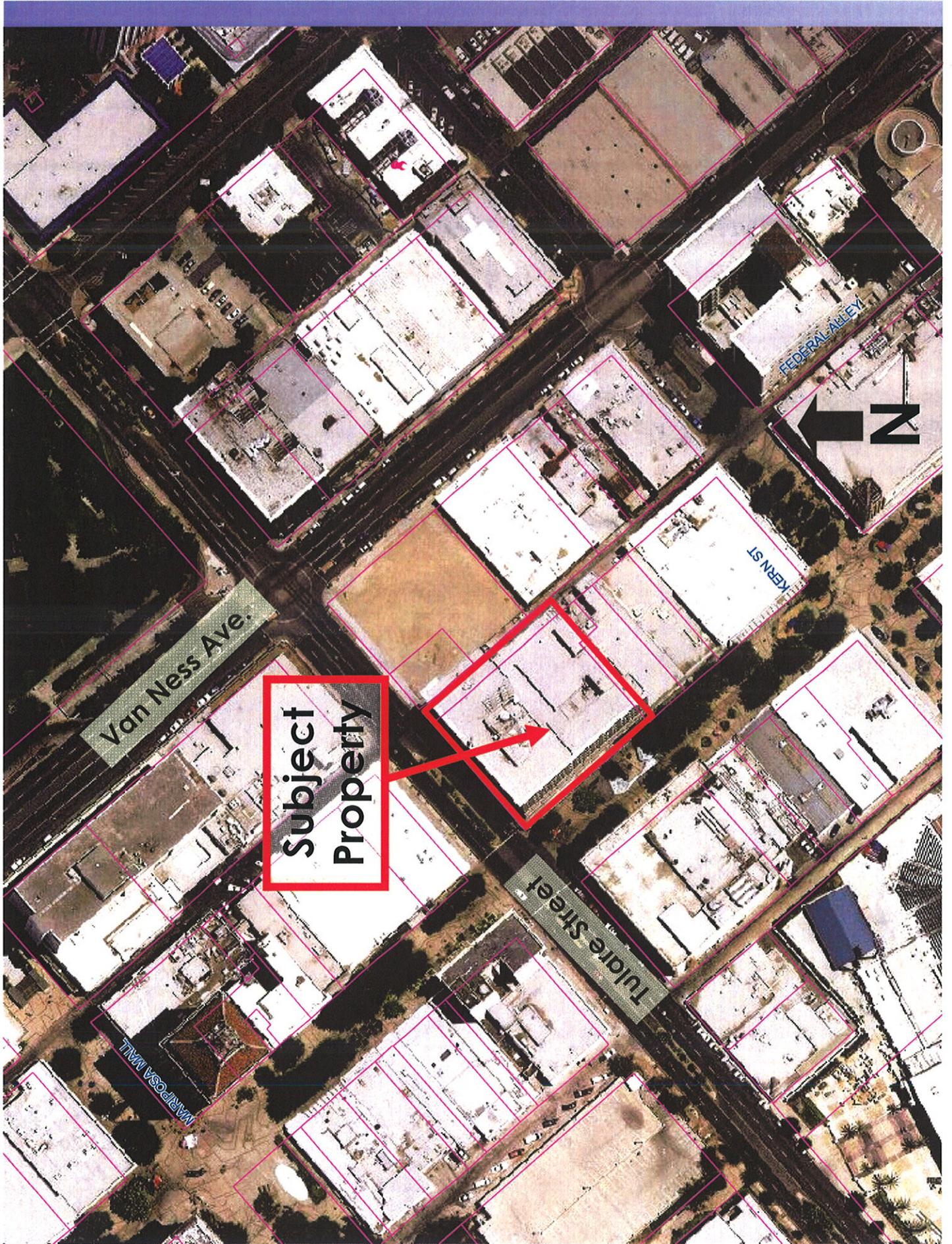
2016 Tulare Street

LEGEND



Subject Property

Exhibit B
2008 Aerial Photograph of Site



Van Ness Ave.

Subject Property

Tulare Street

KERN ST

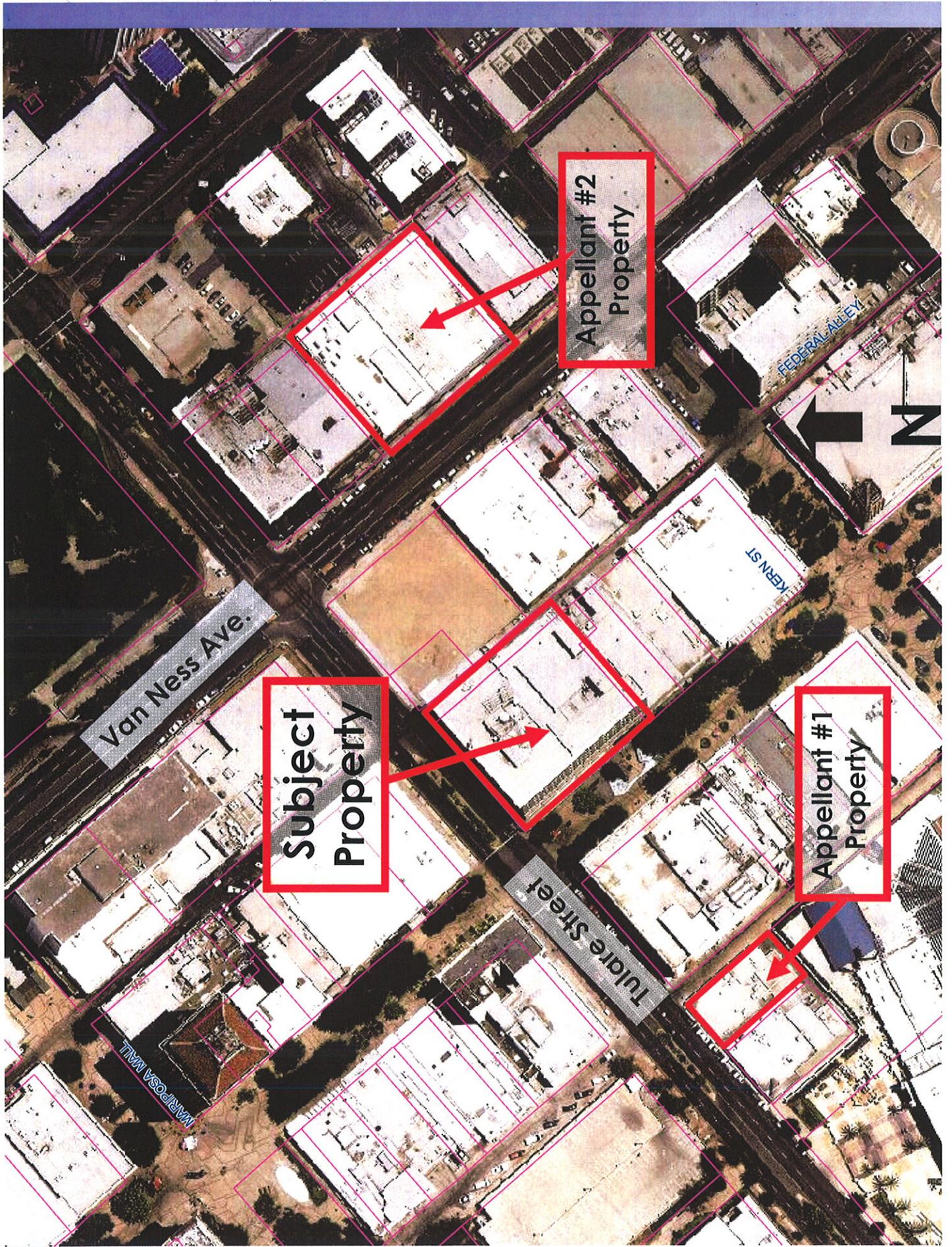
FEDERAL ALLEY



MARIPOSA MALL

Exhibit C

Aerial Photo depicting site and Appellants' property



Van Ness Ave.

Subject Property

Appellant #2 Property

Appellant #1 Property

FEDERAL ALLEY

KERN ST

Tulare Street

MARIPOSA MALL

N

Exhibit D
Surrounding Property Notification Map



INYO ST

46828223T

46828205

46828222T

46828219

46828221T

46828443T

46828441T

46825515T

KERN MALL

46828105

46828104

46828103

46828102

HOME RUN ALY

46828441

46825407

46825408

46825409

46825410

FULTON MALL

46828101

46825406

46825405

46825413

46825403

46825402

46825401

46821307

46821306

46821305

46821304

46821303

46821302

46821324

46821325T

KERN ST

46825105

46825114

46825108

46825110

VAN NESS AVE

46617207

46617208

46617215

46617212

46617211

46627X02

46627X01

46624008

46624003

MARIPOSA MALL

350

Request ID: C-10-120

46617T11

46617T12

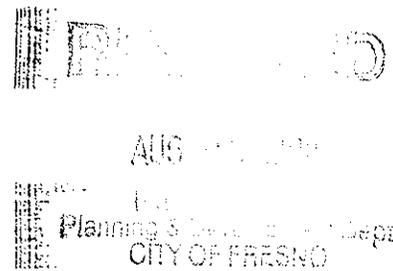
46625008T

46616001T

L ST

13

Exhibit E
Appeal Letter



**APPEAL OF APPROVAL OF CONDITIONAL USE PERMIT
APPLICATION NO. C-10-120.**

To: Director, Planning and Development Department, City of Fresno

Date: August 2, 2010

Leon Alchian and Tom Etheridge, (Appellants), by and through their undersigned attorney, hereby protest and appeal the approval of:

Conditional Use Permit Application No. C-10-120 for the property located at 2016 Tulare Street (a tenant space within the Patterson Building), located on the southeasterly side of Tulare Street between Van Ness Avenue and the Fulton Mall, proposing to establish and operate a pawn shop in an existing building, as contained in the approval letter dated July 16, 2010, and in the City of Fresno Categorical Exemption Environmental Assessment No. C-10-120, dated July 8, 2010.

Appellants are property and business owners located at 1924 Tulare Street, Fresno, California 93721 and at 922 Van Ness Avenue, Fresno, California, 93721.

The grounds for the appeal are as follows:

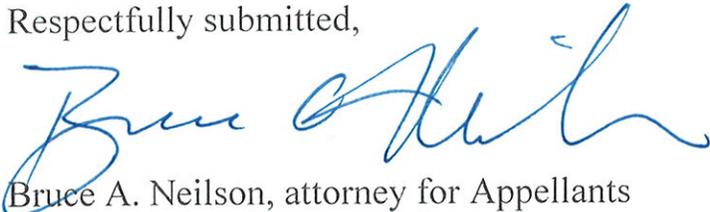
The Director has determined that the project is categorically exempt from the preparation of environmental documents pursuant to Section 15301/Class 1 and Section 15332/Class 32 of the State of California CEQA Guidelines. Appellant believes this determination is not correct for the following reasons:

- (1) A Class 1 categorical exemption is not appropriate for this project because the project does not consist of “negligible or no expansion of an existing use”. The prior use of this tenant space was a Fresno Area Express business office. Such a business office use is not comparable to the heavy retail traffic involved in the pawn shop use proposed for this project.

- (2) A Class 32 categorical exemption is not appropriate for this project because the project does NOT meet the requirement that “approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality”. As stated above, the proposed pawn shop use relies heavily on retail, on site, walk in customer traffic. As such this use will necessarily bring more vehicular traffic with its attendant noise and air quality effects.

Accordingly appellants believe that an environmental assessment is required as to noise and traffic impacts.

Respectfully submitted,



Bruce A. Neilson, attorney for Appellants
7112 N. Fresno St. #280
Fresno, California 93720
Tele: (559) 432-9831
Fax: (559) 432-1837
bneilsonlaw@gmail.com

Exhibit F
Applicant Response to Appeal Letter



Fresno Coin Gallery

4616 N Blackstone • Fresno, California 93726
Blackstone and Gettysburg 559.222.2646

8/9/2010

Bonique Salinas
Planner III
Planning & Development Department
2600 Fresno Street, 3rd Floor
Fresno, CA 93721-1020

Dear Ms. Salinas,

The Appellants, Leon Alchian and Tom Etheridge, do not have grounds to file an appeal of Fresno Coin Gallery's Conditional Use Permit (Application# C-10-120). Leon Alchian, owner of Majestic Loan, and Tom Etheridge, owner of Auto Pawn, are two pawnbrokers who would compete within a block of our store on Tulare Street. They cite in their appeal that our business will change the traffic level from the previous tenant, Fresno Area Express (FAX), requiring an environmental assessment, but their claim is incorrect that the prior use by FAX was only a "business office". They imply only employee traffic when in actuality FAX was open to the public with on site walk-in customer traffic where they managed ticket sales, complaint resolution, customer service, and more. Like FAX, we expect moderate traffic at our business.

We believe the Appellants, our competitors, are purely concerned about a new competitor on their street and not the environmental impact. This is so transparent; their goal is to block or slow us down and cause unnecessary costs associated with an environmental assessment.

Geoff Roush, managing partner of the T.W. Patterson building, affirmed that the prior space occupied by FAX was in fact a ground-floor service center that was open to the public. The location even contained stanchions to control the flow of foot-traffic in the space. See attached press release from the City Manager announcing the opening of the FAX Downtown Service Center in 2005 that offered a "full complement of services" to the public. The press release proves the Appellants' implication is false that FAX had only employee traffic. Therefore, the Appellants have no grounds for an appeal.

We are working on drafting letters to our Councilmembers and the Mayor to be involved.

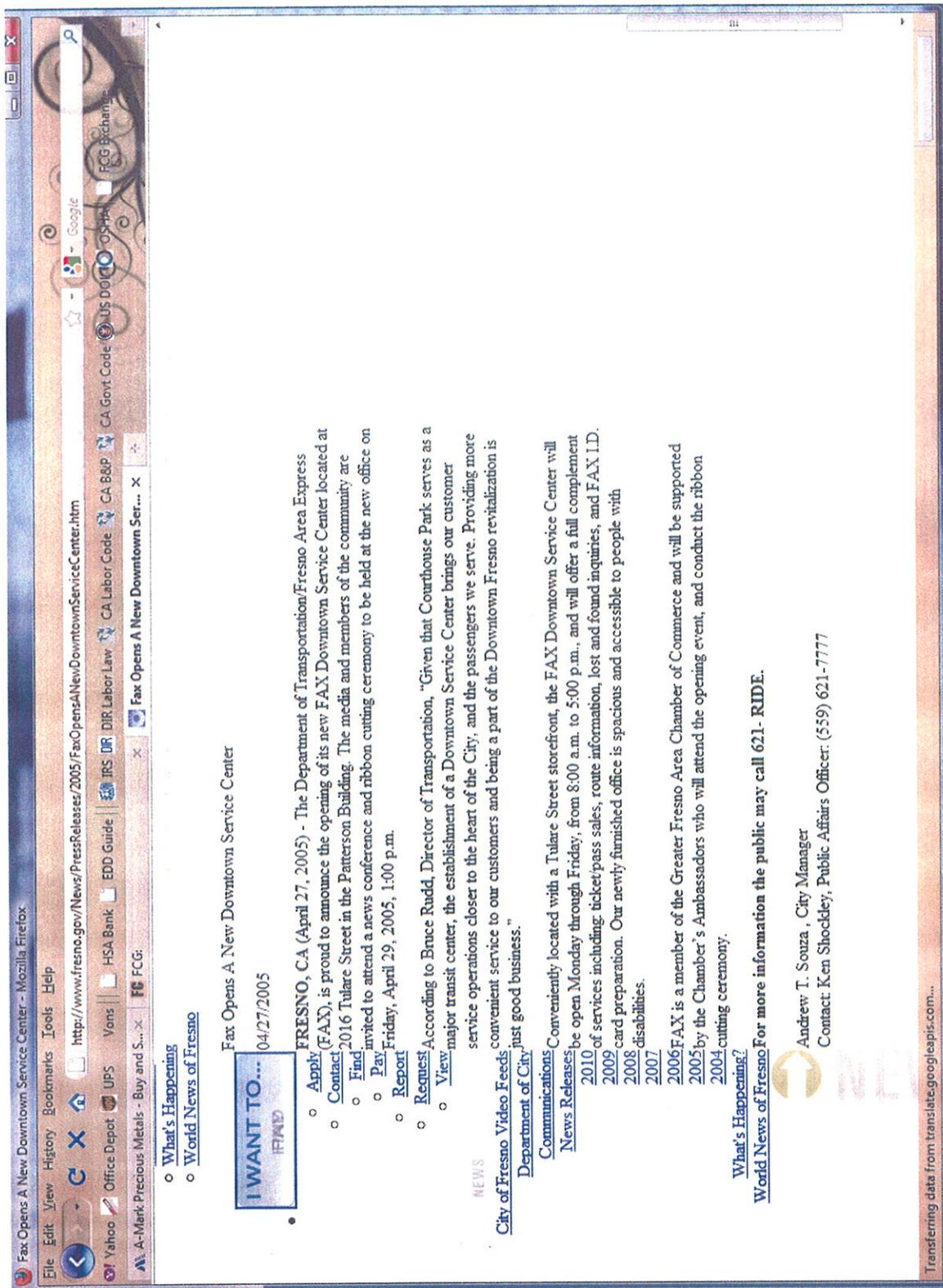
Please endorse the Director's position that our project is negligible to the existing use, and therefore, exempt from the environmental assessment. It is important to consider that the Appellants are competitors whose only motivation is to block competition, and their claim is erroneous that FAX was only a business office and not comparable to our business. We believe that the Planning Commission should deny the Appellants' request and support the Director's original finding.

Sincerely,

A handwritten signature in blue ink that reads "Stephen J. Foster". The signature is written in a cursive, flowing style.

Stephen J. Foster
Owner / Manager

Exhibit G
Press Release Describing FAX Service Center



- o [What's Happening](#)
- o [World News of Fresno](#)

Fax Opens A New Downtown Service Center

04/27/2005

FRESNO, CA (April 27, 2005) - The Department of Transportation/Fresno Area Express (FAX), is proud to announce the opening of its new FAX Downtown Service Center located at 2016 Tulare Street in the Patterson Building. The media and members of the community are invited to attend a news conference and ribbon cutting ceremony to be held at the new office on Friday, April 29, 2005, 1:00 p.m.

- o [Request](#)
- o [View](#)

According to Bruce Rudd, Director of Transportation, "Given that Courthouse Park serves as a major transit center, the establishment of a Downtown Service Center brings our customer service operations closer to the heart of the City, and the passengers we serve. Providing more convenient service to our customers and being a part of the Downtown Fresno revitalization is just good business."

Conveniently located with a Tulare Street storefront, the FAX Downtown Service Center will be open Monday through Friday, from 8:00 a.m. to 5:00 p.m., and will offer a full complement of services including ticket/pass sales, route information, lost and found inquiries, and FAX I.D. card preparation. Our newly furnished office is spacious and accessible to people with disabilities.

2006 FAX is a member of the Greater Fresno Area Chamber of Commerce and will be supported by the Chamber's Ambassadors who will attend the opening event, and conduct the ribbon cutting ceremony.

What's Happening?
World News of Fresno For more information the public may call 621- RIDE.

Andrew T. Souza , City Manager
Contact: Ken Shoelkey, Public Affairs Officer: (559) 621-7777

Exhibit H

Approval Letter/Conditions of Approval dated July 16, 2010



2600 Fresno Street-Third Floor
Fresno, California 93721-3604
(559) 621-8277 FAX (559) 488-1020

Development and Resource Management Department
John M. Dugan, AICP, Director

July 16, 2010

Please reply to:
Bonique Salinas
(559) 621-8024

Stephan J. Foster
Downtown Fresno Coin, Jewelry, & Loan
4616 N. Blackstone Avenue
Fresno, CA 93726

SUBJECT: CONDITIONAL USE PERMIT APPLICATION NO. C-10-120 FOR PROPERTY LOCATED AT 2016 TULARE STREET (APN: 468-254-10)

Mr. Foster:

The Development and Resource Management Department, on July 16, 2010, approved Conditional Use Permit Application No. C-10-120, a request for authorization to establish a pawn shop at 2016 Tulare Street.

The proposed project was determined to be exempt from CEQA by the Planning and Development Department on July 8, 2010 through a Class 1 and Class 32 Categorical Exemption. No further environmental assessment will be needed.

Please be advised that this project may be subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through the processing of Conditional Use Permit Application No. C-10-120 and the following conditions listed below:

CONDITIONS OF APPROVAL

1. Development shall take place in accordance with Exhibits A and F dated May 12, 2010.
2. The 32-inch high counter shown on Exhibit F dated May 12, 2010 shall be a minimum of 36-inches wide.
3. Comply with the memorandum from the Redevelopment Agency dated May 24, 2010, which includes the following requirements:
 - a. The property identified in Application No. C-10-120 is located in the adopted Central Business District Redevelopment Project Area and is subject to all requirements of the Redevelopment Plan.
 - b. The Redevelopment Agency does not object to the proposed renovation and interior improvement of a tenant space to establish and conduct business as a Pawnbroker in the ground floor of a multiple story building located at 2016 Tulare Street. Agency approval of this request is conditioned upon the required renovations and improvements being developed in compliance with requirements of the C-4 (Central Trading) zone district and related applicable sections of the Fresno Zoning Ordinance and consistent with the adopted Redevelopment Plan.
 - c. Any renovations of the building's exterior façade should enhance, as well as, compliment the

appearance of the existing period architecture of the primary and adjacent buildings, especially those that contribute to the visual appearance of the (adjacent) Fulton Mall (**Note: No renovations have been proposed and no renovations are approved**).

- d. Proposed exterior building façade renovations and/or alterations shall also be reviewed by the Fresno Historic Preservation Commission to ensure consistency of the project with the architecture of historic buildings and the overall visual environment within the Fulton Mall. (**Note: No renovations have been proposed and no renovations are approved**).
 - e. Special attention shall be given to the condition and inter-face of the building with the Tulare Street frontage to ensure a transition that is complimentary to the adjacent Mall and provides a safe access for pedestrians.
 - f. The project shall also be subject to any and all special conditions governing the location and operation of businesses that are near or on the Fulton Mall to enhance the flow and security of pedestrian traffic.
 - g. Agency recommends a Master Sign Plan to identify the location of the different business and office tenants with a signage pattern that will enhance the appearance of the building and its association with the frontages of North Tulare Street and the Fulton Mall. (**Note: A separate sign permit is required for any proposed exterior sign. The sign must be approved by both the Development Services Division at the Planning front counter and by the Redevelopment Agency**).
 - h. Agency will support this project in compliance with all requirements of the City of Fresno and provided that a favorable evaluation is received from the departments of the City of Fresno and adjacent tenants and property owners, and the departments of the City of Fresno, especially the Police Department.
 - i. The project shall be developed in accordance with the Operational/Environmental Statement and Site Plan (or as revised by the City of Fresno) submitted for Conditional Use Permit Application No. C-10-120.
 - j. The City of Fresno and Redevelopment Agency shall be informed of any deviation from the conditions of this Entitlement or the Statement of Operations, especially any change in the established use of the property and hours of operation.
 - k. The Agency reserves the right to reconsider the issuance of this entitlement should the City of Fresno or the Redevelopment Agency of the City of Fresno receives any complaints about the operation of the business and/or storage of cars in a manner inconsistent with the conditions of approval which can result in a recommendation to the City of Fresno to revoke the business license.
4. Given that street trees (which would normally be required for a conditional use permit) are not a viable option in this location, as an alternative sidewalk shading mechanism the owner shall install a first floor awning on the building. Within one year after commencing operation as a pawnshop, the owner of the subject building shall install an awning over the portion of the building lacking an awning along Tulare Street. This will require a building permit and approval from the Historic Preservation Project Manager and/or the Historic Preservation Commission.
 5. Comply with Chapter 9, Article 6 of the Fresno Municipal Code, which requires, among other things, a permit from the Fresno Police Department.

Conditions and Approval Letter
Conditional Use Permit Application No. C-10-120
July 16, 2010

6. No uses of land, buildings, or structures other than those specifically approved pursuant to this site plan shall be permitted.
7. All discretionary conditions of approval will ultimately be deemed mandatory unless appealed in writing to the Development Director within 15 days.

A notice indicating the Development and Resource Management Department Director's approval of this project was mailed to nearby property owners on July 12, 2010, commencing a fifteen-day comment/appeal period. You may obtain necessary permits and proceed in accordance with the following conditions of approval after the 15 day comment/appeal period expires and no appeal of the approval of the special permit is filed. Should an appeal be received, it shall be scheduled to be heard before the Planning Commission.

In the event you wish to appeal the Director's decision or discretionary conditions of approval, you may do so by filing a written appeal with the Director. The appeal shall include a statement of your interest in or relationship to the subject property, the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld. Your appeal must be filed by August 2, 2010.

Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The Development and Resource Management Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to site plan not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.

This application approval is related to zoning issues only. Your project may still be subject to structural plan check and building permits, please contact the Building Division at (559) 621-8200 for additional information. However, if you are simply proposing to install cubicles (not walls) and a counter, no building permits will be required.

Please feel free to contact this office, at the number indicated above, if you have any further questions.

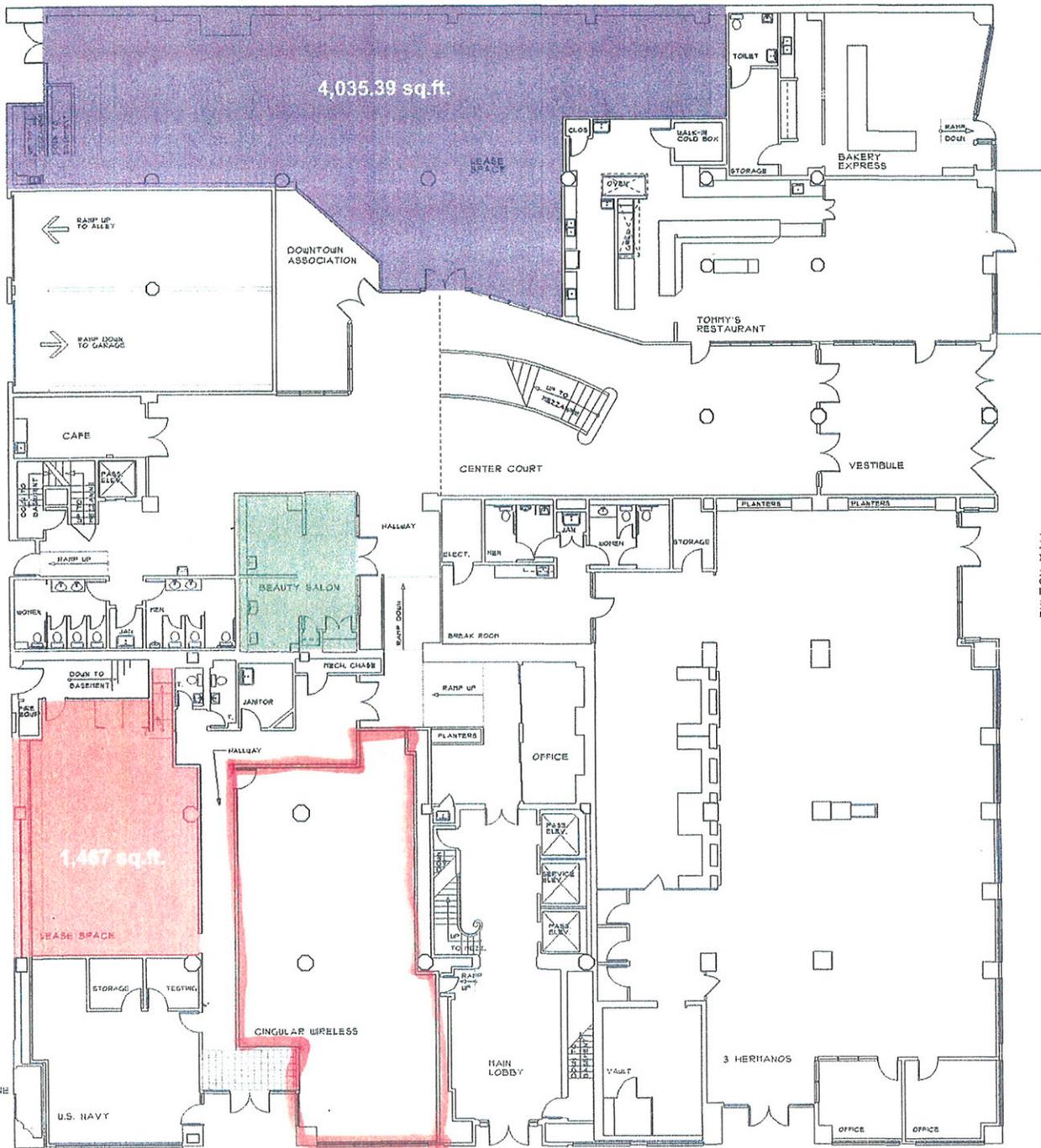
Sincerely,



Bonique Salinas, Planner III
Development Services
Development and Resource Management Department

Cc: Geoff Rush, 2014 Tulare Street, Suite 600, Fresno, CA 93721

Exhibit I
Site Plan and Floor Plan



EXISTING FIRST FLOOR PLAN

APPL. NO. C-10-12 EXHIBIT A DATE 5-12-10
 PROJ. ENG. DATE
 TRAFFIC ENG. DATE 7-16-10
 CRND. APPROVED BY [Signature] DATE
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT.

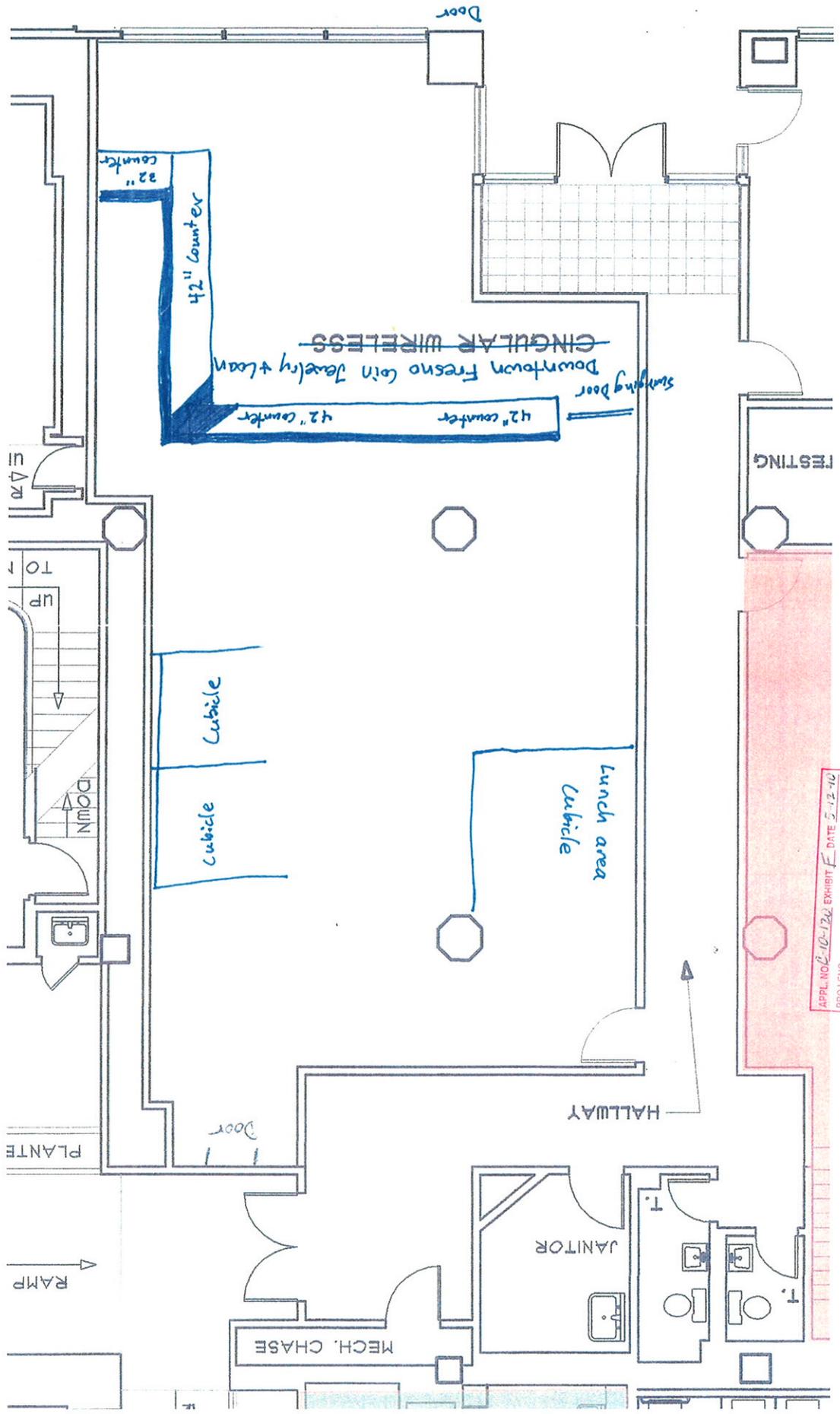
© 2005 COPYRIGHT JOHNSON ARCHITECTURE ALL RIGHTS RESERVED



NORTH

1640 sq ft

2016 Tulare Street
Fresno CA 93721



FESTING

APPL NO. 2-10-12 EXHIBIT E DATE 5-12-10
 PROJ. ENG. _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 COND. APPROVED BY *[Signature]* DATE 01-27-10
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

Exhibit J
Operational Statement



Fresno Coin Gallery, Jewelry & Loan, Inc.

4616 N. BLACKSTONE AVE. • FRESNO, CA 93726
(559) 222-2646 • FAX (559) 222-1305
FAMILY OWNED SINCE 1982

OPERATIONAL STATEMENT

This application for Conditional Use Permit is being submitted by Stephen J. Foster of Downtown Fresno Coin, Jewelry & Loan on behalf of Fresno Coin Gallery, Jewelry & Loan, Inc. and pertains to the property located at 2016 Tulare Street, Fresno, CA 93721 (APN 468.254.10). The property is zoned C.4 with a planned land use of commercial / mixed use level 2.

Downtown Fresno Coin is requesting to conduct business as a pawnbroker. We are part of the Central Business District of the Redevelopment Plan and Central Area of the Community Plan.

The existing site contains Fresno Area Express office space and will soon be vacated. This property is already suited for retail use.

Our proposed hours of operation are from 9:00am to 5:30pm Monday through Friday and 9:00am to 3:00pm Saturday. We anticipate having 3-4 fulltime employees servicing 20 customers during an 8 ½ hour day. The City of Fresno offers ample parking structures in the area for our customers.

Other facts that are pertinent to this request are as follows:

- We do not foresee the need for any construction. Therefore, there is little or no impact on the neighboring businesses.
- We hope to contract with Sonitrol security to cover burglary and fire alarm. We will model our downtown location after our existing North Blackstone location.
- Customers' loaned property will be stored in appropriate TL-30 or better safes. We have been a pawnbroker for over 14 years with a great working relationship with the Fresno Police Department.

Exhibit H
Environmental Assessment No. C-10-120

CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT NO. C-10-120

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: Stephan J. Foster
Downtown Fresno Coin, Jewelry, & Loan
4616 N. Blackstone Avenue
Fresno, CA 93726

PROJECT LOCATION: 2016 Tulare Street; Located on the southeasterly side of
Tulare Street between Van Ness Avenue and the Fulton
Mall (APN: 468-254-10).

PROJECT DESCRIPTION: Conditional Use Permit Application No. C-10-120 is a request
for authorization to establish and operate a pawn shop (as a
pawnbroker) in an existing building. Operational hours will be
from 9 a.m. to 5:30 p.m. Monday through Friday and from 9
a.m. to 3 p.m. on Saturday. The property is zoned C-4 (*Central
Trading*).

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

EXPLANATION: 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.

The above described project is located within the Central Area Community Plan Area and
complies with all conditions described in Section 15332/Class 32 of California CEQA Guidelines.
The proposed use will be located in an existing building within an urban area and will not result
in any impacts related to traffic, noise, air quality, or water. The site is also adequately serviced
by all required utilities and public services.

A Class 1 exemption consists of the operation, repair, maintenance, permitting, leasing,
licensing, or minor alteration of existing public or private structures, facilities,.... involving
negligible or no expansion of an existing use.

The above described project is proposed to be located within an existing building and will not
result in an expansion of this building or alterations to the subject site. The applicant has only
proposed minor interior alterations. Thus, the proposed use involves negligible or no expansion
of the previous commercial use that the site was previously utilized for.

No adverse environmental impacts will occur as a result of the proposed project.

Date: July 8, 2010

Prepared By: Bonique Salinas, Planner

Submitted By: _____


Mike Sanchez, Planning Manager
City of Fresno
Planning and Development Department
(559) 621-8277