

Exhibit 3A
Draft Minutes for March 14, 2024
District 1 Project Review Committee



COUNCIL DISTRICT 1 PROJECT REVIEW COMMITTEE
Fresno City Hall, 2600 Fresno Street, Fresno, CA 93721

DRAFT MINUTES
REGULAR MEETING
THURSDAY, March 14, 2024 – 6:00 P.M.
In Person: City Hall, Second Floor, Room 2165-A

[Virtual Participation Registration](#)

Join by Phone: +1(669)900-9128, **Phone Conference ID:** 955 3834 6851#

*To view [exhibits](#) and [meeting video](#), please visit <https://fresno.legistar.com/calendar.aspx>, select "Council District 1 Project Review Committee" in the dropdown menu, then click "Meeting Details" for the applicable meeting date.

1. CALL TO ORDER & ROLL CALL

Chair Castech called the meeting to order at 6:11 P.M.

Staff Present:
Martin, George

Present 4 - Chairperson Nichole Castech, Vice Chair Angelica Torres, Committee Member Thea Fabian, Committee Member Gilbert Felix

Absent 1 - Committee Member Linda Renland

2. AGENDA APPROVAL

On a motion by Committee Chair Castech, seconded by Committee Member Felix, the Committee voted unanimously to approve the agenda.

3. APPROVAL OF MINUTES

- a. Minutes for February 8, 2024, Meeting

On a motion by Committee Chair Castech, seconded by Committee Member Fabian, the Committee voted unanimously to approve the minutes for February 8, 2024.

4. ACTION ITEMS

- a. **Tentative Tract Map Application No. P21-04821 and Planned Development Application No. P23-03377** was filed by Precision Civil Engineering, on behalf of DR Horton, and pertains to approximately ±15.82 acres of property located on the northeast corner of North Blythe Avenue and West Dayton Avenue. The applicant proposes a 128-lot subdivision with a residential density of 8.1 dwelling units per acre. The Planned Development application (P23-03377) proposes modifications to the zoning code to reduce the minimum lot size, street side setback, rear setback, to increase maximum lot coverage, and allow for a reduction in street

width for the private roads. The modifications would allow all floor plans to be built on all the lots and create housing that is affordable by design since the overall housing costs would be less than traditional subdivisions because they are smaller and more efficiently designed. The parcel is zoned RS-5/UGM.

ADDRESS: 3230 North Blythe Avenue

APN: 511-031-42

CITY STAFF: Planner John George

APPLICABLE FMC: [Article 33 - Tentative Parcel and Tentative Map Filing and Processing](#), [Article 34 - Vesting Tentative Maps](#), [Subdivision Design Standards](#), [Article 59 - Planned Development Permits](#)

The applicant provided an overview of the proposed project.

The Committee asked questions related to the proposed modified standards, housing affordability, private and public roads, infrastructure, the proposed HOA and gated community, the temporary ponding basin, who the proposed housing is marketed to, demographics of buyers for housing, and building a private versus public community.

The applicant and Planning staff responded to the questions posed by the committee. Details can be found in the meeting recording.

No members of the public spoke in favor of or against the project.

Chair Castech and Committee Member Felix approved the project. Chair Castech provided the following comments and recommendations: (1) Recommendation to remove the proposed gates, and (2) Concerns regarding the impact of the HOA as it does not fit the current geographics at the location. Committee Member Felix provided the following comments: (1) Supports requested modifications as the land proposed for the project is difficult to work with and the gates will create safety for children playing in the street.

Vice Chair Torres and Committee Member Fabian denied the project. Committee Member Fabian provided the following comments and recommendations: (1) Appreciation for providing housing, (2) Recommendation for a traffic study to address the concerns regarding street width in conjunction with the safety of children or adolescents, and (3) Concerns regarding the effect of an HOA, rules it would impose, and concerns that it would socially exclude buyers with lower socioeconomic background, buyers within the labor force, or farm worker families. Vice Chair Torres provided the following comments and recommendations: (1) Concerns regarding the reduction of street width due to the creation of private streets not maintained by the City in conjunction with the proposed gates and HOA, (2) Concerns regarding the lot size and the benefits to growing families, and (3) Recommendation to provide or know the clientele for the proposed project.

5. ADMINISTRATIVE MATTERS

Any announcements from the City of Fresno Planning Department or Council District 1 Chief of Staff.

- a. Status Update for the return of Conditional Use Permit Application No. P23-04168.

Planning Staff provided overview for the return of projects when requested by the committee.

The committee asked questions related to the return of projects, and the dates of the neighborhood meeting for Conditional Use Permit Application No. P23-04168.

Planning Staff responded to the questions posed by the committee. Details can be found in the meeting recording.

6. UNSCHEDULED MATTERS/PUBLIC COMMENTS

Unscheduled communication is not scheduled for a specific time and may be heard at any time during the meeting, which includes discussion of any matter not scheduled for the approved agenda.

The committee asked questions about future district committee training.

Planning Staff responded to the questions posed by the committee. Details can be found in the meeting recording.

7. ADJOURNMENT

7:16 P.M.

Exhibit 4A
Conditional Use Permit
Application No. P23-04168

OPERATIONAL STATEMENT

An Application is being submitted for a **CONDITIONAL USE PERMIT**

12-05-2023

By: **Bill Robinson** bill@soldevelopment.com

Of: **Sol Development Associates, LLC**

906 N Street, Ste 100

Fresno, CA 93721

(o) 559-497-1900

(c) 559-259-0175

On Behalf of: **Aldar Mini-Storage LP**

c/o Derrel's Mini Storage, Inc.

3239 W. Ashlan Ave

Fresno, CA 93722

(o) 559-224-9900

Pertains to: **Establishing a Derrel's Mini Storage facility**

On: **+/- 4.46 acre parcel located between N West and W Ashlan Avenues on the south side of the BNSF Railroad ROW; east of N West and north of W Ashlan Avenues.**

APN: **426-010-03**

Zoned: **RS-4, Residential Single Family Medium Low Density**

Planned Land Use: **Residential Medium Low Density**

Existing Land Use: **Vacant**

Community Plan: **Bullard**

Requesting authorization to: **Develop parcel for new storage buildings; 88,318 sf.**

Will consist of:

23 new separate single story storage buildings, No. 1-23, of 5000 or less sf each as shown on Site Plan sheet A-1.0.

Buildings to be wood framed with metal siding and roof covering. Perimeter exterior walls of all buildings and connecting walls will be stucco with arches and columns in two colors as depicted on the elevations on Sheet A-1.0. Each building will contain storage units of varying sizes to accommodate a variety of user's needs. Building No. 1. will contain accessible units.

Facility to be operated and managed as a satellite of the existing facility at 3276 W Ashlan Ave.

Existing site is currently: **Vacant**

Existing parking stalls: None. **Proposed 4, including 1 ADA**

Proposed hours of operation: **7 am to 7 pm, 7 days a week except for select holidays**

Name of Businesses: **Derrel's Mini Storage, Inc.**

Products of Service: **Storage of personal items**

Traffic: **Typical of a mini storage facility with most during off-peak hours**

Customers: **Lessees of storage spaces**

Deliveries: **Lessees deliver their own goods for storage**

Special events: **Occasional auctions of abandoned materials**

Number of employees: **None**

Required equipment: **Golf cart and cleaning materials**

On site storage: **In each unit**

Demolition: **None**

Adaptive reuse: **Not applicable**

Noise generation: **Typical of a mini-storage facility**

Hazard materials: **Prohibited by lease agreement**

NOTES:

1. **Development of parcel with a use other than residential is not subject to SB 330 restrictions due to no change being made to the underlying zoning, per California Housing and Community Development Department.**
2. **Parcel and proposed development are the subject of Zoning Inquiry No. P22-00853, March 25, 2022.**
3. **Parcel is located between the north side of the Griffith Manor Tract 1191 and the south side of the Burlington Northern Santa Fe Railroad ROW, formerly the Atchison Topeka and Santa Fe Railroad prior to 1997.**
4. **Parcel was "Not Included" in Tract 1191 as shown on Recorded Tract Map January 24, 1957.**
5. **The parcel was at one time a street ROW for the construction of N. Jeanne Ave but was vacated per Doc. No. 2001-0013323, Res. 2001-31 and Doc. No. No. 80-445.**

SEE SHEET A1.1

SEE SHEET A1.2

SEE SHEET A1.3

BURLINGTON-NORTHERN SANTA FE RAILROAD (100' R/W)

N. HOLT AVE.

N. HOLT AVE. (60' R/W)

SANTA FE AVE. (80' R/W)

SEE SHEET A1.4

ASHLAN AVE.

GENERAL NOTES:

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3. PRIOR TO FINAL INSPECTION, A WRITTEN CERTIFICATION, SIGNED BY A LANDSCAPE PROFESSIONAL APPROVED BY THE DIRECTOR, SHALL BE SUBMITTED STATING THAT THE REQUIRED LANDSCAPING AND IRRIGATION PLANS APPROVED BY THE PLANNING DIVISION, DEVELOPMENT DEPARTMENT.
4. ALL HANDICAP SPACES SHALL BE MARKED WITH THE INTERNATIONAL SYMBOL OF SPACES AND WARNING THAT VEHICLES IN VIOLATION OF SECTION 10-1017 OF THE MUNICIPAL CODE SHALL BE POSTED CONSPICUOUSLY ON SEVEN-FOOT POLES.
5. ALL HANDICAPPED PARKING STALLS SHALL BE PLACED ADJACENT TO FACILITY ACCESS RAMPS OR IN STRATEGIC AREAS WHERE THE HANDICAPPED SHALL NOT HAVE TO WHEEL OR WALK BEHIND PARKED VEHICLES WHILE TRAVELING TO OR FROM HANDICAPPED PARKING STALLS AND RAMPS.
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9. ALL CONSTRUCTION WORK ON THIS PROJECT IS SUBJECT TO INTERRUPTION IF THE ROAD SYSTEM BECOMES IMPASSABLE FOR FIRE APPARATUS DUE TO RAIN OR OTHER OBSTACLES.
10. OPEN CUT IS NOT PERMITTED. ALL UTILITY CONNECTION MUST BE BORED.
11. ANY SURVEY MONUMENTS WITHIN THE AREA OF OBSTRUCTION SHALL BE PRESERVED OR RESET BY A PERSON LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF CALIFORNIA.
12. REPAIR ALL DAMAGED AND/OR OFF-GRADE CONCRETE STREET IMPROVEMENTS AS DETERMINED BY THE CONSTRUCTION MANAGEMENT ENGINEER PRIOR TO OCCUPANCY.
13. DESIGN AND CONSTRUCT PARKING LOT PAVEMENT AND DRAINAGE IN ACCORDANCE WITH PUBLIC WORKS STANDARD DWG. No. P-34, P-35, & P-36.
14. (2) WORKING DAYS BEFORE COMMENCING EXCAVATION OPERATIONS WITHIN THE STREET RIGHT-OF-WAY AND/OR UTILITY EASEMENTS ALL EXISTING UNDERGROUND FACILITIES SHALL HAVE BEEN LOCATED BY UNDERGROUND SERVICES ALERT (USA). CALL 1-800-642-2444.
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18. PROVIDE PORTABLE FIRE EXTINGUISHERS PER NFPA 10, 2-A:10-B:C RATED MINIMUM. MAXIMUM TRAVEL DISTANCE 75 FT.
19. PLANS MUST BE REVIEWED AND APPROVED BY PG&E PRIOR TO ISSUANCE OF BUILDING PERMITS.

GATE OPERATIONAL STATEMENT:

ENTRY GATE IS 20 FEET WIDE BY 6 FEET TALL ROLLING GATE. EXIT GATE IS 15 FEET WIDE BY 6 FEET TALL. THE GATE IS CONSTRUCTED OUT OF STEEL AND ARCHITECTURAL METAL SIDING. THE GATES ARE AUTOMATICALLY OPERATED BY THE ASSOCIATED KEYPADS. THE GATE IS OPERABLE DURING BUSINESS HOURS, 7 AM TO 7 PM. GATE KEYPADS ARE TO HAVE THE APPROPRIATE LOCK FOR EMERGENCY SERVICE MANUAL OVERRIDE.

LEGEND

- PROPOSED APPROVED FIRE HYDRANT
- PROPOSED ACCESSIBLE PARKING SPACE w/SIGN - SEE DETAIL
- PROPOSED BUILDING NUMBER
- PROPOSED BUILDING END LIGHT AT 7'-6"
- PROPOSED STANDARD DECORATIVE LIGHT FIXTURE
- PROPOSED 2A 10BC FIRE EXTINGUISHER IN CABINET AS REQUIRED
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- PROPOSED ONE-HOUR FIRE WALL
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- PROPOSED 5" CONCRETE DRIVES o/6" COMPACT NATIVE SOIL
- PROPOSED 4" CONCRETE DRIVES o/6" COMPACT NATIVE SOIL
- PROPOSED FIRST PHASE BUILDING CONSTRUCTION

LEGAL DESCRIPTION:

The land referred to is situated in the County of Fresno, City of Fresno, State of California, and is described as follows:

All of that portion of the Southwest quarter of Section 17, Township 13 South, Range 20 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, as said section is shown on the United States Township Plots, lying between a line which is parallel with and 130.0 feet Southwest of the center line of the Santa Fe Railroad right-of-way, (formerly the San Francisco and San Joaquin Railroad), and a line which is parallel with and 50.0 feet Southwest of the centerline of said railroad right-of-way.

APN: 426-010-03

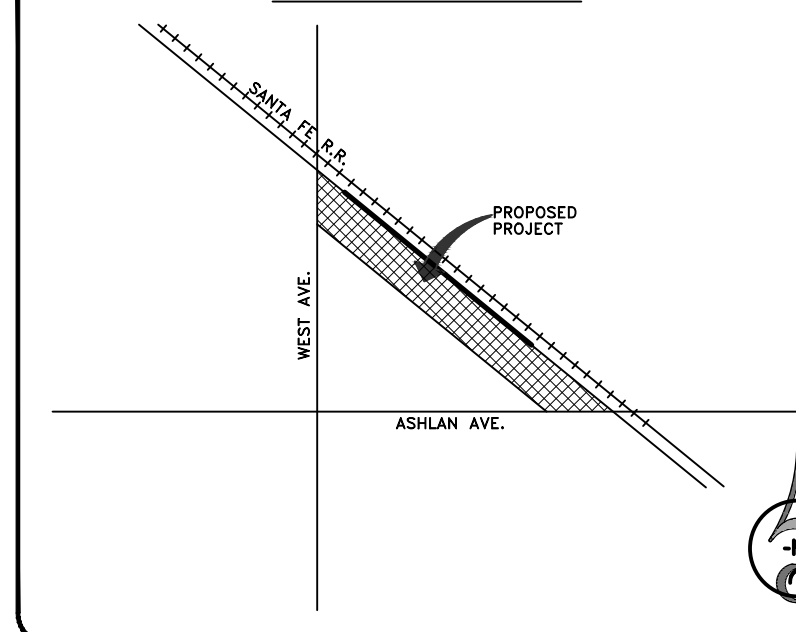
OCCUPANCY DATA

ALLOWABLE SQUARE FOOTAGE	TYPE OF CONSTRUCTION
STORAGE: 5,000 S.F.	STORAGE: V-N
OFFICE: 5,000 S.F.	OFFICE: V-N
RESIDENCE: UNLIMITED S.F.	RESIDENCE: V-N
OCCUPANCY	
STORAGE: S-1	
OFFICE: B-2	
RESIDENCE: R-5	

SITE DATA

PROPERTY OWNER	CROSS	LAND ACRES
DERRELS MINI STORAGE		83.68 AC.
3265 W. ASHLAN AVE.		
FRESNO, CA 93722		
(559) 224-8900		
ADDRESS	BUILDING SQUARE FOOTAGE	
WEST AVE.	PROPOSED STORAGE: 88,318 S.F.	
FRESNO, CA	PROPOSED STORAGE (NET): 88,504 S.F.	
A.P.N.	PROPOSED KIOSK: 312 S.F.	
426-010-03	TOTAL S.F.: 88,816 S.F.	

VICINITY MAP



SITE PLAN



REVISIONS:

DERRELS Mini STORAGE
3239 W ASHLAN, AVE
FRESNO CA 93722 (559) 224-9900

APPROVALS

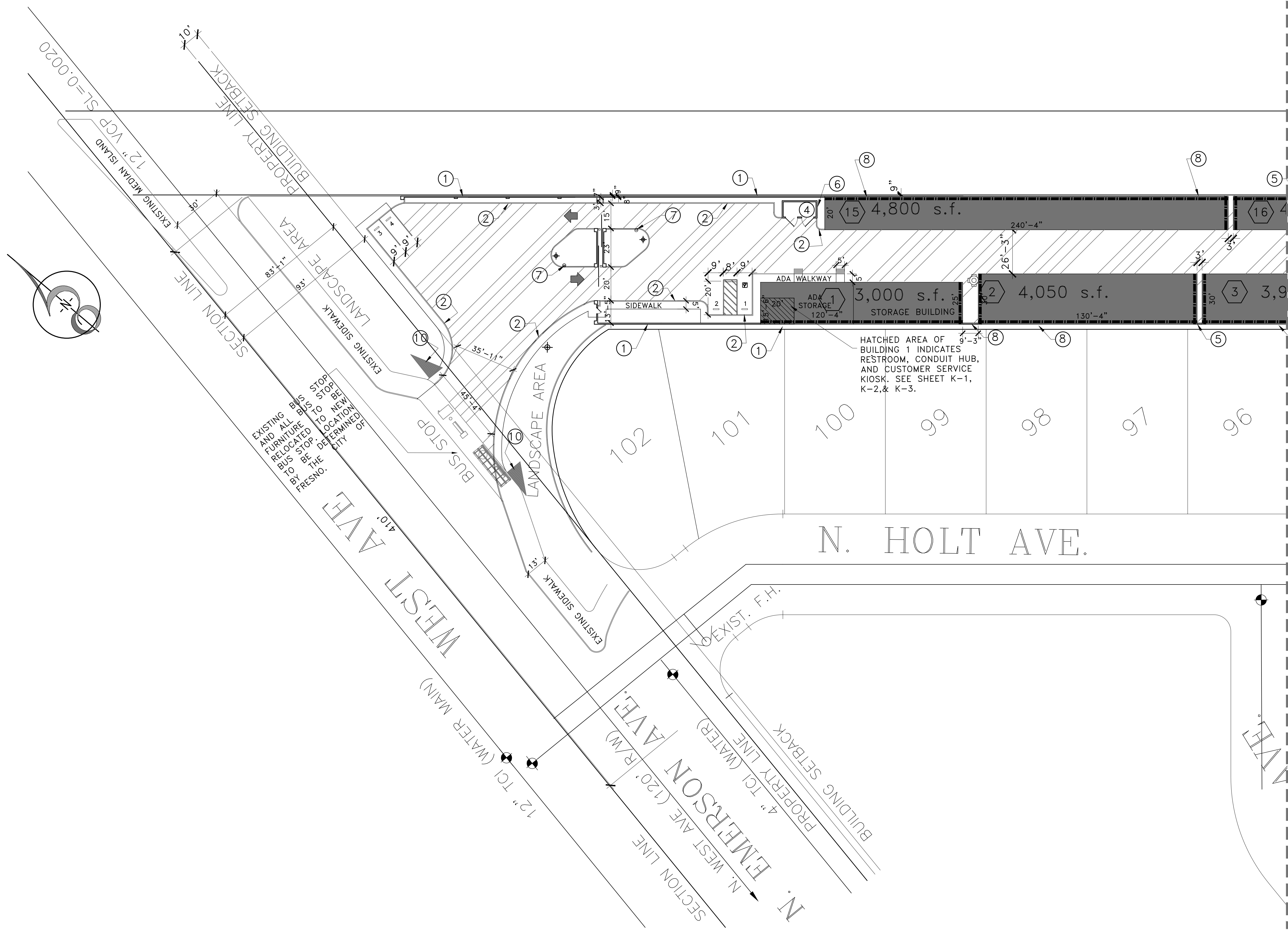
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Date: November 07, 2023
Scale: 1" = 70'
Drawn By: DB
Project: Site Plan
Fresno
West/Ashlan
Sheet: A-1.0

A-1.0

ACCESSIBLE PARKING DETAILS & SIGNAGE
SCALE: NONE

TYPICAL WALL DETAIL FOR CONNECTING WALL LONGER THAN 10'
SCALE: NONE

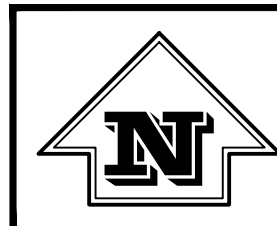
APPL. NO. P23-04168	EXHIBIT A-2	DATE 01/18/2024
PLANNING REVIEW BY		DATE
TRAFFIC ENG.		DATE
APPROVED BY		DATE
CITY OF FRESNO DARM DEPT		



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SITE PLAN



REVISIONS:

DERRRELS' Mini STORAGE

3239 W ASHLAN AVE FRESNO CA 93722 (559) 224-9900

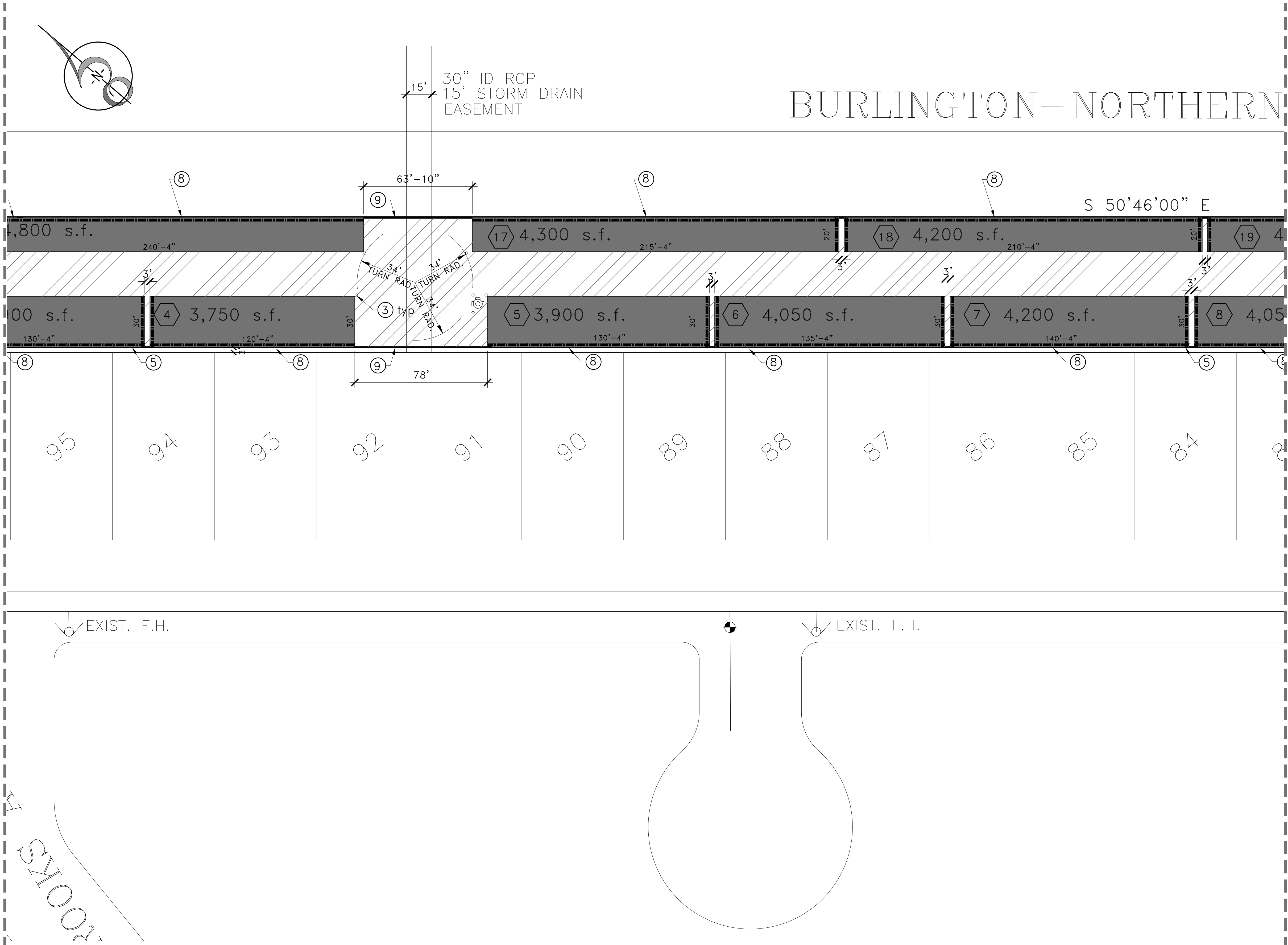
APPROVALS

C:\My Documents\CADFiles\Projects\West\Ashlan\A1.dwg
Date: November 07, 2023
Scale: 1" = 30'
Drawn By: DB
Project: Site Plan Fresno West/Ashlan
Sheet: A-1.1

MATCHLINE SEE SHEET A-1.1

MATCHLINE SEE SHEET A-1.3

APPL. NO. P23-04168	EXHIBIT A-3	DATE 01/19/2024
PLANNING REVIEW BY _____	DATE _____	
TRAFFIC ENG. _____	DATE _____	
APPROVED BY _____	DATE _____	
CITY OF FRESNO DARM DEPT		



BURLINGTON—NORTHERN

S 50°46'00" E

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LEGEND

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- PROPOSED ACCESSIBLE PARKING SPACE w/SIGN - SEE DETAIL
- PROPOSED BUILDING NUMBER
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- PROPOSED BUILDING HEIGHT WALL BTWN. BUILDINGS ALONG PERIMETER (TYPICAL)
- PROPOSED TYPICAL BUILDING END PLANTER AREA - SEE DETAIL
- PROPOSED KEYPAD
- PROPOSED 3 FOOT HIGH SECURITY SCREEN AROUND PERIMETER SEE DETAIL ON THIS SHEET
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SITE PLAN



REVISIONS:

DERRELS Mini STORAGE

3239 W ASHLAN AVE FRESNO CA 93722 (559) 224-9900

APPROVALS

C:\My Documents\CADfiles\Projects\West\Ashlan\A1.dwg
Date: November 07, 2023
Scale: 1" = 30'
Drawn By: DB
Project: Site Plan Fresno West/Ashlan
Sheet: A-1.2

MATCHLINE SEE SHEET A-1.2

MATCHLINE SEE SHEET A-1.4

APPL. NO. P23-04168

EXHIBIT A-4

DATE 01/18/2024

PLANNING REVIEW BY

DATE

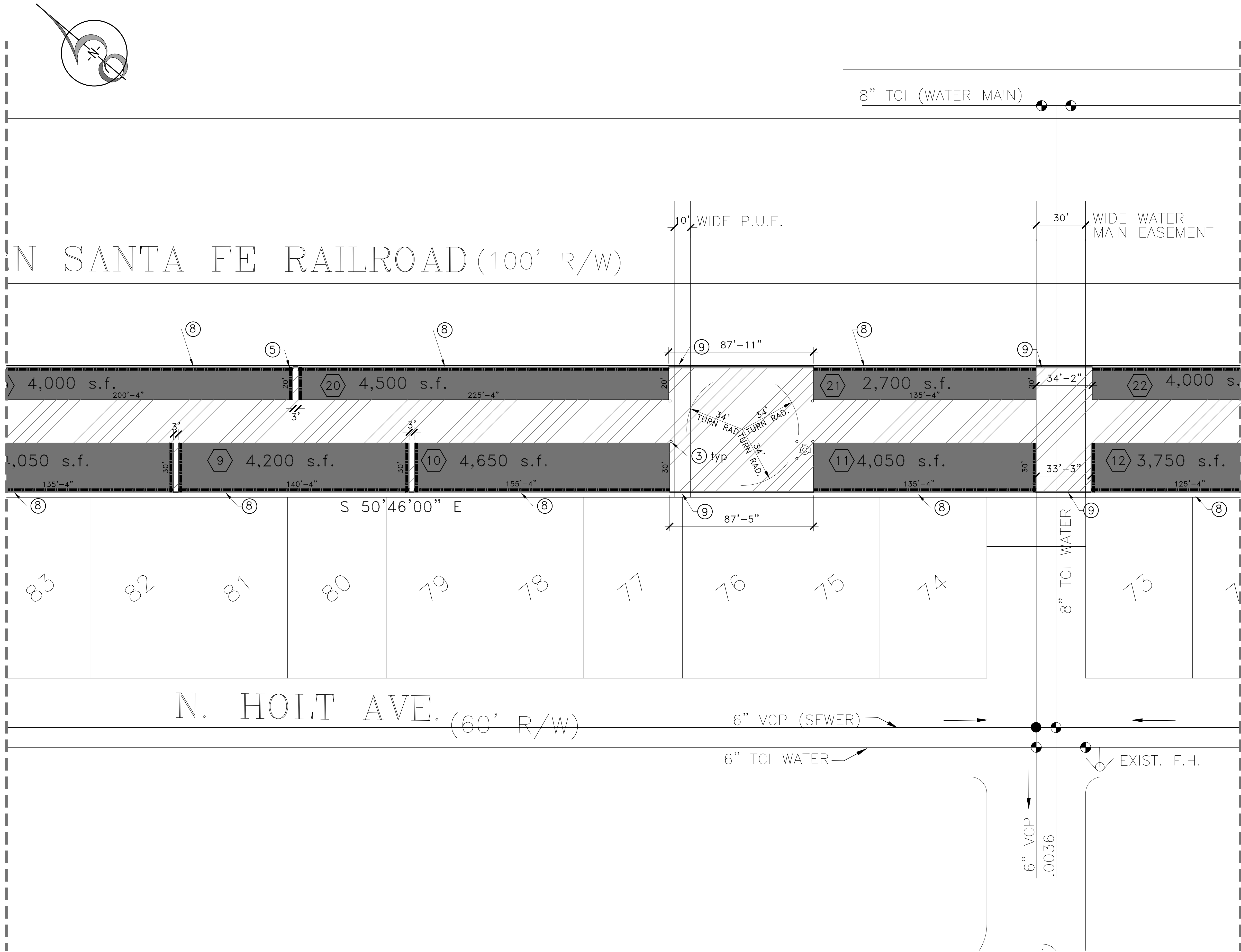
TRAFFIC ENG.

DATE

APPROVED BY

DATE

CITY OF FRESNO DARM DEPT



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PROPOSED 3 FOOT HIGH SECURITY SCREEN AROUND PERIMETER

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PROPOSED ONE-HOUR FIRE WALL

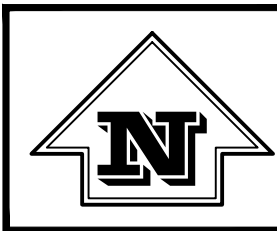
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SITE PLAN



REVISIONS:

DERRELS Mini STORAGE

3239 W ASHLAN AVE FRESNO CA 93722 (559) 224-9900

APPROVALS

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Date: November 07, 2023

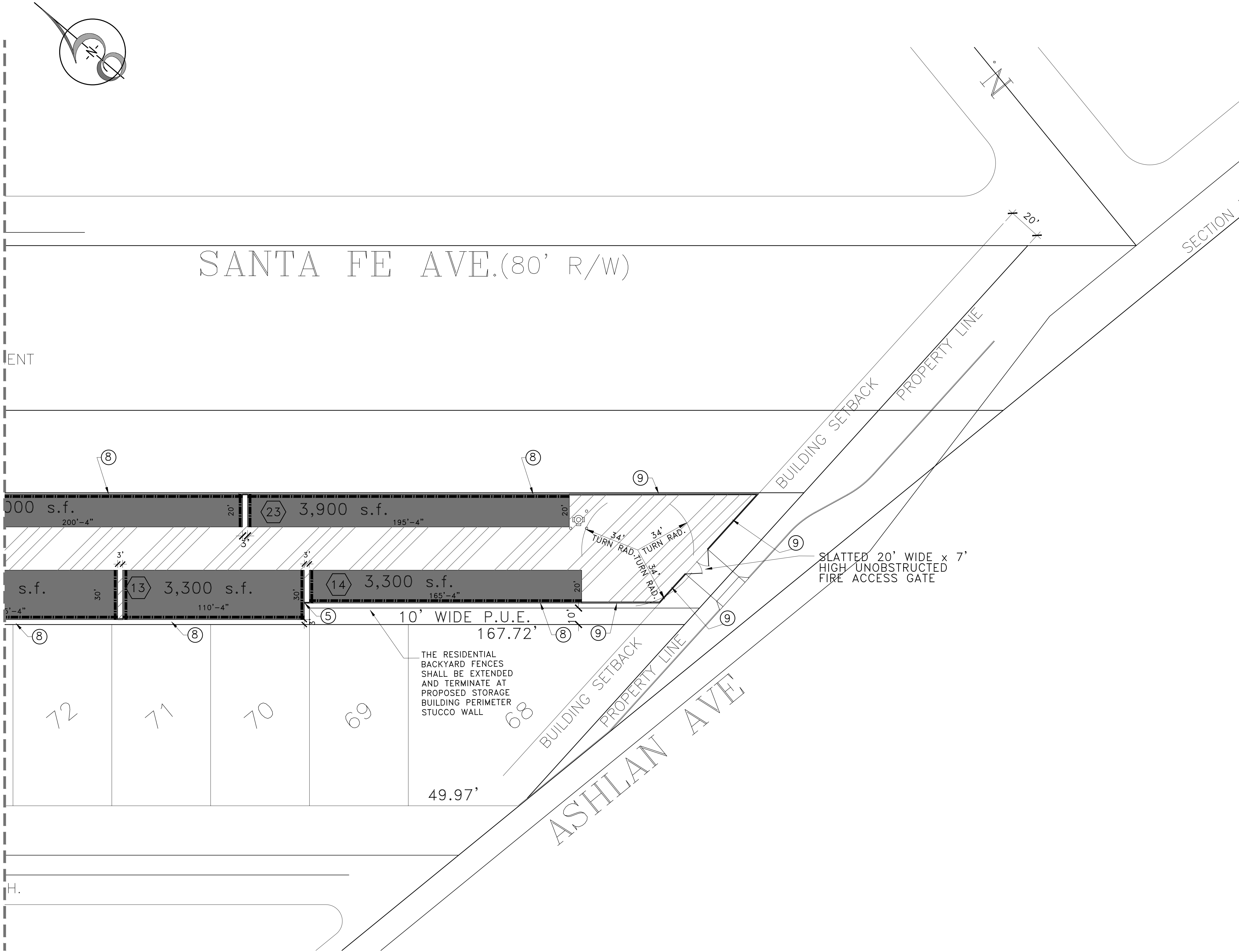
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Drawn By: DB

Project: Site Plan Fresno West/Ashlan

Sheet: A-1.3

MATCHLINE SEE SHEET A-1.3



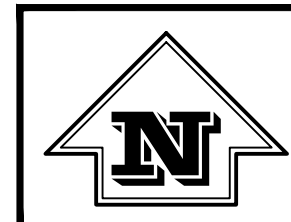
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APPL. NO. P23-04168 EXHIBIT A-5 DATE 01/18/2024
PLANNING REVIEW BY _____ DATE _____
TRAFFIC ENG. _____ DATE _____
APPROVED BY _____ DATE _____
CITY OF FRESNO DARM DEPT

SITE PLAN



REVISIONS:

DERRELS Mini STORAGE
3239 W ASHLAN AVE FRESNO CA 93722 (559) 224-9900

APPROVALS

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Date: November 07, 2023
Scale: 1" = 30'
Drawn By: DB
Project: Site Plan Fresno West/Ashlan

Sheet: A-1.4

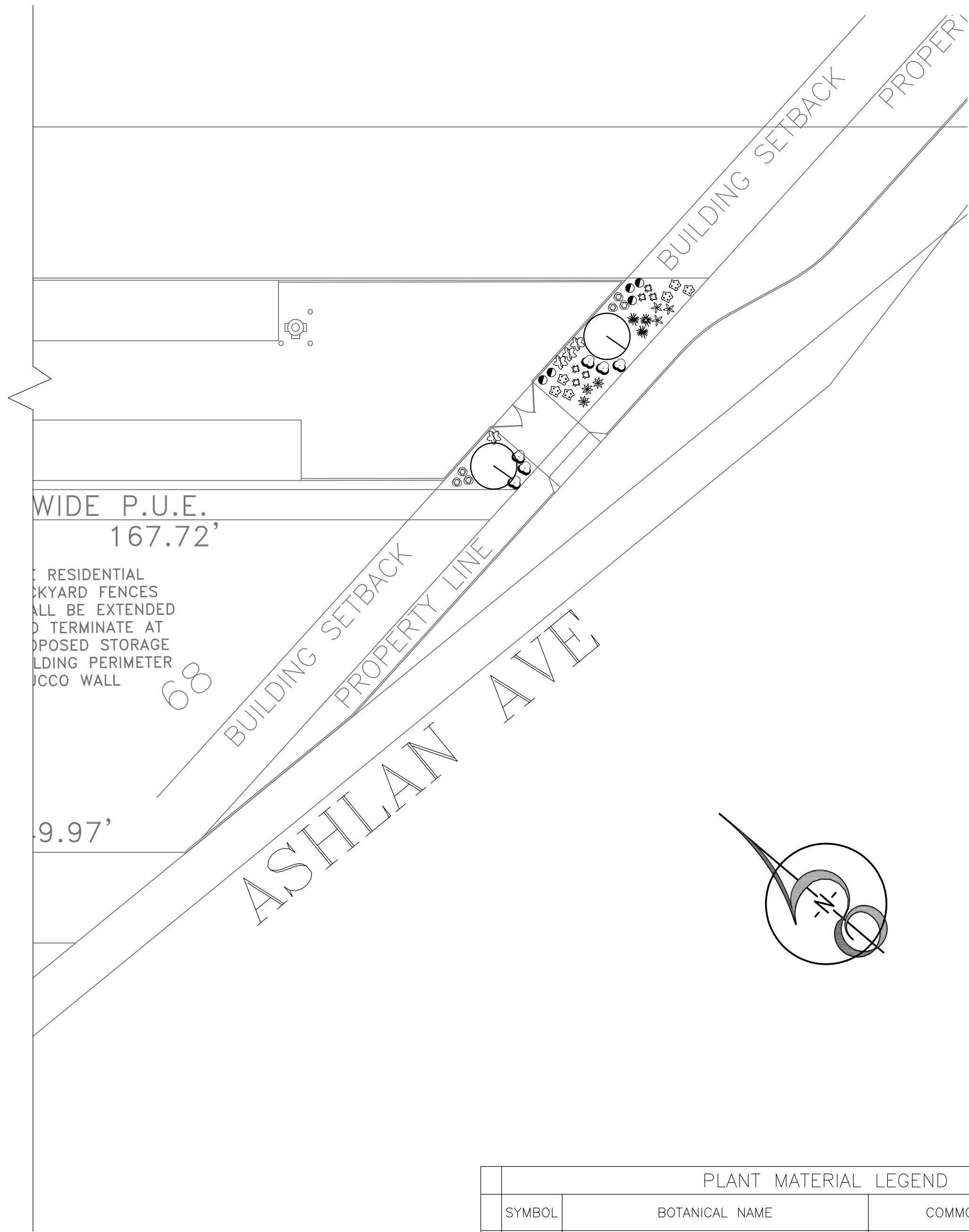
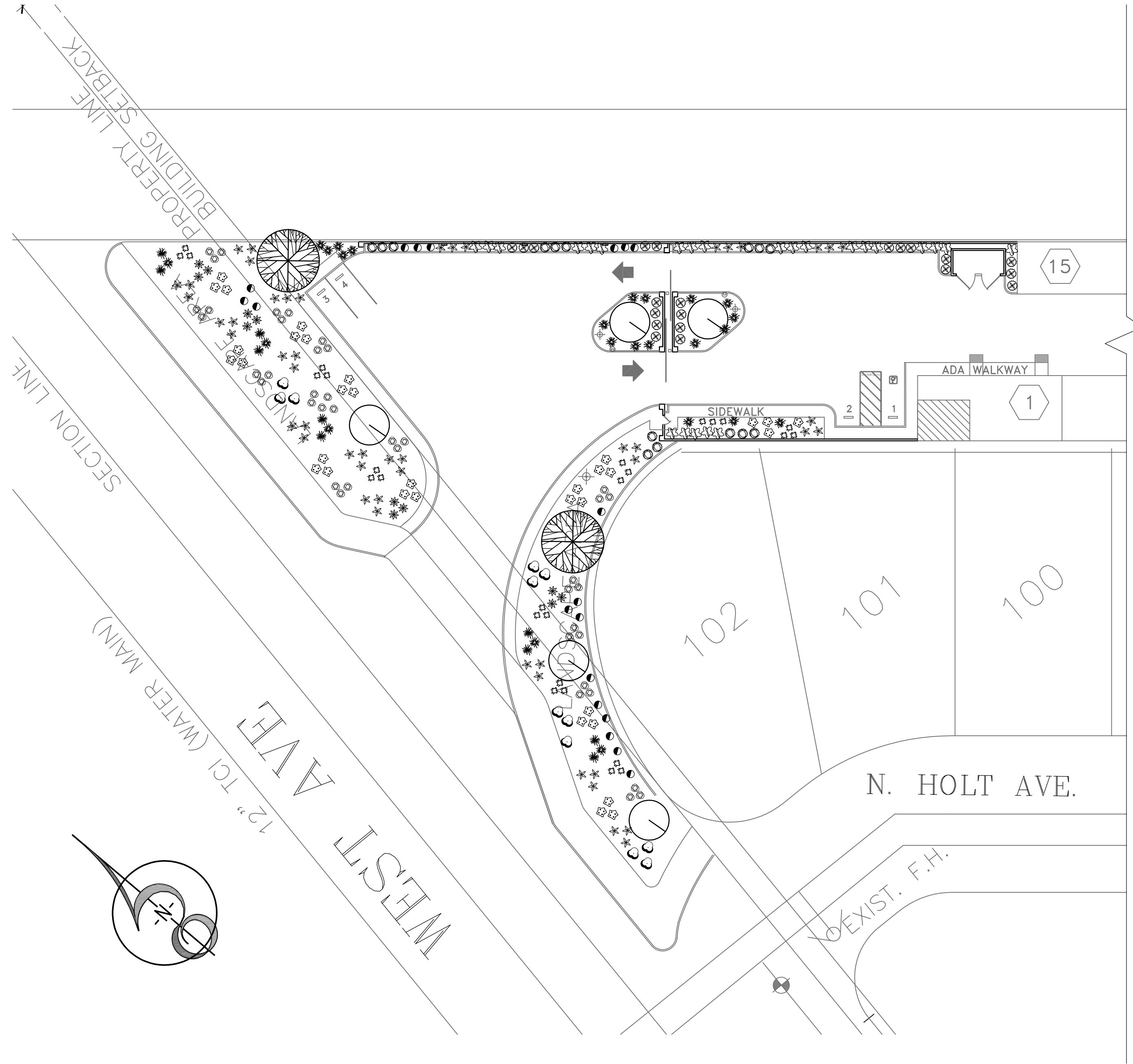
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CITY OF FRESNO DARM DEPT



PLANT MATERIAL LEGEND				
	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
1		JUNIPERUS SCOPULORUM 'TOLLESON'S'	WEeping JUNIPER	15 GAL.
2		CERCIS OCCIDENTALIS	WESTERN REDBUD	15 GAL.
3		ULMUS PARVIFOLA 'EMER 1'	ATHENA ELM	15 GAL.
4		QUERCUS ILEX	HOLLY OAK TREE	15 GAL.
5		RHAMPHIOLEPIS INDICA	INDIAN HAWTHORN	1 GAL.
6		NANDINA DOMESTICA	HEAVENLY BAMBOO	1 GAL.
7		NANDINA DOMESTICA 'COMPACTA'	DWARF HEAVENLY BAMBOO	1 GAL.
8		TULBAGHIA VIOLACEA	SOCIETY GARLIC	1 GAL.
9		T. VARIEGATA	VARIGATED SOCIETY GARLIC	1 GAL.
10		CALLISTEMON CITRINUS	DWARF BOTTLE BRUSH	1 GAL.
11		GERANIUM SPP.	CRANESBILL	1 GAL.
12		LORAPETALUM CHINENSE	FRINGE FLOWER	1 GAL.
13		HEMERCALLIS 'DAY LILY'	DAY LILY	1 GAL.
14		PHORMIUM TENAX	NEW ZEALAND FLAX	1 GAL.
15		PUNICA GRANATUM 'NANA'	DWARF POMEGRANITE	1 GAL.
16		AGAPANTHUS AFRICANUS	LILY-OF-THE-NILE	1 GAL.
17		AGAPANTHUS AFRICANUS	PETER PAN	1 GAL.
18		ROSMARINUS OFFICINALIS	ROSEMARY	1 GAL.
19		N/A	SYNTHETIC TURF	

CONCEPTUAL LANDSCAPE PLAN



REVISIONS:

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APPROVALS

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Date: December 6, 2023

Scale: 1" = 50'-0"

Drawn By: DB

Project: Landscape Plan
Fresno
West/Ashlan

Sheet: L-1

SEE SHEET A1.1

SEE SHEET A1.2

SEE SHEET A1.3

BURLINGTON-NORTHERN SANTA FE RAILROAD (100' R/W)

N. HOLT AVE.

N. HOLT AVE. (60' R/W)

SANTA FE AVE. (80' R/W)

SEE SHEET A1.4

ASHLAN AVE.

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GATE OPERATIONAL STATEMENT:

ENTRY GATE IS 20 FEET WIDE BY 6 FEET TALL ROLLING GATE. EXIT GATE IS 15 FEET WIDE BY 6 FEET TALL. THE GATE IS CONSTRUCTED OUT OF STEEL AND ARCHITECTURAL METAL SIDING. THE GATES ARE AUTOMATICALLY OPERATED BY THE ASSOCIATED KEYPADS. THE GATE IS OPERABLE DURING BUSINESS HOURS, 7 AM TO 7 PM. GATE KEYPADS ARE TO HAVE THE APPROPRIATE LOCK FOR EMERGENCY SERVICE MANUAL OVERRIDE.

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LEGAL DESCRIPTION:

The land referred to is situated in the County of Fresno, City of Fresno, State of California, and is described as follows:

All of that portion of the Southwest quarter of Section 17, Township 13 South, Range 20 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, as said section is shown on the United States Township Plots, lying between a line which is parallel with and 130.0 feet Southwest of the center line of the Santa Fe Railroad right-of-way, (formerly the San Francisco and San Joaquin Railroad), and a line which is parallel with and 50.0 feet Southwest of the centerline of said railroad right-of-way.

APN: 426-010-03

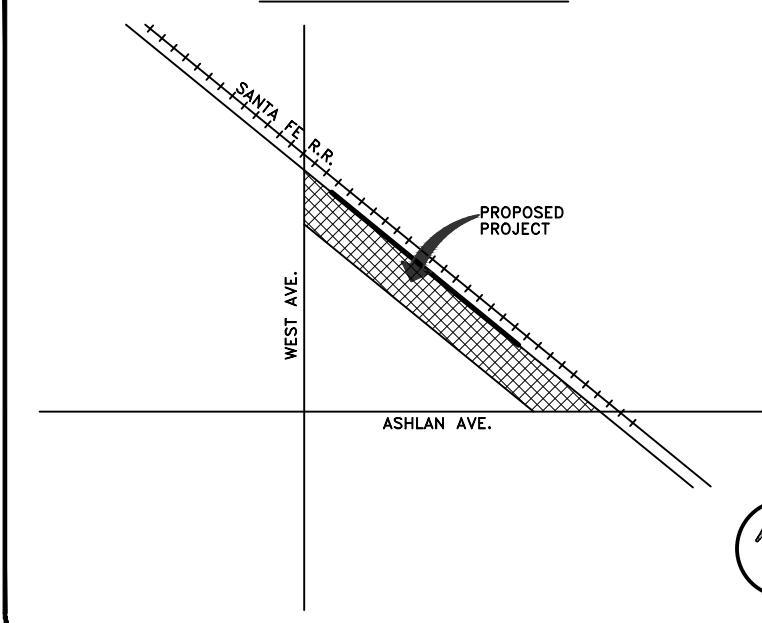
OCCUPANCY DATA

ALLOWABLE SQUARE FOOTAGE	TYPE OF CONSTRUCTION
STORAGE: 5,000 S.F.	STORAGE: V-N
OFFICE: 5,000 S.F.	OFFICE: V-N
RESIDENCE: UNLIMITED S.F.	RESIDENCE: V-N
OCCUPANCY	
STORAGE: S-1	
OFFICE: B-2	
RESIDENCE: R-5	

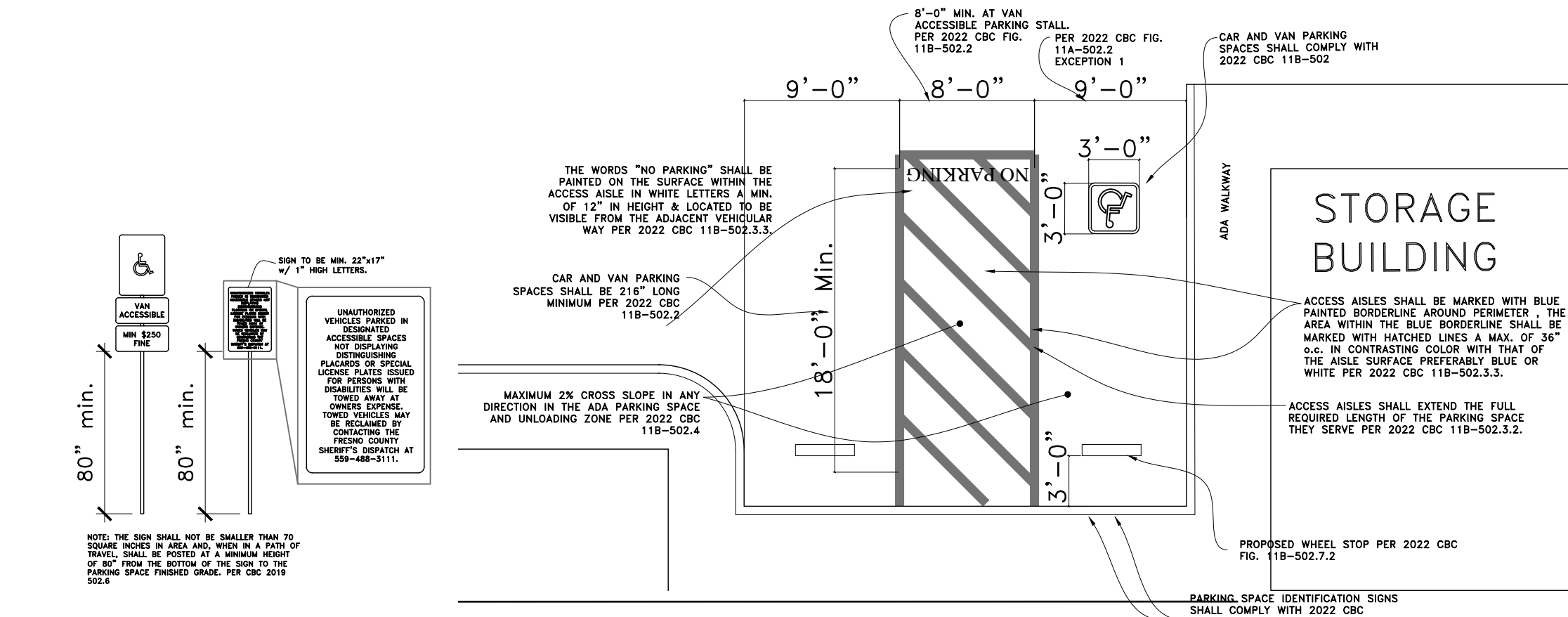
SITE DATA

PROPERTY OWNER	CROSS	LAND ACRES
DERRELS MINI STORAGE		83.68 AC.
3265 W. ASHLAN AVE.		
FRESNO, CA 93722		
(559) 224-8900		
ADDRESS	BUILDING SQUARE FOOTAGE	
WEST AVE.	PROPOSED STORAGE: 88,318 S.F.	
FRESNO, CA	PROPOSED STORAGE (NET): 88,504 S.F.	
A.P.N.	PROPOSED KIOSK: 312 S.F.	
426-010-03	TOTAL S.F.: 88,816 S.F.	

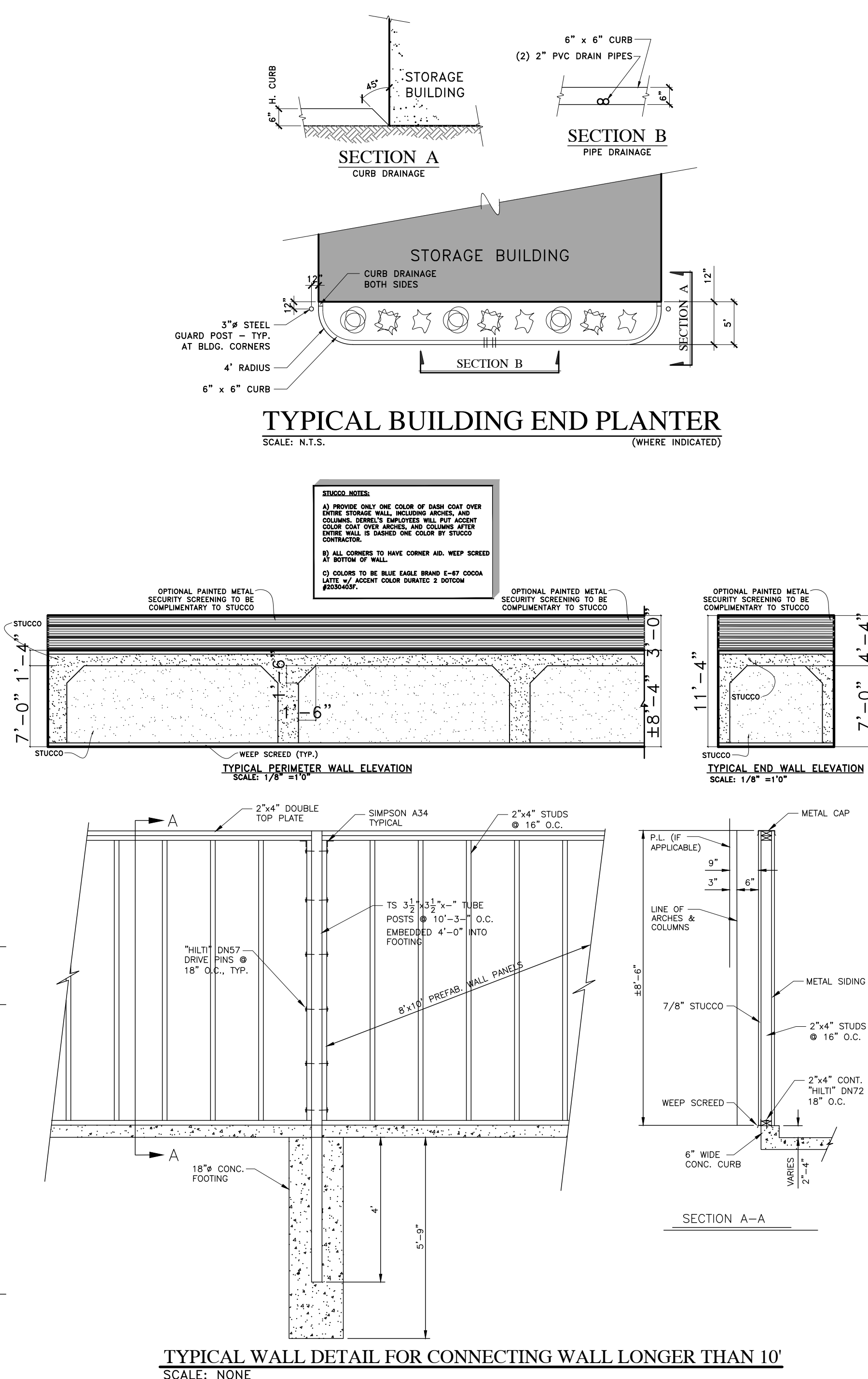
VICINITY MAP



APPL. NO. P23-04168 EXHIBIT E DATE 1/18/2024
PLANNING REVIEW BY DATE
TRAFFIC ENG. DATE
APPROVED BY DATE
CITY OF FRESNO DARM DEPT



ACCESSIBLE PARKING DETAILS & SIGNAGE
SCALE: NONE



TYPICAL WALL DETAIL FOR CONNECTING WALL LONGER THAN 10'
SCALE: NONE

SITE PLAN



REVISIONS:

DERRELS Mini STORAGE
3239 W ASHLAN, AVE
FRESNO CA 93722 (559) 224-9900

APPROVALS

C:\My Documents\CADfiles\Projects\West\Ashlan\A1.dwg
Date: November 07, 2023
Scale: 1" = 70'
Drawn By: DB
Project: Site Plan
Fresno
West/Ashlan
Sheet: A-1.0

Exhibit 5A
Text Amendment
Application No. P24-01100

Text Amendment Application No. P24-01100 – an amendment to Section 15-2706 of the FMC, otherwise known as the Responsible Neighborhood Market Act.

Text Amendment Application No. P24-01100 proposes to amend the Citywide Development Code and modify Section 15-2706; otherwise known as the Responsible Neighborhood Market Act (RNMA). The RNMA provides regulations relating to the establishment of alcohol licenses and the sale of alcoholic beverages for off-site consumption.

The proposed text amendment would allow flexibility for full-service grocery stores seeking to operate by allowing an additional exception to the Location Restrictions and an exemption to the Cancel & Transfer Provisions. In addition, the proposed text amendment defines Full-Service Grocery Store and its exclusions.

Summary of Text Amendment

Text Amendment Application No. P24-01100, proposes to amend Section 15-2706 of the Citywide Development Code that conditionally permits alcohol uses in Mixed Use, Commercial, Employment, Public and Semi-Public, and Downtown zone districts. In addition, the proposed text amendment defines Full-Service Grocery Store. As proposed, the proposed Text Amendment includes:

1. **Provide flexibility for Full-Service Grocery Stores Seeking to Operate.** The proposed text amendment would allow more flexibility for Full-Service Grocery Stores seeking to operate by adding an additional exception to Location Restrictions and allowing an exemption to the Cancel & Transfer Provisions.
 - a. **Full-Service Grocery Store Exception.** Establishments generally known as supermarkets and other grocery retailers (except convenience retailers) primarily engaged in retailing a general line of food, such as canned and frozen foods; fresh fruits and vegetables; and fresh and prepared meats, fish, and poultry. Included in this industry are delicatessen-type establishments primarily engaged in retailing a general line of food. This exemption excludes convenience retailers, gasoline stations with convenience stores, department stores, pharmacies and drug retailers, warehouse clubs and supercenters, and all other general merchandise retailers.
 - b. **Exemption from the Cancel and Transfer Requirements.** Establishments with the primary use, based on information provided by the applicant, that has been determined by the Review Authority to meet the definition of a Full-Service Grocery Store, including a supermarket, neighborhood grocery store or a Healthy Food Grocer as defined in the Fresno Municipal. This exemption excludes convenience retailers, gasoline stations with convenience stores,

department stores, pharmacies and drug retailers, warehouse clubs and supercenters, and all other general merchandise retailers.

2. Definitions to be Added to: Article 68 – Terms and Definitions, Section 15-6802.

- a. **Full-Service Grocery Store.** Establishments generally known as supermarkets and other grocery retailers (except convenience retailers) primarily engaged in retailing a general line of food, such as canned and frozen foods; fresh fruits and vegetables; and fresh and prepared meats, fish, and poultry. Included in this industry are delicatessen-type establishments primarily engaged in retailing a general line of food. This definition excludes convenience retailers, gasoline stations with convenience stores, department stores, pharmacies and drug retailers, warehouse clubs and supercenters, and all other general merchandise retailers.
- b. **Convenience Retailers.** This U.S. industry comprises establishments primarily engaged in retailing a limited line of groceries that generally includes milk, bread, soda, and snacks, such as convenience stores or food marts (except those operating fuel pumps).
- c. **Gasoline Stations with Convenience Stores.** This industry comprises establishments primarily engaged in retailing automotive fuels (e.g., gasoline, diesel fuel, gasohol, alternative fuels) in combination with a limited line of groceries. These establishments can either be in a convenience store (i.e., food mart) setting or a gasoline station setting. These establishments may also provide automotive repair services.
- d. **Department Stores.** This industry comprises establishments generally known as department stores that have separate departments for general lines of new merchandise, such as apparel, jewelry, home furnishings, and toys, with no one merchandise line predominating. Department stores may sell perishable groceries, such as fresh fruits, vegetables, and dairy products, but such sales are insignificant. Department stores with fixed point-of-sale locations may have separate customer checkout areas in each department, central customer checkout areas, or both.
- e. **Pharmacies and drug retailers.** This industry comprises establishments generally known as pharmacies and drug retailers engaged in retailing prescription or nonprescription drugs and medicines.
- f. **Warehouse clubs and supercenters.** This U.S. industry comprises establishments generally known as warehouse clubs, superstores, or supercenters, primarily engaged in retailing a general line of groceries,

including a significant amount and variety of fresh fruits, vegetables, dairy products, meats, and other perishable groceries, in combination with a general line of new merchandise, such as apparel, furniture, and appliances.

- g. **All other general merchandise retailers.** This U.S. industry comprises establishments primarily engaged in retailing new and used general merchandise (except department stores, warehouse clubs, superstores, and supercenters). These establishments retail a general line of new and used merchandise, such as apparel, automotive parts, dry goods, groceries, hardware, housewares or home furnishings, and other lines in limited amounts, with none of the lines predominating. This industry also includes establishments primarily engaged in retailing a general line of new and used merchandise on an auction basis.

Proposed Text Amendment – Responsible Neighborhood Market Act

Goal: To exempt Full-Service Grocery Stores from the Location Restrictions of New Establishments and the Cancel and Transfer provisions set forth in SEC. 15-2706 (F) and SEC. 15-2706 (S).

Summary of Text Amendment:

- 1) Adds “Full-Service Grocery Store” into General Market: **Article 67 – Use Classifications Sec. 15-6704. - COMMERCIAL USE CLASSIFICATIONS.**
- 2) Adds definitions to **Article 68 – Terms and Definitions, Section 15-6802 - Definitions:**
 - a) Full-Service Grocery Store
 - b) Convenience Retailers
 - c) Gasoline stations with convenience stores
 - d) Department stores,
 - e) Pharmacies and drug retailers
 - f) Warehouse clubs and supercenters
 - g) All other general merchandise retailers.
- 3) Adds Full-Service Grocery Store as a separate exception for Location Restrictions: **SEC. 15-2706 (F)(8)**
- 4) Adds Full-Service Grocery Store as an exemption to the Cancel and Transfer Provision **SEC. 15-2706 (S)(3)**

To be added to Article 67 – Use Classifications Sec. 15-6704. - COMMERCIAL USE CLASSIFICATIONS.

Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include food markets, groceries, and liquor stores.

General Market. Retail food markets of food and grocery items for offsite preparation and consumption. Typical uses include **full-service grocery stores**, supermarkets, neighborhood grocery stores, and specialty food stores, such as retail bakeries; candy, nuts, and confectionary stores; meat or produce markets; vitamin and health food stores; cheese stores; and delicatessens. This classification may include small-scale specialty food production such as pasta shops with retail sales.

To be added to Article 68 – Terms and Definitions, Section 15-6802 - Definitions

1) Full-Service Grocery Store

Establishments generally known as supermarkets and other grocery retailers (except convenience retailers) primarily engaged in retailing a general line of food, such as canned and frozen foods; fresh fruits and vegetables; and fresh and prepared meats, fish, and poultry. Included in this industry are delicatessen-type establishments primarily engaged in retailing a general line of food. This definition excludes convenience retailers, gasoline stations with convenience stores, department stores, pharmacies and drug retailers, warehouse clubs and supercenters, and all other general merchandise retailers.

2) Convenience Retailers

This U.S. industry comprises establishments primarily engaged in retailing a limited line of groceries that generally includes milk, bread, soda, and snacks, such as convenience stores or food marts (except those operating fuel pumps).

3) Gasoline Stations with Convenience Stores

This industry comprises establishments primarily engaged in retailing automotive fuels (e.g., gasoline, diesel fuel, gasohol, alternative fuels) in combination with a limited line of groceries. These establishments can either be in a convenience store (i.e., food mart) setting or a gasoline station setting. These establishments may also provide automotive repair services.

3) Department Stores

This industry comprises establishments generally known as department stores that have separate departments for general lines of new merchandise, such as apparel, jewelry, home furnishings, and toys, with no one merchandise line predominating. Department stores may sell perishable groceries, such as fresh fruits, vegetables, and dairy products, but such sales are insignificant.

Department stores with fixed point-of-sale locations may have separate customer checkout areas in each department, central customer checkout areas, or both.

4) Pharmacies and Drug Retailers

This industry comprises establishments generally known as pharmacies and drug retailers engaged in retailing prescription or nonprescription drugs and medicines.

5) All Other General Merchandise Retailers

This U.S. industry comprises establishments primarily engaged in retailing new and used general merchandise (except department stores, warehouse clubs, superstores, and supercenters). These establishments retail a general line of new and used merchandise, such as apparel, automotive parts, dry goods, groceries, hardware, housewares or home furnishings, and other lines in limited amounts, with none of the lines predominating. This industry also includes establishments primarily engaged in retailing a general line of new and used merchandise on an auction basis.

6) Warehouse Clubs and Supercenters

This U.S. industry comprises establishments generally known as warehouse clubs, superstores, or supercenters, primarily engaged in retailing a general line of groceries, including a significant amount and variety of fresh fruits, vegetables, dairy products, meats, and other perishable groceries, in combination with a general line of new merchandise, such as apparel, furniture, and appliances.

SEC. 15-2706. ALCOHOL SALES—THE RESPONSIBLE NEIGHBORHOOD MARKET ACT.

- A. **Regulations for On-Site Consumption.** Refer to Section 15-2751, Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges for standards.
- B. **Regulations for Wholesalers.** Operators who hold a Type 17 ABC license for the purpose of selling beer and wine to retailers or a Type 18 ABC license for the purpose of selling distilled spirits to retailers, who meet the definition of a "wholesaler" within the meaning of California Business and Professions code section 23021, and who are located within the City of Fresno are subject to the following restrictions:
1. Wholesalers shall not supply establishments (as defined below) with any items that would violate this section of the Fresno Municipal Code.
- C. **Purpose.** The following regulations, known as "The Responsible Neighborhood Market Act," are for establishments that sell alcoholic beverages for off-site consumption not otherwise exempt under Section 15-2706.D.2 (henceforth "establishment"). These establishments possess certain characteristics that have the potential to cause deleterious effects and nuisances on surrounding neighborhoods and businesses, especially when such establishments are concentrated near one another. In order to ensure that establishments operate in a manner that is mutually beneficial to surrounding uses and to also provide mechanisms to prevent and correct any associated problems, the following special regulations are provided.
- D. **Applicability.**
1. **New or Expanded Use.** Any proposed new establishment or any existing establishment that requests to modify their alcohol or business license type(s), reinstate their alcohol or business license(s) after an expiration or revocation, extend their hours of alcohol sales, or expand their floor area for retail sales of alcohol, shall obtain a Conditional Use Permit issued in compliance with the standards of this section. An existing establishment that expands their floor area for non-alcohol related retail sales is allowed to retain the conditions on their existing Conditional Use Permit in relation to alcohol requirements. Should an establishment not comply with the strict application of the regulations provided for in this section, said improvements shall be made prior to commencing the sale of alcoholic beverages. Violation of these standards at any time may result in the revocation of a Conditional Use Permit.
 2. **Exemptions.** This section does not apply to the following:
 - a. Establishments that serve alcohol for on-site consumption, where an off-site sales component is incidental to the main use and as permitted through an establishment's ABC Conditional Use Permit License Type.
 - b. Temporary uses issued a Temporary License by the California Department of Alcoholic Beverage Control and established in compliance with all City laws and ordinances.

-
3. **Conditional Use Permit.** Conditional Use Permits issued pursuant to this section shall also be subject to the following:
- a. ABC Conditional Use Permit:
 - i. Establishments seeking to sell alcoholic beverages for off-site consumption, whether as a new or expanded use, shall obtain a Conditional Use Permit for alcohol sales.
- E. **Modifications to Existing Establishments.** A modification to an existing establishment shall not be approved when a condition exists that has caused or resulted in repeated activities that are harmful to the health, peace, or safety of persons residing or working in the surrounding area.
- F. **Location Restrictions for New Establishments.** The following location restrictions apply to new establishments, unless the establishment can be found qualified for exception by the Review Authority. These location restrictions shall apply to existing establishments that must obtain a CUP pursuant to this ordinance due to proposed expansion or improvement of an existing use that is currently operating pursuant to a CUP issued prior to the effective date of this ordinance unless the proposed expansion or improvement is only with respect to a necessary repair, or bringing the existing establishment into compliance with current building codes, including but not limited to the California Building Code, the California Fire Code, and the California Electrical Code, as may be amended and any local amendments thereto.
1. **Near Sensitive Uses.** The establishment shall not be located within 1,000 feet of the following:
 - a. A public park, playground, recreational area including a trail that is immediately adjacent to a public park, or youth facility, including a nursery school, preschool, or day care facility;
 - b. A public or private State-licensed or accredited school; or
 - c. An alcohol or other drug abuse recovery or treatment facility.
 2. **Near Other Alcoholic Beverage Establishments.** The establishment shall not be located within 1,000 feet of an existing establishment, nor may it lead to a grouping of more than four establishments within a 1,000 foot radius. Notwithstanding this requirement, an establishment shall not be located within 500 feet of an existing establishment when an establishment is located in a Census Tract that is not oversaturated with off-sale licenses.
 3. **Within High Crime Areas.** The establishment shall not be located in an area of high crime, as defined by the California Business and Professions Code 23958.4(a)(1) et seq., and as determined by the Department of Alcoholic Beverage Control.
 4. **Within High Concentration Areas.** The establishment shall not be located in an area of high concentration, as defined by the California Business and Professions Code 23958.4(a)(3) et seq., and as determined by the Department of Alcoholic Beverage Control.

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5. **Citywide Ratio.** No establishment shall be granted a Conditional Use Permit under this Section if the number of sites selling alcohol for off-site consumption will exceed one license per 2,500 residents. This ratio requirement shall not apply to: (1) existing establishments that must obtain a CUP pursuant to this ordinance due to proposed expansion or improvement of an existing use that is currently operating pursuant to a CUP issued prior to the effective date of this ordinance; (2) new establishments that utilize the Cancel and Transfer provisions stated in Section S., below; or (3) an existing establishment that is in good standing which has a change in the ABC License holder, specifically partner franchisees.
6. **Exceptions.** A new establishment may be excepted from location restrictions if the Review Authority determines all of the following:
- a. The proposed use is not located within an area in which the Chief of Police has determined, based upon quantifiable information, that the proposed use: (a) would be detrimental to the public health, safety, or welfare of persons located in the area; or (b) would increase the severity of existing law enforcement or public nuisance problems in the area.
 - b. The proposed off-premises sale of alcoholic beverages is incidental and appurtenant to a larger retail use and provides for a more complete and convenient shopping experience.
 - c. The proposed outlet for the off-premises sale of alcoholic beverages would act as a public convenience or necessity to an underserved portion of the community and/or enhance the vitality of an existing commercial area without presenting a significant adverse impact on public health or safety.
 - d. The primary use of the establishment, based on information provided by the applicant, has been determined by the Review Authority to meet the definition of a General Market including a supermarket, neighborhood grocery store or a Healthy Food Grocer.
7. **Existing establishment relocation exception.** An existing establishment that relocates and holds a Conditional Use Permit pursuant to this ordinance may be excepted from the location restrictions if the proposed relocation is located: (a) across the street and within a 1/4 mile radius of the current location; (b) within the same Council District; (c) within the same Census Tract; (d) not within 500 feet of a nursery school, preschool, a public or private State-licensed or accredited school or daycare facility; and (e) not in an area of high crime, as defined by the California Business and Professions Code 23958.4(a)(1) et seq., and as determined by the Department of Alcoholic Beverage Control. The original location will be required to forfeit its existing alcohol entitlements for the original location. Written notice shall be provided to all property owners within a 1,500-foot radius of the subject property for the proposed relocation.
8. **Full-Service Grocery Store exception.** New establishments may be excepted from the location restrictions if the primary use of the establishment, based on information provided by the applicant, that has been determined by the Review Authority to meet

the definition of a Full-Service Grocery Store , including a supermarket, neighborhood grocery store or a Healthy Food Grocer as defined in the Fresno Municipal Code.

G. Landscaping.

1. **New Buildings.** Landscaping shall be provided per the underlying District.
2. **Existing Buildings.** Perimeter landscaping and Parking Lot Shading shall be provided per the underlying district. The Review Authority, at their discretion, may make exceptions to the prescribed standards, however in no case shall the reduction result in a net reduction of 35 percent or greater in the amount of landscaping provided. Landscaping may also be aggregated to minimize the impact on existing parking areas.

H. Lighting. The exterior of the premise, including adjacent public sidewalks and all parking lots under the control of the establishment, shall be illuminated during all hours of darkness during which the premises are open for business in a manner so that persons standing in those areas at night are identifiable by law enforcement personnel. However, required illumination shall be placed and/or shielded in a way that minimizes interference with the neighboring residences.

I. Litter and Graffiti.

1. Trash and recycling receptacles shall be provided by public entrances and exits from the building.
2. The owner or operator shall provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 20 feet of the premises.
3. The owner or operator shall remove graffiti within 48 hours.

J. Pay Phones and Vending Machines. External pay phones and snack vending machines are prohibited.

K. Video Surveillance.

1. Establishments must equip a fully functional color digital video camera system.
2. The system must continuously record, store, and be capable of playing back images and be fully functional at all times, including during any hours the business is closed. The system must be maintained in a secured location inside of the business.
3. The system shall have the correct date and time stamped onto the image at all times.
4. The camera storage capacity should be for at least two weeks (14 calendar days). Such cameras must be capable of producing a retrievable and identifiable image than can be made a permanent record and that can be enlarged through projection or other means.
5. If utilizing a digital video recorder, it must be capable of storing at least 14 days of real-time activities.
6. The system shall be capable of producing a CD or digital playback feature and may be provided to an authorized representative of the Fresno Police Department within 24 hours of the initial request relating to a criminal investigation only.

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7. 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.
 8. There shall be four exterior cameras placed so as to record activities in the primary customer parking areas of their business. These cameras should be of sufficient quality to be able to identify persons and or vehicles utilizing the business parking lot.
 9. All interior cameras shall record in color.
 10. All exterior cameras shall record in color and have automatic low light switching capabilities to black and white. Exterior cameras should be in weatherproof enclosures and located in a manner that will prevent or reduce the possibility of vandalism.

L. Signage.

1. The provisions specified under Article 26, Signs and this subsection shall apply. Where conflict may occur between the provisions of Article 26 and this subsection, the more restrictive provisions shall govern.
2. The following copy is required to be prominently posted in a readily visible manner on an interior wall or fixture and not on windows:
 - a. "California State Law Prohibits the Sale of Alcoholic Beverages to Persons Under 21 Years of Age."
 - b. "No Loitering is Allowed On or In Front of These Premises."
 - c. "No Open Alcoholic Beverage Containers are Allowed on These Premises."
3. No more than 5 percent of the square footage of each window and clear door that is visible to the public from a public thoroughfare, sidewalk, or parking lot of an off-sale alcohol retail outlet shall bear advertising, signs, or other obstructions of any sort.
 - a. The area covered by signs or advertising includes all clear areas within signs or advertising, such as the clear area within neon signs.
 - b. Signage, advertising, or other obstructions inside or outside the establishment that are not physically attached to the windows or doors, but are visible from a public thoroughfare, sidewalk, or parking lot in the same manner as if they were physically attached is included in the 5 percent limitation.
 - c. Any signage required by law shall not count towards the 5 percent limitation, but shall nonetheless follow rules related to visual obstruction.
4. Advertising and signage on windows and clear doors shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the outlets, including the area in which the cash registers are maintained, from exterior public sidewalks, parking lots, or entrance to the outlets.
5. Any establishment located within 250 feet of a sensitive use, as listed in Subsection E.1, shall not advertise alcohol sales in a manner visible from the outside of the establishment, such as from a public thoroughfare, sidewalk, or parking lot.

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6. Displays of alcoholic beverages, freestanding advertising structures of any kind such as cardboard floor stands, or other free-standing signs shall be prohibited within 10 feet of consumer entrance points, shall not be visible from the exterior of the establishment, and shall be prohibited on the exterior of the establishment.
- M. **Loitering and Other Nuisance Activities.** The operation of the establishment shall not result in repeated nuisance activities on the property, which may include, but are not limited to, repeated disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, alcoholic beverage and tobacco sales to minors, harassment of passerby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, loitering, excessive littering, graffiti, illegal parking, excessive loud noises (especially in the late night or early morning hours), traffic violations, curfew violations, lewd conduct, or other violations of City, State, or federal laws, especially when contributing to a proportionally high rate of police reports and arrests to the area. This section shall not apply to operators where offenses are the result of third party conduct beyond the operators' control.
- N. **Training.** The owners and all employees of the establishment who are involved in the sale of alcoholic beverages must complete approved course(s) in training of liquor sales and handling within sixty days after approval of the Conditional Use Permit becomes final, or for employees hired after the approval of the Conditional Use Permit, within sixty days from the date of hire. To satisfy this requirement, a certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service (CCC/RBS) or other certifying or licensing body designated by the State of California.
- O. **Compliance with Laws.** The establishment must remain in compliance with all local, State, and federal laws, regulations, and orders, as well as all conditions of approval imposed on the use. This includes compliance with annual City business license fees. In the event of non-compliance, the operator shall be given written notice by the City and an opportunity to cure. Article 63 of Chapter 15, regarding Enforcement of the Citywide Development Code shall also apply in relation to compliance issues, in addition to the annual inspection requirements listed within Section R, below.
- P. **Posting of Conditions.** A copy of all conditions of approval and training requirements shall either be posted in a conspicuous and unobstructed place near the entrance, cashier counter, or customer service area of the establishment or posted in an employee area and provided upon request (e.g. via flyer or brochure) to patrons and enforcement officials.
- Q. **Prohibited Products.** The sale or distribution of one or more of the following shall be prohibited.
1. Wine in containers of less than 750 milliliters.
 2. Single containers of beer, malt liquor, wine coolers, and similar alcoholic beverages not in original factory packages of three-packs or greater, subject to the following exception:
 - a. Craft beer which is originally packaged in a single 22 oz. bottle.
 3. Distilled spirits in containers of less than 375 milliliters.

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4. Paper or plastic cups in quantities less than their usual and customary packaging.

R. Additional Requirements.

1. The Director may require the applicant to submit additional information, of such type and in such form as the Director may specify, as the Director may deem relevant to the application, including, but not limited to, an operational statement, floor plans, architectural renderings, and technical studies, as appropriate.
2. The Director may refer the application to other City departments to determine whether the establishment's location will comply with building, health, zoning, and fire ordinances or other applicable ordinances or laws. City departments may conduct an inspection of the premises to determine compliance with the ordinances and other laws they administer, and may subsequently prepare reports summarizing their inspections and recommend whether to approve or deny the application based on their inspections.
3. Additional and/or security measures such as reduced hours of operation, security guards, door monitors, and burglar alarm systems may be required if harm, nuisance, or related problems are demonstrated to occur as a result of business practices or operations. This will be determined on a case-by-case basis upon review by the Police Department.
4. Establishments shall not acquire an ABC license for use that has been temporarily surrendered by another establishment in any jurisdiction, or is from an establishment located outside the City of Fresno or a County island within the City of Fresno. Establishments must comply with the Cancel and Transfer provisions, set forth below, which require an establishment to acquire active ABC licenses from overconcentrated areas in the City of Fresno.
5. Establishments shall be subject to annual inspection to ensure compliance with this Section and any additional conditions of the Conditional Use Permit. If an annual inspection results in a finding that an operator is not in compliance with this section or the specific conditions of the CUP, that finding may be used as a basis for revoking the CUP. An establishment that is subject to a revocation proceeding will be referred to the Responsible Neighborhood Market Act Committee for review and prior to the start of the revocation process.
 - a. If an operator is determined to be out of compliance with this section or the specific conditions of the CUP, that operator shall be subject to administrative fines set forth in the Master Fee Schedule as may be amended; the fine structure shall consist of progressively higher fines for violations occurring within twelve months of a prior violation, and upon the fourth violation being upheld within a three year period of the first violation, the CUP for the business shall be subject to revocation.
 - b. If an establishment operating under an existing ABC license is purchased by a unassociated and unrelated new operator seeking to continue operation of the establishment, and the new operator is not subject to administrative fines as set forth above at any other establishment in the City, the City Manager, with

concurrence of the City Attorney, may waive any administrative fines imposed upon the existing establishment upon transfer to the new operator, if the new operator agrees to and obtains a new CUP.

S. Cancel and Transfer.

1. New establishments shall transfer and cancel ABC licenses in good standing as set forth in Table 15-2706 below, from within a Council District identified as having an overconcentration of ABC licenses for off-sale use, as determined by the Director following review of data prepared by the California Department of Alcoholic Beverage Control. The ABC license will be submitted to the Alcoholic Beverage Control for permanent cancellation. A canceled ABC license cannot be reactivated or reinstated.

TABLE 15-2706: CANCEL AND TRANSFER RATIO

Retail Floor Area	Transfer	Cancel
Less than 10,000 square feet	2	1
10,000 to 30,000 square feet	3	2
More than 30,000 square feet	4	3

2. Each ABC license that is canceled also includes surrender of the alcohol-sales portion of all related Conditional Use Permits and waiver of any legal non-conforming use rights related to the sale of alcohol for off-site consumption.
3. Exemptions.
 - a. The Cancel and Transfer requirements shall not apply when an establishment is required to relocate as the result of a taking by eminent domain and a license transfer to a new establishment site is necessary due to such taking.
 - b. Existing establishments that seek to expand their floor area or extend their operating hours.
 - c. Existing establishments that seek to relocate if the proposed relocation meets the requirements of Section 15-2706.F.7.
 - d. Establishments with the primary use, based on information provided by the applicant, that has been determined by the Review Authority to meet the definition of a Full-Service Grocery Store, including a supermarket, neighborhood grocery store or a Healthy Food Grocer as defined in the Fresno Municipal Code.

(Added Ord. 2015-39, § 1, eff. 1-9-16; Am. Ord. 2020-045 , § 1, eff. 11-15-20; Am. Ord. 2021-050 , § 1, 1-17-22).

Exhibit 5B
Planned Development
Application No. P23-03041

51
MUSCATEL ESTATES
BOOK 4, PAGE 67
AE-20
EXCLUSIVE AGRICULTURAL

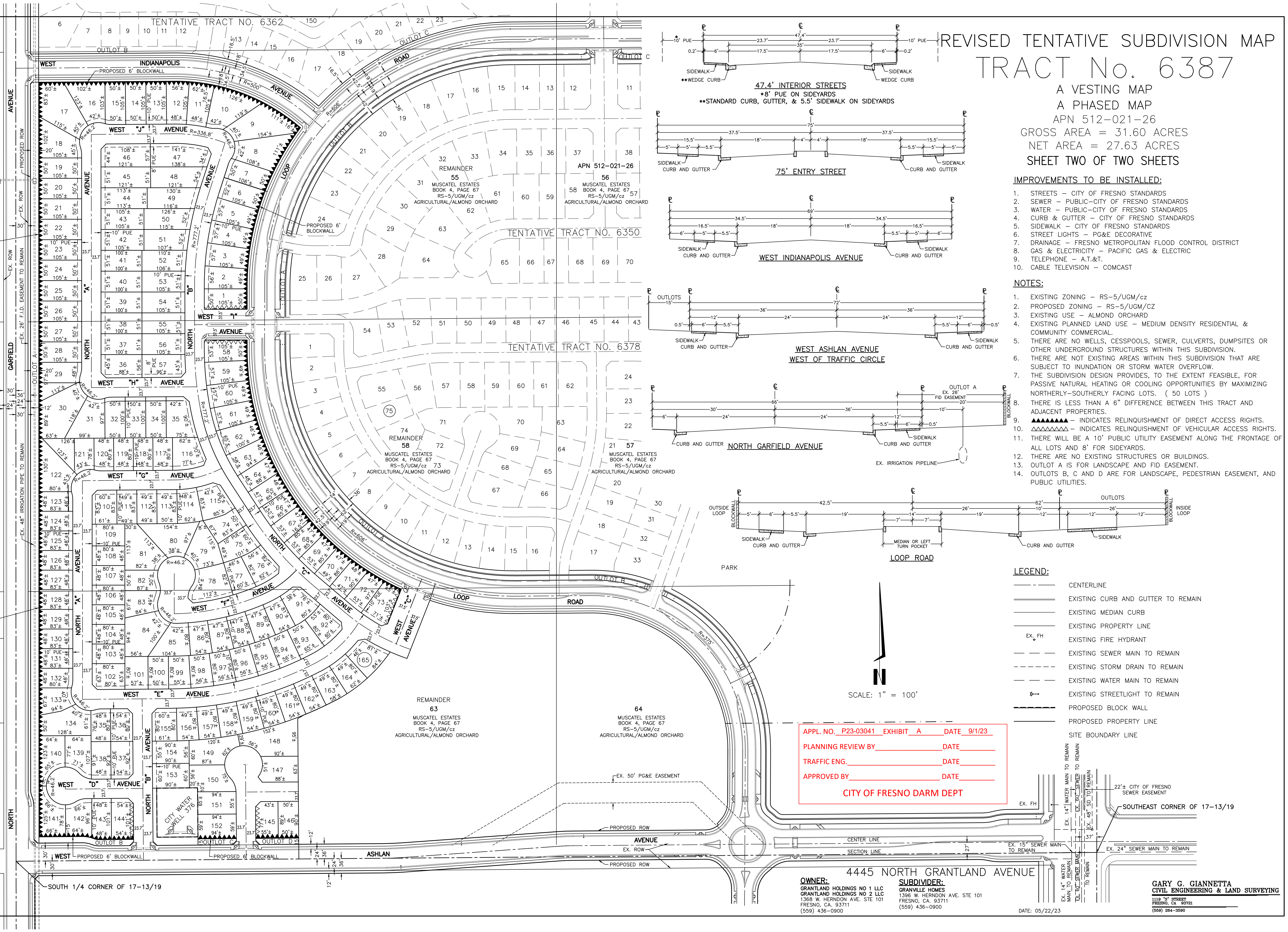
APN 512-021-38

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MUSCATEL ESTATES
BOOK 4, PAGE 67
AE-20
EXCLUSIVE AGRICULTURAL

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MUSCATEL ESTATES
BOOK 4, PAGE 67
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EXCLUSIVE AGRICULTURAL

APN 512-021-38U
AE-20
EXCLUSIVE AGRICULTURAL

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BOOK 4, PAGE 67
AE-20
EXCLUSIVE AGRICULTURAL

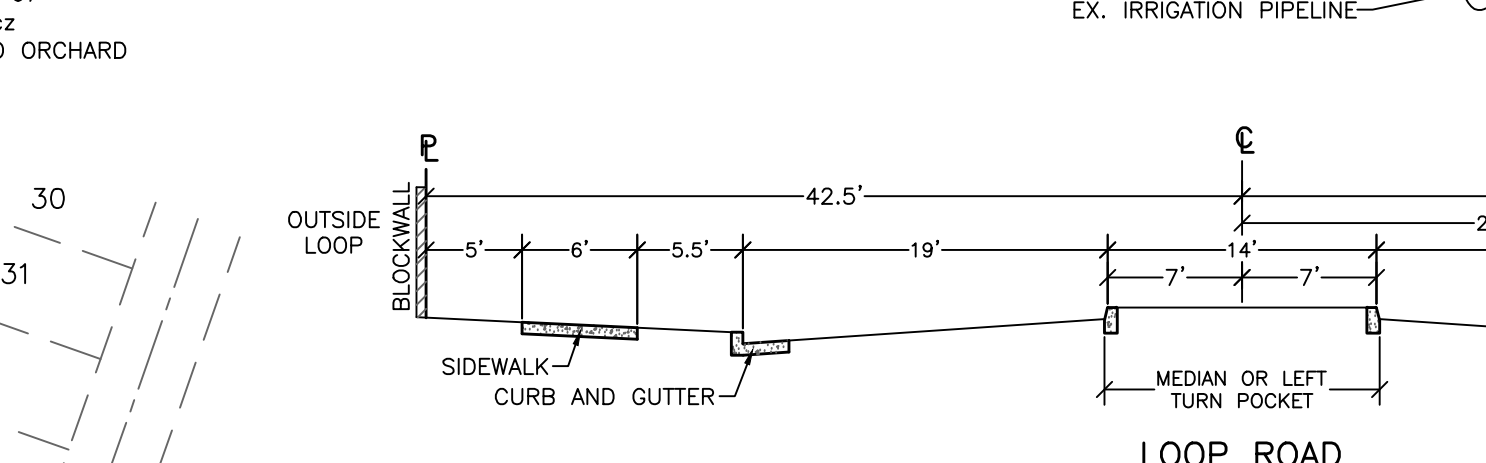
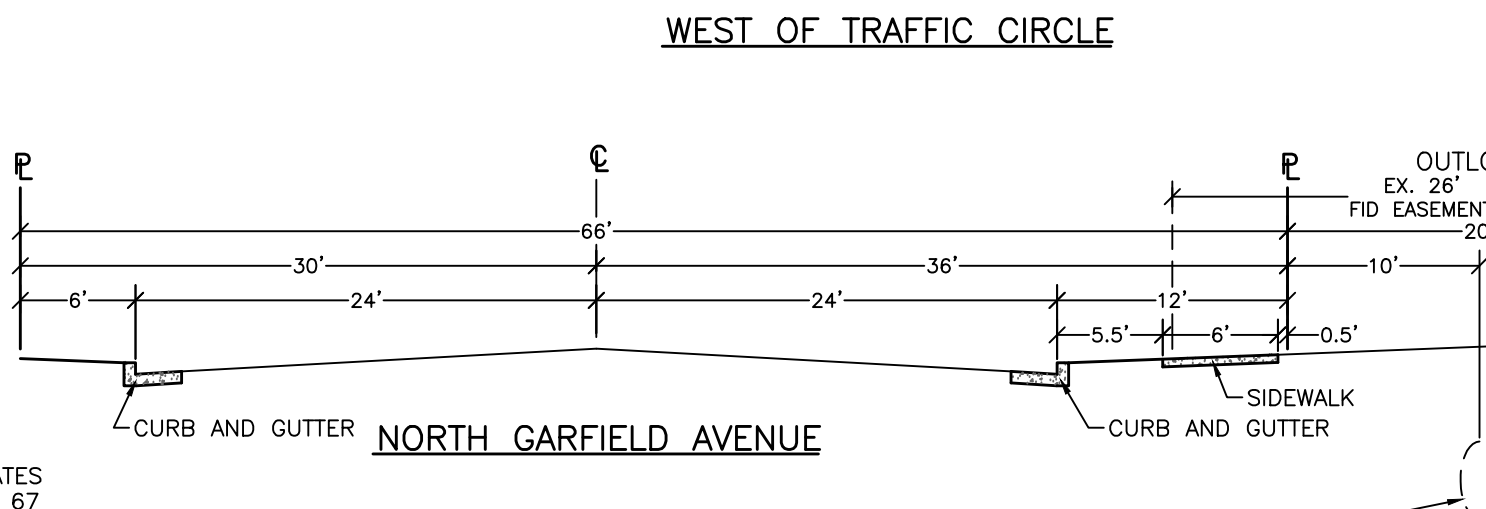
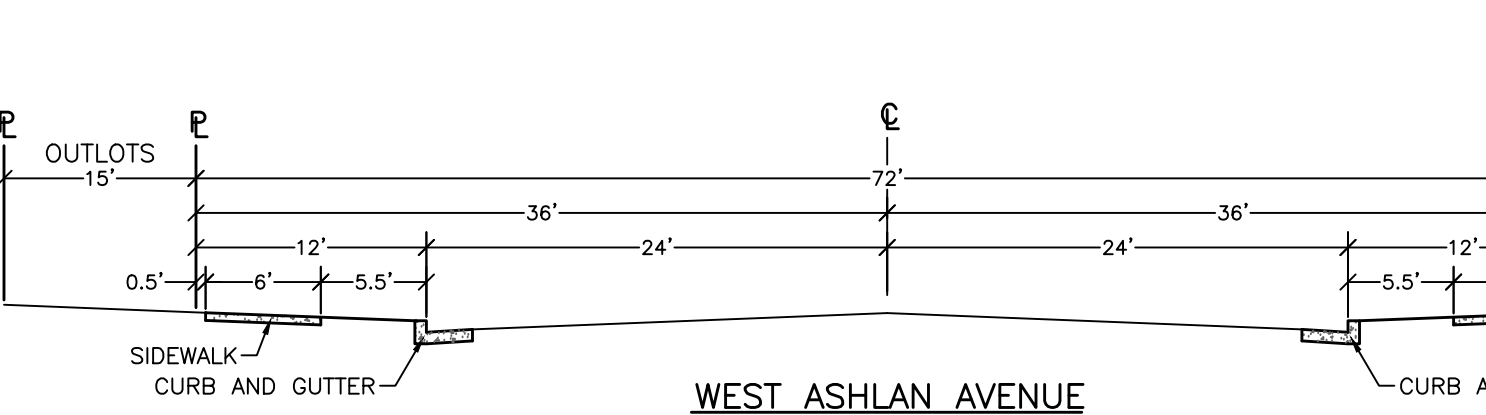
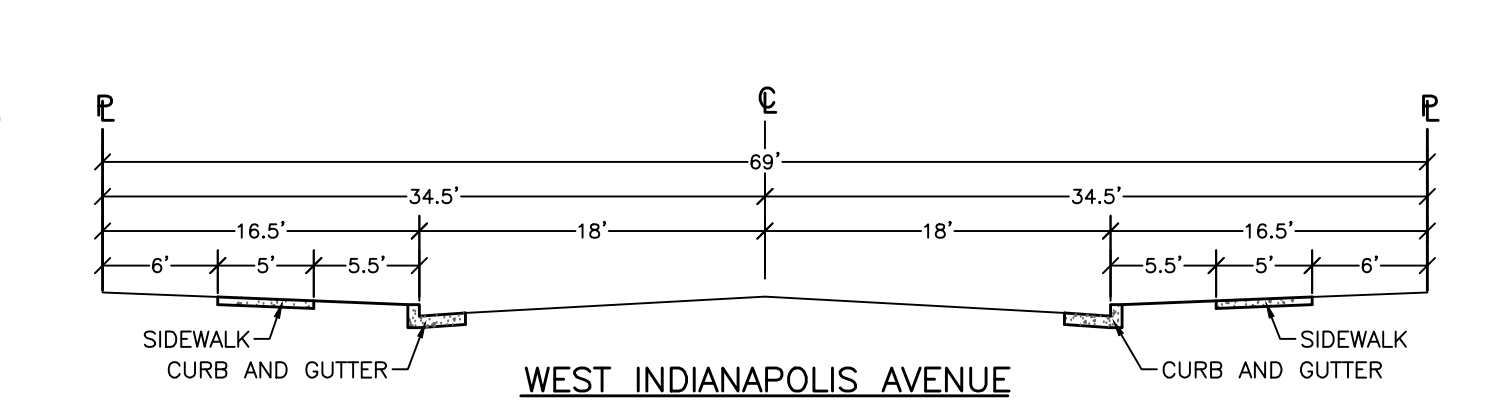
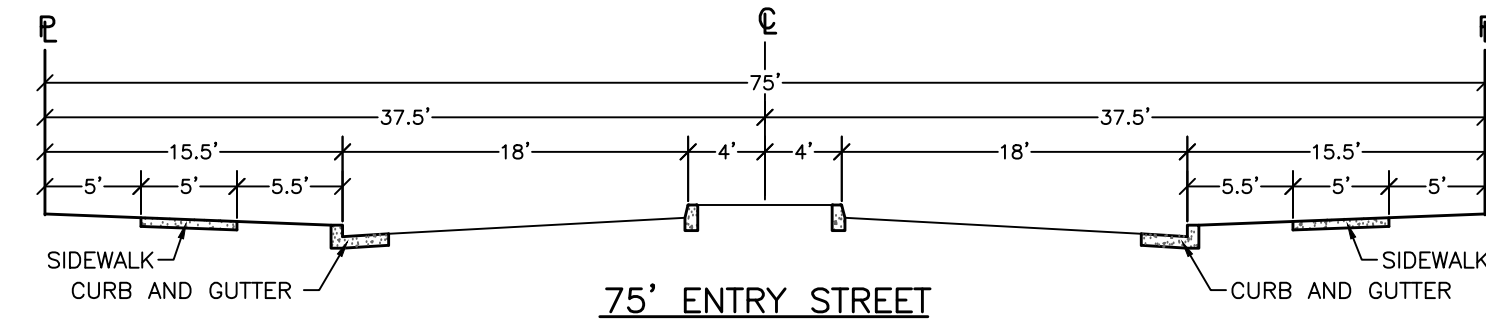
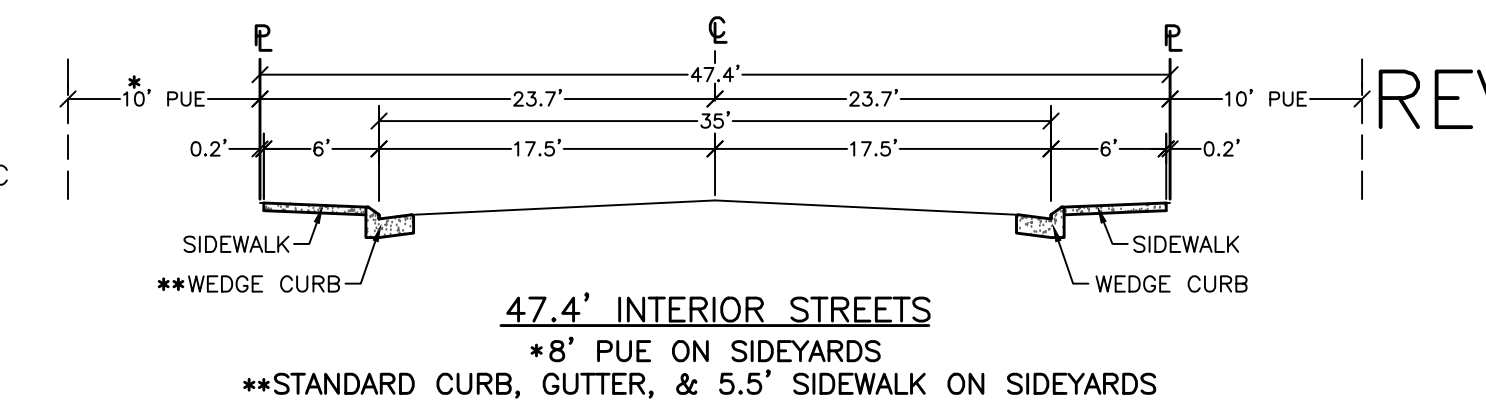


REVISED TENTATIVE SUBDIVISION MAP TRACT No. 6387

A VESTING MAP
A PHASED MAP
APN 512-021-26
GROSS AREA = 31.60 ACRES
NET AREA = 27.63 ACRES
SHEET TWO OF TWO SHEETS

- IMPROVEMENTS TO BE INSTALLED:**
- STREETS - CITY OF FRESNO STANDARDS
 - SEWER - PUBLIC-CITY OF FRESNO STANDARDS
 - WATER - PUBLIC-CITY OF FRESNO STANDARDS
 - CURB & GUTTER - CITY OF FRESNO STANDARDS
 - SIDEWALK - CITY OF FRESNO STANDARDS
 - STREET LIGHTS - PG&E DECORATIVE
 - DRAINAGE - FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
 - GAS & ELECTRICITY - PACIFIC GAS & ELECTRIC
 - TELEPHONE - A.T.&T.
 - CABLE TELEVISION - COMCAST

- NOTES:**
- EXISTING ZONING - RS-5/UGM/cz
 - PROPOSED ZONING - RS-5/UGM/CZ
 - EXISTING USE - ALMOND ORCHARD
 - EXISTING PLANNED LAND USE - MEDIUM DENSITY RESIDENTIAL & COMMUNITY COMMERCIAL.
 - THERE ARE NO WELLS, CESSPOOLS, SEWER, CULVERTS, DUMPSITES OR OTHER UNDERGROUND STRUCTURES WITHIN THIS SUBDIVISION.
 - THERE ARE NOT EXISTING AREAS WITHIN THIS SUBDIVISION THAT ARE SUBJECT TO INUNDATION OR STORM WATER OVERFLOW.
 - THE SUBDIVISION DESIGN PROVIDES, TO THE EXTENT FEASIBLE, FOR PASSIVE NATURAL HEATING OR COOLING OPPORTUNITIES BY MAXIMIZING NORTHERLY-SOUTHERLY FACING LOTS. (50 LOTS)
 - THERE IS LESS THAN A 6" DIFFERENCE BETWEEN THIS TRACT AND ADJACENT PROPERTIES.
 - ▲▲▲▲▲ - INDICATES RELINQUISHMENT OF DIRECT ACCESS RIGHTS.
 - △△△△△ - INDICATES RELINQUISHMENT OF VEHICULAR ACCESS RIGHTS.
 - THERE WILL BE A 10' PUBLIC UTILITY EASEMENT ALONG THE FRONTAGE OF ALL LOTS AND 8' FOR SIDEYARDS.
 - THERE ARE NO EXISTING STRUCTURES OR BUILDINGS.
 - OUTLOT A IS FOR LANDSCAPE AND FID EASEMENT.
 - OUTLOTS B, C AND D ARE FOR LANDSCAPE, PEDESTRIAN EASEMENT, AND PUBLIC UTILITIES.



- LEGEND:**
- CENTERLINE
 - EXISTING CURB AND GUTTER TO REMAIN
 - EXISTING MEDIAN CURB
 - EXISTING PROPERTY LINE
 - EXISTING FIRE HYDRANT
 - EXISTING SEWER MAIN TO REMAIN
 - EXISTING STORM DRAIN TO REMAIN
 - EXISTING WATER MAIN TO REMAIN
 - EXISTING STREETLIGHT TO REMAIN
 - PROPOSED BLOCK WALL
 - PROPOSED PROPERTY LINE
 - SITE BOUNDARY LINE

APPL. NO. P23-03041 EXHIBIT A DATE 9/1/23
PLANNING REVIEW BY _____ DATE _____
TRAFFIC ENG. _____ DATE _____
APPROVED BY _____ DATE _____
CITY OF FRESNO DARM DEPT

OWNER:
GRANTLAND HOLDINGS NO 1 LLC
GRANTLAND HOLDINGS NO 2 LLC
1368 W. HERNDON AVE. STE 101
FRESNO, CA. 93711
(559) 436-0900

SUBDIVIDER:
GRANVILLE HOMES
1396 W. HERNDON AVE. STE 101
FRESNO, CA. 93711
(559) 436-0900

GARY G. GIANNETTA
CIVIL ENGINEERING & LAND SURVEYING
1119 S. 8TH STREET
FRESNO, CA 93721
(559) 284-3500

DATE: 05/22/23

6387 Planned Development Supplemental Information

Sec. 15-4107- We are requesting the requirement for pedestrian access to major streets at 600-foot intervals be eliminated for Tract 6387 in regards specifically to Garfield Ave.

The request is being made because of Tract 6387's unique location adjacent to a major street (Garfield Ave.) that serves as the City's Sphere of Influence boundary. This location creates concerns for public safety, as it will be more difficult for police to service the area and there will be very few "eyes on the street." We also understand that there are no near- or long-term plans to expand the SOI to improve these conditions. Therefore, we believe the addition of pedestrian access points onto Garfield Ave. would create more detriment, in terms of public safety and opportunities for crime, than the benefit gained for pedestrian access.

In this sense, we believe the proposal helps implement Policy HC-2-a of the General Plan by encouraging public safety and family-friendliness of the future Tract 6387. It will also help implement Policy HC-2-c by incorporating a site design that will reduce opportunities for crime.

As a component of the Parc West project, Tract 6387 will have access to above adequate pedestrian facilities. There are multiple miles of trails, both interior and adjacent to major streets, and a 2-acre park located within the project boundaries. Also, with the proposed removal of the pedestrian access points on Garfield Ave., we are proposing the addition of a marked pedestrian crossing near the Tract 6387 frontage on Parc West Dr. to help better connect the trail adjacent to Parc West Dr. to the interior trail and park. This addition will serve to calm traffic, provide safer crossings, and improve connectivity throughout the Parc West project.

This proposal would not affect density or intensity.

APPL. NO.	<u>P23-03041</u>	EXHIBIT	<u>O</u>	DATE	<u>9/1/23</u>	
PLANNING REVIEW BY					DATE	
TRAFFIC ENG.					DATE	
APPROVED BY					DATE	
CITY OF FRESNO DARM DEPT						

Planned Development Application Supplemental Information

The following items must be submitted in order to process your application. Please submit this on a separate document if additional space is needed. Indicate what standards are being requested to be modified and the findings to support the modification.

Code Section or Plan Policy #	Description of standard of requirement	Requested Modification	Describe how proposed modification is demonstratively superior and will achieve superior community design, environmental preservation, and/or substantial public benefit
Sec. 15-903	10' rear yard setback	5' rear yard setback	Proposed modification will allow for a more diverse product mix in terms of floorplan size and price point.
Sec. 15-903	4' setback from garage to facade	No setback from garage to facade	Proposed modification will allow for a more attractive streetscape with a wider mix of facade features.
Sec. 15-903	13' front yard setback	7' front yard setback	Proposed modification will also allow for more attractive streetscape while maintaining setback to garage to keep sidewalk clear.

On a separate piece of paper please provide sufficient information to support the following findings:

- ☐ The proposed development is consistent with the General Plan, any applicable operative plan, and adopted policies, including the density and intensity limitations that apply;
- ☐ The subject site is physically suitable for the type and intensity of the land use being proposed;
- ☐ The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation, and/or substantial public benefit.
- ☐ The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation, and/or substantial public benefit. In making this determination, the following factors should be considered:
 (1) Appropriateness of the use(s) at the proposed location; (2) The mix of uses, housing types, and housing price levels; (3) Provision of infrastructure improvements; (4) Provision of open space. For example, a greater amount of open space than would otherwise be provided under the strict application of this code; (5) Connectivity to public trails, schools, etc.; (6) Compatibility of uses within the development area; (7) Creativity in design and use of land; (8) Quality of design, and adequacy of light and air to the interior spaces of the buildings; and, (9) Overall contribution to the enhancement of neighborhood character and to the built and natural environment of Fresno in the long term.

Planned Development Application Supplemental Information

The following items must be submitted in order to process your application. Please submit this on a separate document if additional space is needed. Indicate what standards are being requested to be modified and the findings to support the modification.

Code Section or Plan Policy #	Description of standard of requirement	Requested Modification	Describe how proposed modification is demonstratively superior and will achieve superior community design, environmental preservation, and/or substantial public benefit
Sec. 15-4107	Requirement for pedestrian access to major streets (Garfield Ave.)	No requirement for this access	See attachment.

On a separate piece of paper please provide sufficient information to support the following findings:

- ☐ The proposed development is consistent with the General Plan, any applicable operative plan, and adopted policies, including the density and intensity limitations that apply;
- ☐ The subject site is physically suitable for the type and intensity of the land use being proposed;
- ☐ The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation, and/or substantial public benefit.
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 - (7) Creativity in design and use of land;
 - (8) Quality of design, and adequacy of light and air to the interior spaces of the buildings; and,
 - (9) Overall contribution to the enhancement of neighborhood character and to the built and natural environment of Fresno in the long term.