

APPROVED BY


DEPARTMENT DIRECTOR

October 19, 2016

FROM: MIKE SANCHEZ, Assistant Director
Development Services Division 

THROUGH WILL TACKETT, Supervising Planner
Development Services Division 

BY: ISRAEL TREJO, Planner
Development Services Division 

SUBJECT

Consideration of Conditional Use Permit Application No. C-15-182, located at the northeast corner of North Peach and East Olive Avenues. Based on the evaluation contained in this report, and appeals received regarding the Circle K project, staff recommends that the Planning Commission take the following action:

1. **UPHOLD** the appeal and **DENY** Conditional Use Permit Application No. C-15-182 based on the following:
 - a. Based on substantial evidence detailed in this staff report, staff has determined that Finding c contained in Section 12-405-A-2, of the Fresno Municipal Code, cannot be made, therefore the Conditional Use Permit cannot be approved.

If the Planning Commission decides to grant approval of the proposed project, staff recommends that the Planning Commission take the following actions:

1. **APPROVE** the environmental finding of a Class 32 Categorical Exemption from the requirements of the California Environmental Quality Act (CEQA) dated March 10, 2016.
2. **DENY** the appeal and **UPHOLD** the action of the Development and Resource Management Department Director approving Conditional Use Permit Application No. C-15-182, authorizing the construction of a 4,968 sq. ft. convenience store (Circle K) to include the sales of beer/wine and distilled spirits (Type 21 ABC License), gas station with 10 dispensers which can serve 20 vehicles at one time and a 1,262 sq. ft. automatic carwash, subject to the Conditions of Approval dated March 10, 2016.

EXECUTIVE SUMMARY

Conditional Use Permit Application No. C-15-182 was filed by Land Development Consultants, LLC., on behalf of Circle K, and pertains to ± 4.01 acres of property located on the northeast corner North Peach and East Olive Avenues. The applicant proposes: (1) The construction of a

4,968 sq. ft. convenience store (Circle K) to include the sales of beer/wine and distilled spirits (Type 21 ABC License); (2) Construction of an automobile service (gas) station capable of serving 20 vehicles at one time; and (3) Construction of a 1,262 sq. ft. automatic carwash. The facility is proposed to be operated 24 hours a day.

In accordance with the Special Permit Procedure of the Fresno Municipal Code (FMC), a notice of granting of the conditional use permit application was mailed to property owners within 350 ft. of the subject site on March 10, 2016. In response to said notice, three appeal letters were received (Exhibits B, C & D). The appeal letter labeled as Exhibit B was signed by 2 people, the appeal letter labeled as Exhibit C was signed by 31 people and the appeal letter labeled as Exhibit D was signed by 204 people.

PROJECT INFORMATION

PROJECT	Conditional Use Permit Application No. C-15-182 is a request to: (1) Construct a 4,968 sq ft. convenience store (Circle K) to include the sales of beer/wine and distilled spirits (Type 21 ABC License); (2) Construct an automobile service (gas) station with 10 dispensers capable of serving 20 vehicles at one time; and, (3) Construct a 1,262 sq. ft. automatic carwash. The facility is proposed to be operated 24 hours a day
APPLICANT	Land Development Consultants, LLC., on behalf of Circle K
LOCATION	Northeast corner North Peach and East Olive Avenues (Council District 4, Councilmember Caprioglio)
SITE SIZE	± 4.01 acres
LAND USE	Community Commercial
ZONING	The application is subject to the C-1/cz (<i>Neighborhood Shopping Center District/conditions of zoning</i>) zone district standards of the preceding zoning ordinance contained within Chapter 12 of the FMC. It is noted, however, that current zoning of the property, pursuant to the citywide rezone and recently adopted Citywide Development Code, is CC/cz (<i>Commercial – Community/conditions of zoning</i>)
PLAN DESIGNATION AND CONSISTENCY	The proposed project may be consistent with the planned land use of Community Commercial designated by the Fresno General Plan
ENVIRONMENTAL FINDING	A Class 32 Categorical Exemption was prepared for the project on March 10, 2016
PLAN COMMITTEE RECOMMENDATION	The District 4 Advisory Committee recommended approval of Conditional Use Permit No. C-15-182 at their meeting on January 25, 2016, by a vote of 5-0

STAFF RECOMMENDATION	Staff recommends denial of Conditional Use Permit Application No. C-15-182. If the Planning Commission decides to grant approval of the proposed project, staff recommends approval subject to the Conditions of Approval detailed in the approval letter dated March 10, 2016 (Exhibit J)
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BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Office Employment	O <i>Office District</i>	Vacant
East	Medium Low Density Residential	RS-4 <i>Residential Single Family District</i>	Single Family Residential
South	Community Commercial and Medium High Density Residential	CC & RM-1 <i>Commercial – Community & Residential Multi-Family District</i>	Convenience Store and Multi-Family Residential
West	Medium High Density Residential	RM-1 <i>Residential Multi-Family District</i>	Multi-Family Residential

ENVIRONMENTAL FINDING

The proposed project was determined to be exempt from the California Environmental Quality Act (CEQA) on March 10, 2016, under a Class 32 Categorical Exemption.

Section 15332/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 General Plan land use designation for the subject property is Community Commercial which allows commercial uses. Pursuant to Section 15-104.D of the new Development Code, planning permit applications that have been accepted by the City as complete prior to the effective date of the Development Code (January 3, 2016), shall be subject to the Code requirements in effect as of the date the application was deemed complete, unless the applicant chooses to use the updated

provisions of the Development Code in their entirety. The subject application was accepted for processing on November 25, 2015, and, as such, the application is subject to the requirements of the previous Code, i.e. the C-1 (Neighborhood Shopping Center District) zone district standards and other requirements within Chapter 12 of the Fresno Municipal Code.

The proposed uses are allowed, subject a conditional use permit. The subject property is located within the city limits, contains ± 4.01 acres and is substantially surrounded by urban uses. The project site has no value, as habitat for endangered, rare or threatened species. Based on the project analysis, the project is not expected to result in any significant effects relating to traffic, noise, air quality, or water quality. The subject site has access to required utilities and public services.

BACKGROUND / ANALYSIS

Project Description

Conditional Use Permit Application No. C-15-182 was filed by Land Development Consultants, LLC., on behalf of Circle K, and pertains to ± 4.01 acres of property located on the northeast corner North Peach and East Olive Avenues. The applicant proposes: (1) The construction of a 4,968 sq. ft. convenience store (Circle K) to include the sales of beer/wine and distilled spirits (Type 21 ABC License); (2) Construction of an automobile service (gas) station capable of serving 20 vehicles at one time; and (3) Construction of a 1,262 sq. ft. automatic carwash. The facility is proposed to be operated 24 hours a day.

In accordance with the Special Permit Procedure of the Fresno Municipal Code (FMC), a notice of granting of the conditional use permit application was mailed to property owners within 350 ft. of the subject site on March 10, 2016. In response to said notice, three appeal letters were received (Exhibits B, C & D). The appeal letter labeled as Exhibit B was signed by 2 people, the appeal letter labeled as Exhibit C was signed by 31 people and the appeal letter labeled as Exhibit D was signed by 204 people.

Development Code

Pursuant to Section 15-104.D of the Development Code, planning permit applications that have been accepted by the City as complete prior to the effective date of the Development Code (January 3, 2016), shall be subject to the Code requirements in effect as of the date the application was deemed complete, unless the applicant chooses to use the updated provisions of the Development Code in their entirety. The subject application was accepted for processing on November 25, 2015, and, as such, the application is subject to the requirements of the previous Code, i.e. the C-1 (*Neighborhood Shopping Center District*) zone district standards and other requirements within Chapter 12 of the Fresno Municipal Code (FMC).

Zoning

This application is subject to the C-1 (*Neighborhood Shopping Center District*) standards. There are conditions of zoning attached to the property, pursuant to Rezone Application No. R-90-14, approved by the Fresno City Council on July 24, 1990. The conditions of zoning have been satisfied and do not affect development of the subject property.

It is noted, however, that current zoning of the property, pursuant to the citywide rezone and recently adopted Citywide Development Code, is CC/cz (*Commercial – Community/conditions of zoning*).

Sound Study & Traffic Study

The Noise Element of the Fresno General Plan identifies the maximum appropriate noise level exposure for daytime and nighttime outdoor activity areas. Part of the project includes the construction of an automatic carwash. The applicant has provided an Environmental Noise Analysis, prepared by WJV Acoustics, dated November 18, 2015, which concludes that the carwash will comply with applicable City of Fresno noise level requirements.

The applicant has provided a Draft Traffic Impact Analysis prepared by JLB Traffic Engineering Inc, dated November 16, 2015, which concludes that with the addition of the project and cumulative growth, the study intersections are projected to continue to operate at the City of Fresno's acceptable standard.

Planning Commission Project History

In accordance with the Special Permit Procedure of the Fresno Municipal Code, a notice of granting of the conditional use permit application was mailed to property owners within 350 ft. of the subject site on March 10, 2016. In response to said notice, three appeal letters were received (Exhibits B, C & D).

A Planning Commission hearing was then scheduled for May 18, 2016. However, at the request of the applicant, the meeting was continued to June 22, 2016. The request for continuance was made in order to allow the applicant time to conduct a second neighborhood meeting to address additional community comments.

At the Planning Commission hearing on June 22, 2016, the Development & Resource Management Department (DARM) recommended that the project be referred back to staff for further review; it was noted within the staff report that DARM was reconsidering its recommendation of approval for the subject application. As noted above, staff received three appeal letters in response to the notice of granting issued for the project. The issues raised in the appeal letters include: the amount of crime in the neighborhood, the proximity of the proposed project to three existing locations that sell alcohol and the proximity of the site to two existing schools. After further review, and in light of the amount of opposition to the project, staff now recommends denial of the project.

Liquor Stores

As noted within the Public Utilities and Services section of the Fresno General Plan, the location and prevalence of liquor stores can have a negative effect on neighborhood health. In public meetings held during the development of the General Plan, the following concerns were discussed:

- **Market saturation.** Some neighborhoods feel they have an overabundance of establishments with off-sale licenses to sell alcohol.
- **Fear of crime.** Community members often see a strong relationship between establishments with off-sale licenses to sell liquor and rates of nuisances and crime.
- **Danger to schools.** Residents are concerned when alcohol sales are allowed too close to schools because of the impact on teenage drinking.

At the time of acceptance of the subject application, DARM did not have a mechanism for assessing appropriate concentrations of alcohol sales establishments, however, and relied on information from the Police Department and the Alcoholic Beverage Control (ABC) in the consideration of permit applications. Alcohol sales 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.

New Citywide Development Code

Section 15-2706.E.2, of the recently adopted a Citywide Development Code, has restrictions for the location of new establishments that sell alcohol. Said section states: "The establishment shall not be located within 500 feet of an existing establishment, nor may it lead to a grouping of more than four establishments within a 1,000 foot radius".

The motivation for creating an ordinance to regulate alcohol sales was an attempt to address the potential negative social issues that tend to be associated with the sale and consumption of alcohol, including increased crime, underage drinking, and general misbehavior such as loitering, littering and graffiti.

There are two businesses, with active ABC retail licenses, located within 500' (actually 400') of the proposed project. Quick Pick, located at the southeast corner of Peach and Olive Avenues, has a Type 20 ABC License which authorizes the sale of beer and wine. Beacon, located at the southwest corner of Peach and Olive Avenues, has a Type 21 ABC License which authorizes the sale of beer, wine and distilled spirits. Located approximately 750' west of the proposed site is a Dollar General which has a Type 21 ABC License which authorizes the sale of beer, wine and distilled spirits. It is noted, however, that the Dollar General is considered exempt from the separation requirements of Section 15-2706.C.2 as an establishment exceeding 10,000 sq. ft. (Exhibit E).

Alcoholic Beverage Control Regulations

In addition to obtaining a conditional use permit from the City of Fresno, the applicant is required to obtain a license from the Alcoholic Beverage Control (ABC) in order to sell beer, wine and distilled spirits.

California Business and Professions Code 23789

California Business and Professions Code 23789(b) states (in part): the department (ABC) is specifically authorized to refuse the issuance, other than renewal or ownership transfer, of any retail license for premises located within at least 600 feet of schools and public playgrounds.

The proposed Circle K is located approximately 850 feet from Turner Elementary School. The proposed project was routed to the Fresno Unified School District (FUSD) for comment. FUSD has concerns regarding potentially dangerous interaction between students and the proposed operation. FUSD's response on the project is subject to the Alcoholic Beverage Control Act and the Fresno Police Department's review and support of the project with regard to the concentration and use of alcohol-related business in close proximity to school sites.

It is noted that Fresno Adventist Academy, a private school serving K-12th grade, is located approximately 1,000 feet east of the project site which is over the 600 feet in which a retail license may be refused.

Number of Existing and Allowed ABC Licenses

The subject property is located within Census Tract No. 30.01. Said Census Tract allows three ABC retail licenses for off-site consumption within its boundaries. There are two active ABC retail licenses within Census Tract No. 30.01, which are the Quick Pick at the intersection of Peach and Olive Avenues and the Arco at the intersection of Clovis and Olive Avenues. The boundaries of Census Tract No. 30.01 are the interior sides of East McKinley, North Clovis, East Belmont and North Peach Avenues.

In summary, there are two active existing off-sale ABC licenses in the census tract where three such outlets may be authorized to operate per Alcoholic Beverage Control standards. Thus, this project will not create an over-concentration, as defined by ABC, of off-sale alcoholic beverage sales locations within the subject property census tract.

Fresno Unified School District

The subject project was routed to FUSD for comment. FUSD commented that the proposed Circle K is approximately 850 feet from Turner Elementary School. Six hundred feet is the distance the ABC uses in which a license can be refused if a project is located within said distance from a school.

FUSD has concerns regarding potentially dangerous interaction between students and the proposed operation. FUSD's response on the project is subject to the Alcoholic Beverage Control Act and the Fresno Police Department's review and support of the project with regard to the concentration and use of alcohol-related business in close proximity to school sites.

ANALYSIS OF THE APPEAL LETTERS

There were three appeal letters (Exhibits B, C & D) received in response to the Notice of Granting issued for the project. The appeal letter labeled as Exhibit B was signed by 2 people, the appeal

letter labeled as Exhibit C was signed by 31 people and the appeal letter labeled as Exhibit D was signed by 204 people.

Below is an analysis of the issues raised in the appeal letter dated March 21, 2016 (Exhibit B).

Issue #1: Crime in the neighborhood is very high. Building another convenience store that sells alcohol will bring more crime.

Response:

The project has been appropriately conditioned by the Police Department as noted in their memo dated January 20, 2016. The conditions of approval for the subject project include requirements which are intended to minimize the impact of the project on the neighborhood, including, the installation of cameras and to maintain the site free of litter and other debris. The applicant is also required to post the property with signage disallowing the consumption of alcoholic beverages, trespassing and loitering.

The Police Department requires employees that sell alcoholic beverages to complete the "Leadership and Education in Alcohol and Drugs (LEAD)" training as administered by Department of Alcoholic Beverage Control or complete equivalent training acceptable to ABC. The Police Department conditions also require that the establishment not allow alcoholic beverages to be consumed outside the building premises. If alcoholic beverages are consumed on the exterior portion of adjacent property, the applicant shall immediately report such consumption to the Fresno Police Department.

"Frequent" (as defined as occurring more than 1.5 times the average) responses by the Fresno Police Department arising out of or relating to the operation or management of the real property owned or controlled by the permittee caused by any combination of the following: violent criminal acts, illegal consumption of intoxicants in public view, juvenile disturbances, or other activities set forth in FMC section 10-708(g) may result in the recommendation to the Director of Development and Resource Management to commence proceedings to revoke the conditional use permit for violation of the Management of Real Property Ordinance.

The subject property is located in Census Tract 30.01 which reported a crime rate of 112.5 percent. A Census Tract is considered to have "high crime" if the crime rate exceeds 120 percent of the city-wide average. As such, the subject property is not considered to be located in a "high crime" area.

Issue #2: There are three stores in a row selling alcohol.

Response:

The subject property is located within Census Tract No. 30.01. Said Census Tract allows three ABC retail licenses for off-site consumption within its boundaries.

There are two active ABC retail licenses within Census Tract No. 30.01, which are the Quick Pick at the intersection of Peach and Olive Avenues and the Arco at the intersection of Clovis and Olive Avenues. The boundaries of Census Tract No. 30.01 are the interior street sides of East McKinley, North Clovis, East Belmont and North Peach Avenues.

In summary, there are two active existing off-sale ABC licenses in the census tract where three such outlets may be authorized to operate per Alcoholic Beverage Control standards. Thus, this project will not create an over-concentration, as defined by ABC, of off-sale alcoholic beverage sales locations within the subject property census tract.

Below is an analysis of the issues raised in the appeal letter dated March 23, 2016 (Exhibit C) which have not already been addressed above. Said appeal letter was provided on Turner Elementary School letterhead and signed by Tianna Gonzales (no title provided).

Issue #1: Our neighborhood is in need of a park at the subject property location.

Response:

The subject property is planned for Community Commercial Planned land uses within the Fresno General Plan. Additionally, the property is privately owned and may be developed by the property owner as pursuant to the requirements of the FMC.

Below is an analysis of the issues raised in the appeal letter dated March 14, 2016 (Exhibit D) which have not already been addressed above.

Issue #1: There are two schools located within 500 feet of the subject location.

Response:

Both nearby schools are located over 600 feet from the project site which is the threshold ABC uses in determining whether a retail license may be refused.

California Business and Professions Code 23789(b) states (in part): the department (ABC) is specifically authorized to refuse the issuance, other than renewal or ownership transfer, of any retail license for premises located within at least 600 feet of schools and public playgrounds.

As noted in the letter from the Fresno Unified School District (FUSD) dated December 18, 2015, the proposed Circle K is located approximately 850 feet from Turner Elementary School. The proposed project was routed to FUSD for comment. FUSD has concerns regarding potentially dangerous interaction between students and the proposed operation. FUSD's response on the project is subject to the Alcoholic Beverage Control Act and the Fresno Police Department's review and support of the project with regard to the concentration and use of alcohol-related business in close proximity to school sites.

The Fresno Adventist Academy, a private school serving K-12th grade, is located approximately 1,000 feet east of the project site which is over the 600 feet in which a retail license may be refused.

Letter of Opposition (hand delivered)

Staff also received a hand delivered opposition letter on June 22, 2016, and has been attached to this report as Exhibit F.

Neighborhood Meetings

On May 9, 2016, David Cisiewski of Land Development Consultants held a neighborhood meeting at the Piccadilly Inn Airport Hotel. A representative for Circle K was present as was the assigned City of Fresno staff planner. There were approximately 20 area residents and/or concerned citizens that attended the meeting.

There were various issues that were discussed, including: the proximity of the project site to a school, 24 hour operation of the facility, the site being located in an area with high crime, the site being located in an area with many existing liquor stores, security, noise generated by the carwash, youth influenced by alcohol and other issues.

David Cisiewski explained that the meeting was informational only and that no decisions could be made at the meeting. Mr. Cisiewski explained that concerns would be given to Circle K for consideration.

On June 13, 2016, a second neighborhood meeting was held by the applicant. The same issues that were raised in the first meeting were discussed. At the end of the meeting, Mr. Cisiewski explained that the raised concerns would be given to Circle K for consideration.

The applicant has provided a letter dated August 16, 2016, (Exhibit G) which provides a response to some of the issues that were raised in the neighborhood meetings. The applicant has also agreed to the following further restriction upon its Conditional Use Permit:

- a. The total floor area dedicated to the sale and merchandising of alcohol shall not exceed the area shown on the current site plan/floor plan, which is approximately 750 sq. ft. (excluding backroom product storage areas); and
- b. There shall be no sales of distilled spirits in bottles less than 375 ml (this restriction would eliminate the concern over excessive sales of the so called "mini-shot" bottles of distilled spirits).

In addition to the above letter, the applicant has provided a petition signed by more than 240 nearby residents who have expressed support for the proposed project (Exhibit H).

Land Use Plans and Policies

Fresno General Plan

The Fresno General Plan provides objectives and policies to guide development. The following are excerpts of such objectives.

Objective HC-6 states: Improve access to schools and their facilities for the community.

Implementing Policy HC-6-a states (in part): Continue to improve the conditions for youth walking and bicycling in the areas surrounding schools by working with the school districts....to implement a safe route to school program.

High exposure to liquor stores and the easy availability of alcohol in the neighborhood affects public health, safety, and quality of life in the neighborhood. On a students' walk to school, he may be exposed to public drunkenness and criminal activities – like gambling and drug dealing – that contribute to an environment of social disorder around many liquor stores. Furthermore, there may be a higher probability of exposure to drivers under the influence of alcohol in close proximity to a liquor store.

A high density of liquor stores contributes to economic and social disintegration.¹ Similar to power plants and refineries, alcohol outlets represent a form of unwanted land use that conflicts with desirable land uses such as schools, parks, and residences. The over-concentration of liquor stores increases the perceived lack of safety and limits walkability in a neighborhood. Moreover, concentrations of liquor stores in a neighborhood can constrain economic opportunities for current and new business and therefore are both a symptom and accelerator of economic decline.²

Finally, a high density of liquor stores can contribute to a variety of health and safety problems. Studies show that neighborhoods with higher concentrations of liquor stores also have higher rates of alcohol-related hospitalizations, drunk driving accidents, and pedestrian injuries.^{3,4}

District 4 Plan Implementation Committee

The District 4 Advisory Committee recommended approval of Conditional Use Permit No. C-15-182 at their meeting on January 25, 2016, by a vote of 5-0.

Notice of Planning Commission Hearing

The Development and Resource Management Department mailed notices of this Planning Commission hearing to surrounding property owners within 500 feet of the subject property (Exhibit I). Staff also sent notices, via U.S. mail and email, to individuals that requested notification.

The May 18, 2016, Planning Commission meeting notice was mailed to property owners within 350 feet. However, due to the amount of interest in the project, staff increased the noticing distance to 500 feet for the subject meeting.

CONCLUSION

Staff recommends that the Planning Commission consider this staff report, proposed conditions of approval, the categorical exemption prepared for EA. No. C-15-182, and public testimony in determining whether the proposed conditional use permit request should be granted or denied based on the findings discussed in Section 12-405-A-2 of the Fresno Municipal Code, which are as follows:

- a. All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls, and fences, parking, loading, recycling areas, landscaping, and other required features; and,
- b. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,
- c. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located.

If the Planning Commission decides to grant approval of the proposed project, the Commission must find that there is substantial evidence in the administrative record to make these findings. Staff believes that there is substantial evidence to support findings A and B. Some of the evidence that could be considered by the Planning Commission in support of findings A and B are noted below.

- a. All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls, and fences, parking, loading, recycling areas, landscaping, and other required features; and,
 - Conditional Use Permit Application No. C-15-182 will comply with all applicable property development standards, including parking, landscaping, walls, etc., and previous property development conditions, given that the special conditions of project approval will ensure that all conditions are met prior to operation of the facility.
- b. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,
 - The applicant has provided a Draft Traffic Impact Analysis prepared by JLB Traffic Engineering Inc, dated November 16, 2015, which concludes that with the addition of the project and cumulative growth, the study intersections are projected to continue to operate at the City of Fresno's acceptable standard.

Finding C, listed below, is critical in determining whether or not this project can be either approved or denied. Listed below for the Commission's consideration is a partial list of reasons that support both approval or denial of the proposed project. It should be noted, however, that the Commission may, in making its determination, adopt these finding in whole or in part; or, adopt independent findings based upon information presented at the public hearing:

- c. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located.

Opposition Finding

- Immediate area has a high concentration of alcohol licenses
- Subject Property is in close proximity to two schools

The proposed development and use has potential to conflict with schools and residences in the vicinity of the subject property. Due to the potential for higher rates of alcohol-related hospitalizations, drunk driving accidents, and pedestrian injuries, an increase in the number of liquor stores within the project area may: contribute to a lack of safety; result in limitations on walkability in the neighborhood; and/or, constrain economic opportunities for current and new business. Therefore, the proposed project may be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located.

Support Finding

- No negative impacts on air, water, noise or traffic were identified in the environmental review of this project prepared by the City of Fresno Development and Resource Management Department.
- Every visitor to the store is an additional potential customer/source of revenue for the other businesses in the area.
- The applicant's responses to the appeal letters demonstrates that the proposed development and use of the subject property, pursuant to Conditional Use Permit Application No. C-15-182, would not constitute an "over-concentration" of liquor stores as defined by the ABC; and the proposed project complies with the provisions of the California Business and Professions Code 23789(b) respective to proximity/separation from schools and public playgrounds. Therefore, the proposed project will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located

Options

1. Staff Recommendation- Deny, making the following motion:
 - a. **UPHOLD** the appeal and **DENY** Conditional Use Permit Application No. C-15-182 requesting authorization to construct a 4,968 sq. ft. convenience store (Circle K) to include the sales of beer/wine and distilled spirits (Type 21 ABC License), gas station with 10 dispensers which can serve 20 vehicles at one time and a 1,262 sq. ft. automatic carwash, determining that finding C found in Section 12-405-A-2 of the Fresno Municipal Code cannot be made based on substantial evidence in the record including the following: Immediate area has a high concentration of alcohol licenses and the Subject Property is in close proximity to two schools.
2. Approve, making the following motion:
 - a. **APPROVE** Environmental Assessment No. C-15-182, dated March 10, 2016, a determination that the proposed project is exempt from CEQA through a Class 1 and Class 32 Categorical Exemption.
 - b. **DENY** the appeal and **UPHOLD** the action of the Development and Resource Management Department Director approving Conditional Use Permit Application No. C-15-182, authorizing the construction of a 4,968 sq. ft. convenience store (Circle K) to include the sales of beer/wine and distilled spirits (Type 21 ABC License), gas station with 10 dispensers which can serve 20 vehicles at one time and a 1,262 sq. ft. automatic carwash, subject to the Conditions of Approval dated March 10, 2016.

Action by the Planning Commission is final unless appealed to City Council in accordance with section 12-406.J of the FMC.

Attachments:

- Exhibit A: 2015 Aerial Photograph of site
- Exhibit B: Appeal Letter dated March 21, 2016
- Exhibit C: Appeal Letter dated March 23, 2016
- Exhibit D: Appeal Letter dated March 14, 2016
- Exhibit E: Map showing nearby locations with existing liquor licenses
- Exhibit F: Opposition Letter dated June 22, 2016
- Exhibit G: Response Letter from Applicant dated August 16, 2016
- Exhibit H: Opposition Letter dated June 22, 2016
- Exhibit I: Noticing Map (500-foot radius)
- Exhibit J: Approval Letter/Conditions of Approval dated March 10, 2016.
- Exhibit K: Operation Statement
- Exhibit L: Site Plan, Elevations. Floor Plan & Landscape Plan (Exhibits A, A-2, E-1, E-2, E-3, F and L within conditions of approval)
- Exhibit M: Comments from Responsible Agencies
- Exhibit N: Environmental Assessment No. C-15-182, dated March 10, 2016

References

- 1 Maxwell, A., and D. Immergluck. (1997). Liquorlining: liquor store concentration and community development in lower-income Cook County (IL) neighborhoods. Chicago, IL: Woodstock Institute
- 2 Moore, E., and S. Prakash. (2009) Measuring What Matters: *Neighborhood Research for Economic and Environmental Health and Justice in Richmond, North Richmond, and San Pablo*. 57
- 3 Rabow, J., and R. Watts. (1983). Alcohol availability and alcohol-related problems in 213 California cities. *Alcoholism: Clinical and Experimental Research*. 7:47-58
- 4 Scribner, R.A., D. MacKinnon, and J. Dwyer. (1994). Alcohol outlet density and motor vehicle crashes in Los Angeles County cities. *Journal of Studies on Alcohol*. 55:447-453

Exhibit A

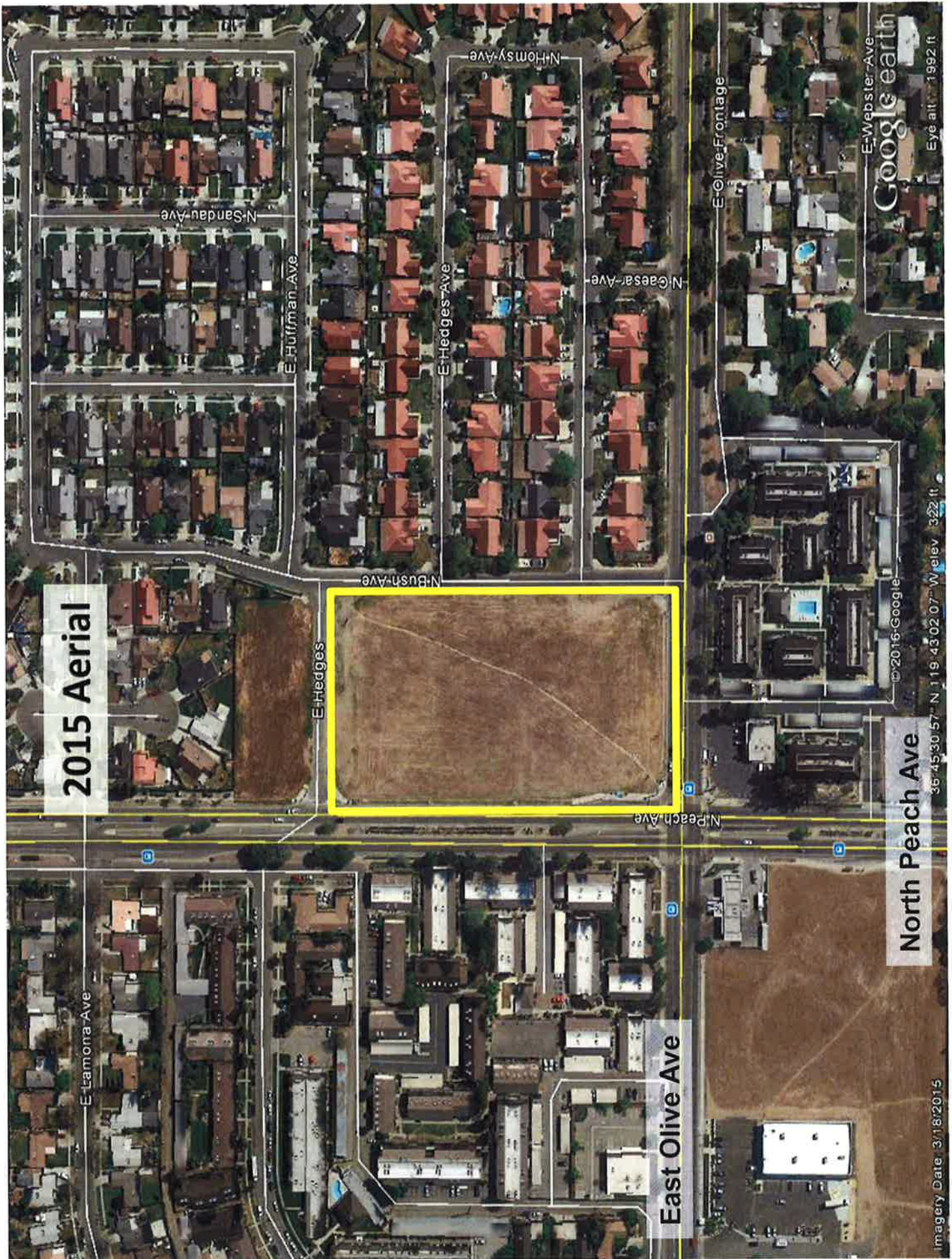


Exhibit B

March 21, 2016

Israel Trejo

Development and Resource Management Department

2600 Fresno Street Room 3043

Fresno, CA 93721

RECEIVED

MAR 23 2016

DARM - DEVELOPMENT SERVICES
CITY OF FRESNO

Appeal to protest Conditional Use Permit Application No. C-15-182.

We all oppose city of Fresno's decision to bring another Convenience Store with Liquor license in this neighborhood.

Crime in this neighborhood is very high. There are three stores in a row selling alcohol. Why do we need 4th one. Already Kids walking to Turner Elementary School witnesses shootings, Police hold ups. Building another Convenience store with alcohol license will add more crime. This neighborhood goes thru lot of problems and police petrol helicopter is called often to handle situation.

We believe city will consider all facts and call for hearing.

Respectfully Submitted,

Neo Mallon-J
5256 E. Olive
Fresno, CA 93727

Miguel Gomez

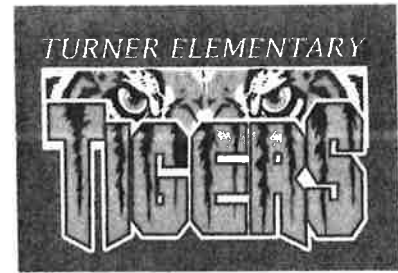
5226 E. Olive 244# 93727

TURNER ELEMENTARY SCHOOL

Educational Environmental Center
 5218 E. Clay Ave. Fresno, CA. 93727
 Office: (559) 253-6540 Fax: (559) 253-6540

Steve Gettman
 Principal

Noemi Parayno
 Vice Principal



RECEIVED

March 23, 2016

To Whom It May Concern,

MAR 23 2016

DARM - DEVELOPMENT SERVICES
 CITY OF FRESNO

On behalf of Turner Elementary School, we are petitioning against the building of the Circle K 24-Hour Food Market that is proposed to be located off of the Peach Avenue and Olive Avenue intersection in Fresno, California. Our neighborhood already consists of 5 liquor stores and an additional 4 stores, which sells alcohol to members of our community within a one-mile radius. Our school site does not offer the Boys and Girls Club or Parks and Recreation Clubs, but does contain an After School Program. The children and families of our community have no kind of recreational area in our area. Where the builders are proposing to build their market, our community is in need of a neighborhood park. The crime rate in our area is extremely high and it has been proven that the crime rates in fact go down when a park is in place. This would allow our children and youth a place to go, rather than running the streets and getting into trouble. Instead, the community park would benefit the following:

1. Strengthens community image and sense of place
2. Supports economic development
3. Strengthens safety and security
4. Promotes health and wellness
5. Fosters human development
6. Increases cultural unity
7. Protects environmental resources
8. Facilitates community problem solving
9. Provides recreational experiences

Parks help in bringing the community together, which leads to a more unified community. People can also feel proud of their communities through spending some time at their local parks. Recreational facilities and parks enhance property values while improving the appearance of the local community. Since parks reduce the crime rates of the immediate areas, property values increase and residents also feel safer. Parks provide great play environments for young children. Outdoor play in parks is important for social and cognitive child development. It keeps children occupied and it is also enjoyable. We appreciate your consideration of our proposal for utilizing the land in a positive way and promoting a community park.

Sincerely,

Tianna Gonzales
 Turner Elementary School

Carme Alvarez
 Sylvia Valdez
 Carol Daniels
 Rebecca Velazquez
 Phil Appelli
 Mary Ann
 Debra May
 Gannell
 Linda Christensen
 Chris
 Mike
 Teresa Hernandez
 Jose L. Galaz
 Krista Lopez
 Carolyn Fisher
 Kevin Sue
 Krista Hem
 Anax
 Chae
 [Signature]
 [Signature]
 [Signature]
 Juanita Padilla

[illegible]

March 14, 2016

RECEIVED

Israel Trejo
Development and Resource Management Dept.
2600 Fresno Street Room 3043
Fresno, CA 93721

MAR 23 2016

DARM - DEVELOPMENT SERVICES
CITY OF FRESNO

The Under signed are submitting this letter of protest against the Director's decision of granting Conditional User Permit number C-15-182 to Circle K retail store. The entire appellant's are long term residential living in this neighborhood. Following are the concerns:

- The corner of Olive and Peach has very high crime rate.
- It is very tough neighborhood for the police.
- We have plenty in reality an abundance of beer and liquor licenses in South East Fresno, specifically compared with North East Fresno.
- There are six active liquor licenses in half mile radius of Peach and Olive.
- There are two schools in 500 feet of the subject location.

We are formally requesting a challenge hearing to that decision.

Respectfully submitted,

SignatureAddress

Ka Phongsavath	5246 E Hammond Ave.
Toua Yang	5240 E. Hammond Ave.
Vixay Sakmalak	5244 E. HEDGES Ave
Am Hoke Perm	5243 E. Hedges Ave.
Opal Ram	5252 E. Hedges Ave.
Wing	5281 E. Hedges Ave.
Dorothy Ark	1240 N Holsby Ave
Am Hoke	1240 N Holsby Ave.
	5275 E. Hedges Ave.

March 14, 2016

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Development and Resource Management Dept.
2600 Fresno Street Room 3043
Fresno, CA 93721

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Signature

Address

Larry Wilson	1003 N. Peach #241
Erika Jones	1003 N Peach apt C226
Melanie Jackson	1003 N Peach Ave #226
Bret Williams	1003 N Peach #125
B. Edmund Williams	1003 N Peach #125
Brittany Garcia	1003 N. Peach # 228
Robert Boyer	1019 N. Peach # 171
Jonathan Crabtree	1019 N. Peach #170

March 14, 2016

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Fresno, CA 93721

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Respectfully submitted,

<u>Signature</u>	<u>Address</u>
Rene Wilson	5288 E. HAMMOND Fresno CA 93721
Cecilia Iwan	5284 E. Hammond Ave Fresno CA 93727
Ronn-Khe V	5273 E. Hammond Ave. Fresno CA 93727
Kim San Ma	5276 E. Hammond Ave. Fresno, CA 93727
Tom Lee	5272 E. HAMMOND AVE, Fresno, CA 93727
Cheng Yang	5267 E. Hammond ave Fresno, CA 93727
Phuap H-	5281 E Hammond Ave Fresno CA 93727
Chang Man	5259 E Hammond Ave
Bonnie Chen	5253 E. Hammond Ave Fresno, CA 93727

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Respectfully submitted,

Signature

Address

Walter Smith

5171 E. Hedges #103 Fresno, CA 93727

Sophia San

5226 E. Olive Ave #232 Fresno CA 93727

Mark

807 N Orange wood Fresno 93727

[Signature]

5226 E Olive Fresno CA 93727

STEVEN BERNARD

~~559448~~ 815 N Peach Fresno CA 93727

Denny B. [Signature]

5272 E. CHAY #105 Fresno CA 93727

[Signature]

1491 N. PEACH AVE #120

[Signature]

Fresno, CA 93727

John B. [Signature]

1448 N. Helm Fresno CA

[Signature]

5226 E olive Ave 93727

March 14, 2016

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2600 Fresno Street Room 3043
Fresno, CA 93721

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Signature

Address

Antonio PLATA	5226 E OLIVE APT#136
Jana Stafinsky	5226 E. Olive Ave #238
Haykanush Simonyan	5226 E. Olive Ave. #137
Charles Chir	5226 E. Olive Ave #139
Leah P.	5226 E Olive Ave #216
Kimly Olari	5226 E Olive Ave #215
Julie Dooley	5226 E. Olive Ave #214
Amber Mew	5226 E Olive Ave #213

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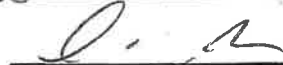
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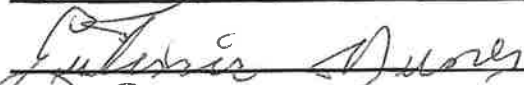
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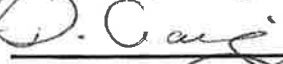
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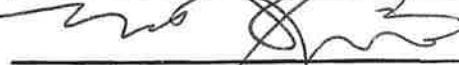
5226 E Olive #221



5226 E Olive Ave 211



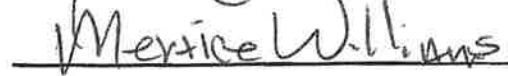
5226 E Olive #111



5226 E Olive 128



5226 E Olive 119



5226 E Olive #236

March 14, 2016

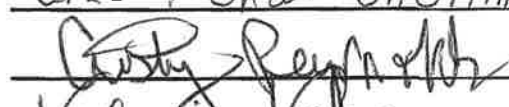
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Respectfully submitted,

<u>Signature</u>	<u>Address</u>
	CHAO LEE 5239 E. HAMMOND AVE
	Chhorvy Pech 5226 E Olive Ave
Gresat Y	5226 E Olive E AVE
Coles Rick	5426 E Olive #103
Jasmin Braun	5226 E olive #204
cheun chai Shumker	5226 E olive #206
	5226 E Olive Ave #205
Valerie Vargas	5226 E. Olive Ave #226
Mary LaRoe	5226 E OLIVE AVE #127

March 14, 2016

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Signature

Address

James Torres

1003 N. Peach Apt C165

Steph J. J.

1003 N. Peach Apt C165

Chris Lopez

265 N. Peach. Apt. C165

Jonathan Martinez

1003 N Peach Apt 121

Gines McColley

1003 N Peach Apt #268

Michael Daniles

1019 N Peach Ave # D204

Alfonso Juarez

1003 N Peach Ave 161

Rick Perez

1003 N Peach Ave APT 261

Chad

5254 E. Hammond 93727

March 14, 2016

Israel Trejo
Development and Resource Management Dept.
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Fresno, CA 93721

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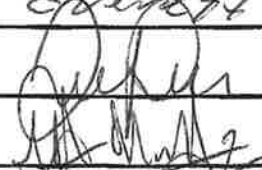
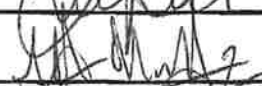
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Signature

Address

	1603 N. Peach #112 Fresno CA 93721
Angelica Lopez	1003 N. Peach Ave #253 Fresno CA 93721
Jody Morrison	1003 N. Peach Ave #154
Shirley Fahn	1003 N. Peach Ave #154
Sharon Skidmore	PO Box 193 Dunlap Ca. 93621
Gregory Ruiz	1003 N. Peach Ave #151
	1003 N. Peach Ave #149
	1003 N. Peach Ave #214
Robert Martinez	1003 N. Peach Ave #115

March 14, 2016

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Signature

Address

Elena Peltz

1003 N Peach #114
93727

Russ Gory

1003 N Peach #245

Jose Torres

1003 N Peach #148

John Cui

1003 N Peach #119

Bob Bertrich

1003 N Peach ave #217

James

1003 N Peach ave 218

Wesley

1003 N Peach Ave 215

Barbara

1003 N Peach 144

Amy Brown

1003 N Peach Ave APT 244

March 14, 2016

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Signature

Address

Joshua B. W.

1003 N. Peach Ave.

Theresa M. W.

1003 N. Peach Ave 203

Alma Castro

1003 N. Peach C-275

T. S. C.

1003 N. Peach Apt. 175

Sophia V. G.

1003 N. Peach Apt 175

Pauline Ruiz

5122 E. Olive Fresno CA.

C. G. G.

1003 N. Peach Ave #273

Ronika J. L.

1003 N. Peach Ave #232

JOSE MARTINEZ

1003 N. Peach Ave #164

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Signature

Address

Eugen Sanchez

1352 N BUSH

Edel Valenzuela

921 N. Peach Ave Apt 126

Julia Robles

921 N. Peach #121

Judy Rogers

921 N Peach #117

Abster Rogers

921 N Peach # 120

Donna M. II

593 E E1 Paso

Deborah Wright

921 N Peach # 120

Wanda

921/108 N peach

Sandra Lopez

937 N peach # 120

March 14, 2016

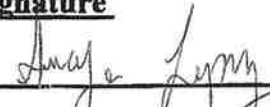
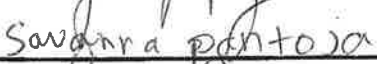
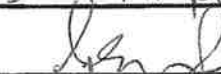
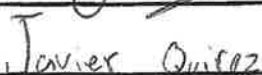
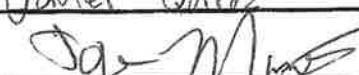
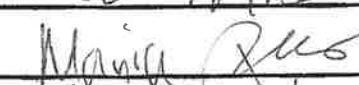
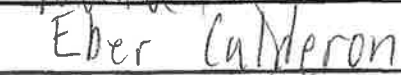
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<u>Signature</u>	<u>Address</u>
	937 N. Peach Ave Apt B203
	937 N. Peach Ave Apt 104
	937 N. Peach Ave Apt 103
	937 N. Peach Ave apt 102
	937 N. Peach Ave apt 101
	937 N. Peach Ave Apt 140
	937 N. Peach Ave apt 137
	937 N. Peach Apt 155
	1003 N. Peach Apt 201

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Signature

Address

Angel B. B. B.

921 N. Peach Ave Apt #112

Angel B. B. B.

921 N. Peach #112

Byron J. B. B.

921 N. Peach 921 #112

CLIFF BRADY

921 N. PEACH #245

Dominga Puente

921 N. Peach #145

Gustavo Zuniga

921 N. Peach #143

W. B. B.

921 N. Peach #239

B. D. Q.

921 N. Peach #240

Kenneth Kogan

921 N. Peach #139

March 14, 2016

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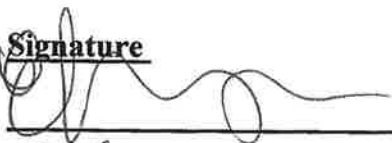
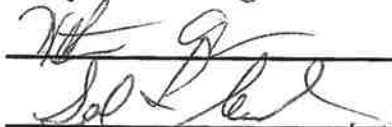
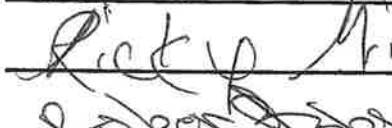
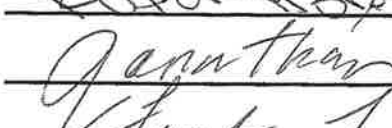
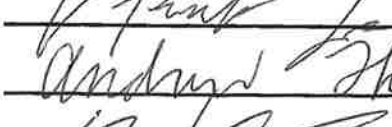
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Address

	921 N Peach Ave, Apt A140
	921 N Peach Ave, Apt A234
	1083 N Peach Ave. Apt 130
	921 N. Peach Ave. Apt 135
	921 N. Peach Ave. Apt 135
	921 N Peach ave #132
	921 N. Peach Ave #229
	921 N Peach Ave 129
	921 N. PEACH AVE. 228

March 14, 2016

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<u>Signature</u>	<u>Address</u>
	921 N Peach ave #108
Raul Riquelme	921 N. Peach #104
	921 N. Peach #150
	921 N Peach #249
Priscilla Lopez	921 N. Peach Apt #216
Brian Graham	921 n. Peach #113
Gracie Chavez	921 N Peach #108
Pam Newman	921 n Peach #109
U. Martinez	1490 S. Chestnut #132

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- There are six active liquor licenses in half mile radius of Peach and Olive.
- There are two schools in 500 feet of the subject location.

We are formally requesting a challenge hearing to that decision.

Respectfully submitted,

Signature

Address

Dennette Galdney

1221 N. Peach Ave Apt #129

Will Bailey

1221 N Peach #233

Stephanu Guevara

1221 N peach #227

Shamece Machis

1221 N - Peach #224

Danford Penleton Jr

Eric C

1221 N peach #125

My Name

7154 E Belmont

John Jones

1221 N peach #181

March 14, 2016

Israel Trejo
Development and Resource Management Dept.
2600 Fresno Street Room 3043
Fresno, CA 93721

The Under signed are submitting this letter of protest against the Director's decision of granting Conditional User Permit number C-15-182 to Circle K retail store. The entire appellant's are long term residential living in this neighborhood. Following are the concerns:

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Signature

Address

<u>Kynthia Lee</u>	<u>1221 N Peach #105 93727</u>
<u>James Lee</u>	<u>1221 N. Peach #104 93727</u>
<u>Antonio Lee</u>	<u>1221 N. Peach #1170 93727</u>
<u>MARC BOWMAN</u>	<u>1221 N PEACH #146 93727</u>
<u>Barry Macklin</u>	<u>1221 N. Peach Ave #168</u>
<u>Joseph Brown</u>	<u>1221 N. Peach Ave #162 93727</u>
<u>Lessie Lightfoot</u>	<u>1221 N. Peach Apt #62 93727</u>
<u>Humana L Brown</u>	<u>1221 N. Peach Ave Apt 159 Fresno 93727</u>
<u>Nicole Handelman</u>	<u>1221 N Peach 223 93727</u>

March 14, 2016

Israel Trejo
Development and Resource Management Dept.
2600 Fresno Street Room 3043
Fresno, CA 93721

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Respectfully submitted,

Signature

Address

Joe R

5265 E. HEDGES AVE Fresno CA

C. Miranilla Jr.

5181 E. OLIVE APT #113

~~Joe R~~

5181 E. OLIVE APT #123

~~Joe R~~

5181 E. OLIVE APT unit 110

Levi Ward

1221 N. Peach #105, Fresno CA

Patricia S. King

1221 N. Peach Ave #164 Fresno

Ramon Hernandez

1221 N. Peach #110 Fresno CA 93701

Darlene Smith

1221 N. Peach #106 Fresno CA 93727

Sylvester Wardard

1221 N. Peach APT 101

March 14, 2016

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Fresno, CA 93721

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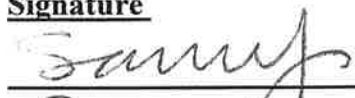
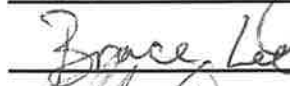
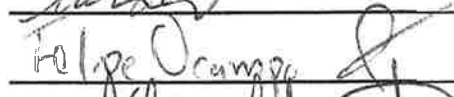
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Respectfully submitted,

Signature

Address

	5234 E. Hedges Ave.
	5231 E Hedges Ave. 93727
	5285 E. Hedges Ave 93727
	5287 E. Hammond Ave. 93727
	5226 E Olive 93727
Liz Clatter	5226 E. Olive #249 93727
Betty Sanchez	5226 E. Olive #250 93727
Vanessa Young	5226 E. Olive Ave #213 93727
Kim Pittman H	2329 N. Garden var Fresno, CA 93727

March 14, 2016

Israel Trejo
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Fresno, CA 93721

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Respectfully submitted,

Signature

Address

Yara Her	5241 E Lamona Ave.
Phang Yang	5233 E. Lamona Ave.
Sally De La Cruz	1423 W. Bush Ave.
Chun Yu	1387 N. Bush Ave
Ernesto	5277 E. Hammond Ave
Monisha Lopez	5254 E. Hammond Ave 93727
Jorge Silva	5250 E Hammond
Bernier Rex	5236 E Hammond 93727
Platino Gonzalez	5236 E Hammond Ave Fresno CA 93727

March 14, 2016

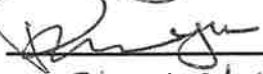
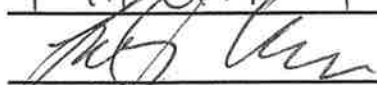
Israel Trejo
Development and Resource Management Dept.
2600 Fresno Street Room 3043
Fresno, CA 93721

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Respectfully submitted,

<u>Signature</u>	<u>Address</u>
	1404 N. HOLMSY AVE.
	1420 N. HOLMSY AVE
	5389 E. LAMONA AVE
	5385 E. LAMONA AVE
	5357 E. LAMONA AVE
CHUCK	5352 E. LAMONA AVE
TONY GARDEN	1204 N. BAYLEY AVE
	1337 N SYLMAR AVE
Steven Vang	5385 E. LAMONA AVE

March 14, 2016

Israel Trejo
Development and Resource Management Dept.
2600 Fresno Street Room 3043
Fresno, CA 93721

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- There are two schools in 500 feet of the subject location.

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Signature

Address

Jane family	5280 E Hodge Ave.
Kathy Vozzobas	5292 E. Hammond, NE
Chong He	5230 E Huffman Ave
Anthony Ranc	5278 E HUFFMAN AVE
S. [Signature]	5354 E. HUFFMAN AVE.
[Signature]	SAME AS ABOVE
ERNESTO [Signature]	5366 E. Huffman Ave Fresno, CA 93727
Luz Carrera	5386 E. Huffman
Andy Cher Moya	5388 E. Huffman Ave, Fresno 93727



Exhibit F

To Whom it May Concern,

BUILDING A CIRCLE K IN THE AREA
OF PEACH AND OLIVE IS JUST A BAD IDEA
AND BAD BUSINESS. IT WILL CREATE ONLY MORE
CHAOS BECAUSE WE WILL HAVE MORE HOMELESS,
PAN HANDLING, NOISE AND POSSIBLY MORE CRIME.
I LIVE IN PINEWOOD PLACE APARTMENTS
WE DON'T NEED ANY MORE LIQUOR STORES,
A FAST FOOD FRANCHISE WOULD BE MUCH MORE
USEFUL AND WISE. THERE IS JUST NO NEED
FOR ANOTHER CONVENIENCE STORE, IT WILL
NOT BENEFIT THE AREA OR NEIGHBORHOOD. PLEASE
DO NOT BRING MORE CRIME OR NOISE TO
THE AREA,

IF ANY QUESTIONS

RECEIVED

JUN 22 2016

DARM - DEVELOPMENT SERVICES
CITY OF FRESNO

DALE KITCHEN - CONCERNED CITIZEN
412-6354



August 16, 2016

Mr. Israel Trejo
City of Fresno
Development and Resource Management Department
2600 Fresno Street, Third Floor
Fresno, California 93721-3604

RECEIVED

AUG 18 2016

RE: Conditional Use Permit Application No. C-15-182
Proposed Circle K Store
Northeast Corner of Peach & Olive
Fresno, California

DARM - DEVELOPMENT SERVICES
CITY OF FRESNO

Dear Israel:

As a follow-up to our recent conversations, I am forwarding this letter to summarize the response of my client, Circle K Stores, Inc., to various comments and questions posed by a few residents that attended our community meetings for the above referenced application.

As you may recall, we previously held two (2) separate community meetings related to this application, the last of which was held on June 13, 2016. Prior to each of the meetings, we distributed more than 115 notices to nearby residents using an expanded notice area provided by the city. At each of the community meetings, about 10 citizens were in attendance, most of whom were well versed in matters regarding the operation of similar stores, as they themselves owned or operated convenience stores in the city. I believe these community meetings were productive and provided a venue for the community to voice concerns and comments regarding the proposed project and allow my client to consider some design and development options in an attempt to address the concerns voiced by the community.

Since our last community meeting, we have spent a good deal of time reaching out to the local community regarding the proposed project. These efforts have indicated that there is significant support for this project within the community. Please find attached, as Exhibit A, petitions signed by more than 240 nearby residents who have expressed support for this project. As we are still continuing our community outreach efforts, I expect additional letters of support from nearby residents, as well as support letters from some local business, to be available in the coming weeks.

As you previously requested, please find listed below responses to a number of questions & comments provided by the few citizens that attended the prior community meetings regarding this application:

1. Citizen Comment: Crime in the area is very high and this store will attract more crime to the neighborhood.

Response: As discussed at length during the community meetings, the proposed retail facility will provide state-of-the-art security monitoring for crime deterrence and coordination with local law enforcement in the event any incidents arise. Additionally, the facility has been designed to be well-lighted and easily monitored for further crime deterrence. Also, it is a well settled fact that an active and monitored property is much less likely to attract crime, as compared to a dark, vacant lot, as is the current condition of the Property. Further, the Fresno Police Department has requested several conditions to the Conditional Use Permit related to security and security monitoring and the proposed facility will be in compliance with all such conditions.

Additionally, the Fresno Police did not lodge opposition to the Project and appropriately conditioned the CUP to mitigate any limited concerns, as determined by the department. Finally, based upon the data provided by Alcohol Beverage Control (“ABC”), the project is not located within a high crime reporting district and no special consideration is warranted for the issuance of the license. The ABC data indicates that crime at the project site is about the same as the “median” crime for all reporting districts

2. Citizen Comment: The food service offering in this new store will not be successful and this store will turn into a large liquor store.

Response: As was outlined in both community meetings, a primary focus of the proposed store is upon fresh and prepared food items, coffee, and drinks. Based upon other similar stores in other markets areas, this new food service offering is highly successful and Circle K would expect nothing less at this location. However, in an effort to address the concerns of the community as to the amount of the store that will be dedicated to alcohol sales and merchandising, Circle K will agree to the following further restriction upon its Conditional Use Permit:

- a. the total floor area dedicated to the sale and merchandising of alcohol shall not exceed the area shown on the current site plan/floor plan, which is approximately 750 square feet (excluding backroom product storage areas); and
- b. there shall be no sales of distilled spirits in bottles less than 375ml (this restriction would eliminate the concern over excessive sales of the so called “mini-shot” bottles of distilled spirits).

As you are aware, the Fresno Police Department has already requested other product and packaging restrictions on wine coolers and malt beverages, as well as the alcohol content of wines, all of which have been agreed to by Circle K. These additional restrictions, coupled with those of the Fresno Police Department, will address the concerns of the community related to alcohol sales.

3. Citizen Comment: There are too many liquor stores in the area already.

Response: As pointed out during the community meetings and as noted in the Staff Report, the proposed store is located within Census Tract 30.01 in which ABC has determined that three (3) off-sale licenses may be allowed. As of the filing of the Conditional Use Permit application and the issuance of the last Staff Report, Census Tract 30.01 had 2 active off-sale licenses, only 1 of which is in close proximity to the project location. Therefore, the proposed Type 21 license is in compliance with ABC license density limitations and will not result in an over concentration of liquor licenses within the Census Tract.

4. Citizen Comment: The store is too close to schools for the issuance of a liquor license.

Response: As noted in the Staff Report, the proposed facility is not in close proximity to any school, as the closest school, Turner Elementary School, is more than 850 feet to the south and separated from the proposed store by a major arterial roadway and existing multifamily developments.

Based upon the above responses, the voluntary additional restrictions offered by Circle K, and the limitations and restrictions already requested by the City and agreed to by the Applicant, the proposed new store will not have any detrimental effects upon the community. Rather this new store will provide a wider range of products, services, convenience needs, and food offerings to the local community and the traveling public along the major thoroughfares of Olive Avenue and Peach Avenue. The new facility will provide for the proper development of long-vacant commercially zoned property to provide a sustainable retail offering to the general public and a strong tax-base to support the growing demands of the city.

As mentioned early, based upon the community outreach completed by the Applicant in recent weeks, there is strong community support for this store, as evidenced by the citizen petitions containing more than 240 signatures of nearby residents which are attached hereto as Exhibit A.

In light of all this information and the support and the prior recommendation for approval by all the applicable City departments, we request that the Development and Resource Management Department update the prior Staff Report for this Application to incorporate the new community support information and docket this matter for a hearing before the Planning Commission as soon as possible.

Please contact me should you have any questions or require any further information.

Thank you.

Sincerely,



David Cisiewski
Principal

cc: Councilmember Paul Caprioglio

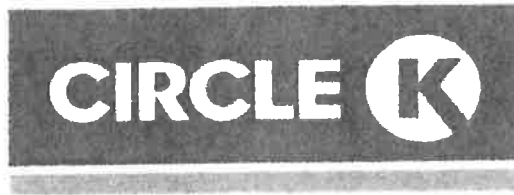
Attachment: Exhibit A – Community Support Petitions



YES, I WANT A CIRCLE K IN MY COMMUNITY!!!

We the undersigned, strongly support the proposed Circle K store, gas station and auto wash on Peach and Olive. We ask the planning commissioners to vote YES on Circle K.

Name	Address	Email/phone	Signature
VEDA ALLEN	5045 E. Fresno Weatherford	—	Veda Allen
Patricia Alcedo	5036 E CARMEN Fresno CA 93727		Patricia Alcedo
Michelle Magana	5068 Carmen Fresno CA 93727		Michelle Magana
Rick Novella	5096 E. Carmen fresno Ca 93727	493-9582	Rick Novella
Terry Loomis	5120 E DIORADORA FRESNO, CA 93727		Terry Loomis
Non Vae	5046 E. FLORADORA Fresno 93727		Non Vae
Ray Ruiz	5030 E. Vanna		Ray Ruiz



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Name	Address	Email/phone	Signature
Hector Ramirez	5094 E Carmen		Hector Ramirez
Maria	5090 E Carmen		Maria Tranco
Adriana	5116 E Floradora		Adriana
Touy Lete	5112 E Floradora		Touy Lete
Myse Vang	5068 E. Floradora		Myse Vang
Trang Nguyen	5039 E. Lamona		Trang Nguyen
Linda Gil	5049 E Lamona		Linda Gil



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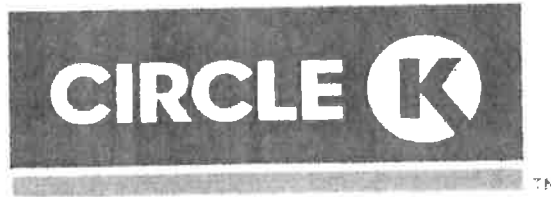
Name	Address	Email/phone	Signature
Andrea James	5057 E. Home		Andrea James
Dario Suarez	5039 E. Home		Dario Suarez
Angel Ochoa	5080 E. Oslin		Angel Ochoa
Ayesha Lowe	5092 E. Weathermaker		Ayesha Lowe
Maria Contreas	5064 Weathermaker		Maria Contreas
Kassandra Romo	5057 E. Carmen		Kassandra Romo
ROSEANIN Sanchez	5071 E. CARMEN		Roseanin Sanchez



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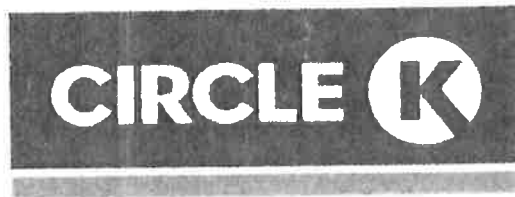
Name	Address	Email/phone	Signature
Lupe Galvez	5060 E Home		Lupe Galvez
Feng He	504 E Home		Feng He
Latoria Edwards Quarles	5034 E. Home	loriedwards@gmail.com	Latoria Edwards
Rodriguez Ismael	5083 E. OLIVE	IK.Rodriguez@yahoo.com	Rodriguez Ismael
Francisco Saavedra	5087 E Weathermakers Ave		Francisco Saavedra
MAGGIE MACKEY	5055 E Weathermakers Ave		Maggie Mackey
Victor Jung	5040 E Olive Ave		Victor Jung



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Name	Address	Email/phone	Signature
mariah gutierrez	1531 N Adler Ave		
Don Kosturb	4840 E. OLIVE AVE		



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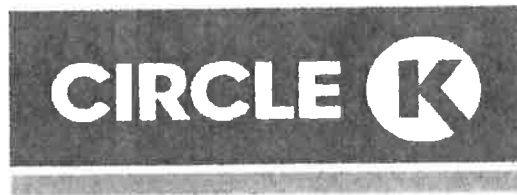
Name	Address	Email/phone	Signature
Kathy Saw	1527 N. Adler Fresno 93727		Kathy Saw
Esmeralda Avenal	519 N. Adler Fresno 93721		Esmeralda Avenal
Virginia Reyes	1371 N. Adler Fresno, CA 93727		Virginia Reyes
Cynthia ESPINO	4894 E. Olive Fresno 93727		Cynthia
Jorge Silva	5250 HAMMOND AV. 93727		Jorge Silva



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Name	Address	Email/phone	Signature
Nancy Lo	5276 E Clay	559-251-8074	Nancy Lo
Jesus Munoz	5081 E. OLIVE AVE	Jesmuncon1@hotmail.com	Jesus Munoz
Veronica Martinez	5091 E Olive	559/721-8152	Veronica Martinez
Magdalena Pineda	5070 E-OLIVE		Magdalena Pineda
Hermogenes Pineda	5030 E OLIVE AVE		Hermogenes Pineda



YES, I WANT A CIRCLE K IN MY COMMUNITY!!!

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Name	Address	Email/phone	Signature
Rogelio Bode	5387 E CLAY AVE	(557) 392-4975	
Albino	6004 E OLIVE		
Martina	3022 E OLIVE		



YES, I WANT A CIRCLE K IN MY COMMUNITY!!!

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Name	Address	Email/phone	Signature
JAMES OYV	1372 Adler		
Miguel Lopez	1382 Adler Fresno 93727		
Steve Robles	4865 E. Olive Fresno 93747		
LUIS Contreras	5360 E. Olive		



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Name	Address	Email/phone	Signature
AANGI PENG	5243 E. Hodges Ave Fresno, CA 93227	(559) 287-1841	
Tommy Leo			
Scott Vongboothong			
Jennifer Pichmanirang			
Itzel Itzel Aguas	1517 Willow St Fresno CA		
Cindy Dickens	5302 E. Clay Fresno CA	209 261-2800	Cindy Dickens
Pat Meyer	5302 E. Clay Fresno CA	559 396-7779	Pat Meyer



YES, I WANT A CIRCLE K IN MY COMMUNITY!!!

We the undersigned, strongly support the proposed Circle K store, gas station and auto wash on Peach and Olive. We ask the planning commissioners to vote YES on Circle K.

Name	Address	Email/phone	Signature
Anita Garcia	5085 Olive fresno CA 95727		Anita Garcia
[Signature]	5090 Olive fresno CA 95727		Lasengyeng Lee
FRANCISCO TUBUTZ	5028 Olive fresno CA 95727		[Signature]



YES, I WANT A CIRCLE K IN MY COMMUNITY!!!

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[illegible]



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Name	Address	Email/phone	Signature
KEN BROWN	5352 E HARVEY		Ken Brown
BRYAN OFFER	5347 E LEWIS		Bryan Offer
Jessica Torres	5377 E. Lewis		Jessica Torres
MARGIE GRIGGS	5389 E Lewis		Margie Griggs
MARY TAYLOR	5379 E. Tyler		Mary Taylor
Sonia Velazquez	5349 E Tyler		Sonia V.
Carla Aispuro	5305 E. Tyler		Carla Aispuro

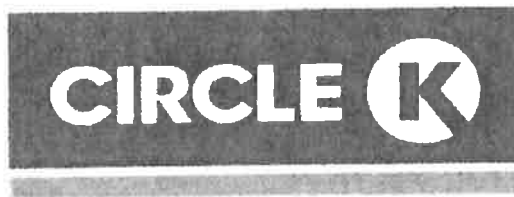


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Name	Address	Email/phone	Signature
Bernie Carrin	5133 FINE Fresno CA	557-4540938	Bernie Carrin
Rebecca Carrin	5133 FINE Fresno CA	11	Rebecca Carrin
Ashley Nelson	5141 FINE Fresno		
J. Hargreaves	5040 E. OSLIA FRESNO		J. Hargreaves
Rachael Hernandez	5043 HOME Fresno CA 93727		Rachael Hernandez

skip
light
fine



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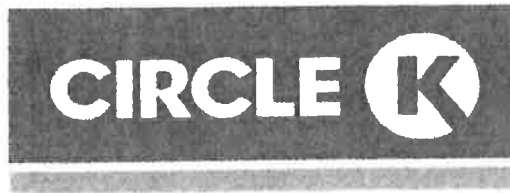
Name	Address	Email/phone	Signature
Alvin King	5355 E. Peach		Alvin King
KAREN HAIGH	5354 E LEWIS FRESNO CA 93727		Karen Haigh
Olga Gonzalez	5342 E OLIVE FRESNO CA 93727		Olga Gonzalez
Rosa Sotelo	5336 E OLIVE		Rosa Sotelo
Buc Young	5328 E OLIVE Ave FRESNO CA 93727		Buc Young
Carina Carrillo	5131 E. PINE AVE FRESNO CA 93727		Carina Carrillo



YES, I WANT A CIRCLE K IN MY COMMUNITY!!!

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Name	Address	Email/phone	Signature
Juventina Rivers	5139 E Florida		Juventina Rivers
John Ely Jay	5047 E Oslin		John E. Jay



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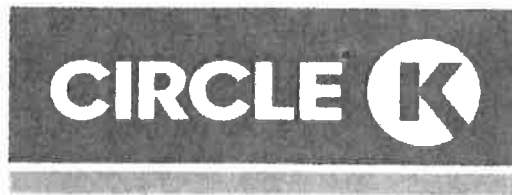
Name	Address	Email/phone	Signature
Victoria Mardra	5116 E. Pine	(559) 221-8466	
Naomi Wooten	5150 E Pine		
Caroline Semchuk	5158 E Pine	—	
Joseph Wood	5190 E Pine	559 301 4125	
Jesse Orasco	5058 E. Oslin	55-593-1017	
Debora Carter	5036 E Oslin	559.251.3063	



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Name	Address	Email/phone	Signature
E Frain Gonzalez	5132 E Floradora ave		E Frain Gonzalez
Britany Montano	5079 E Oslin Fresno 93727		



YES, I WANT A CIRCLE K IN MY COMMUNITY!!!

We the undersigned, strongly support the proposed Circle K store, gas station and auto wash on Peach and Olive. We ask the planning commissioners to vote YES on Circle K.

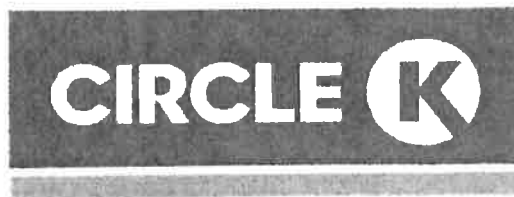
Name	Address	Email/phone	Signature
Tim Saldívar	1233 N Bailey Fresno CA	559 492-2543	
Richard Perez	1219 N. Bailey Fresno CA 93721	559 905-1918	
Bobby Saldivar	1233 N Bailey Fresno CA	559 210-4318	



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[illegible]



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Name	Address	Email/phone	Signature
CHRIS GLOVER	5008 E CLAY		Chris Glover
Chuck Hardison	5035 E Clay		Chuck Hardison
Francisco Hernandez	5054 E Clay		Francisco Hernandez
Santa Muñoz	5085 E Tyler Ave		Santa Muñoz
Maria López	5059 E Tyler Ave		Maria López
JANE ARCHULETA	5055 E Tyler Ave	Jane Archuleta jane.archuleta@comcast.net	Jane Archuleta
14 Ector PEPPER	5055 TYLER		14 Ector



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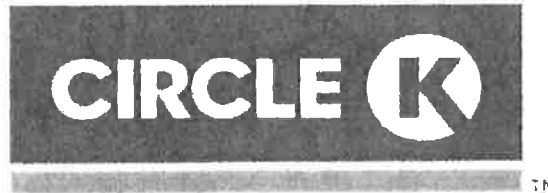
Name	Address	Email/phone	Signature
Ben Vn	1010 N Helm Ave		R h
Susan	1002 Helm	577-782	Susan
Jose Montez	608 E Tyler	503-815-0101	Jose
ALMA A Lawrence	5086 E Tyler Ave	255-9089	Alma Lawrence
Brenda Marragui	5076 E. Tyler	906-9566	Bhumagui
Rudy Hays	1316 N. Garlin	253-9738	Rudy Hays
Joaquin Palacios	5154 E. Lamona Fresno, CA.		Ju/Sul



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Name	Address	Email/phone	Signature
Roberto Gustman	5089 Sooner	559 454-2689	
Seagoh Carm. Va	5035 B. Sooner, Pk.	559-519-3073	
	5061 E Sooner		
CHAYO Sandoval	5115 E Florado		Chayo Santoral
John Strange	5123 E. Floradobra	559 777-3552	
LEONARDO FACIO	5135 E FLORADO		



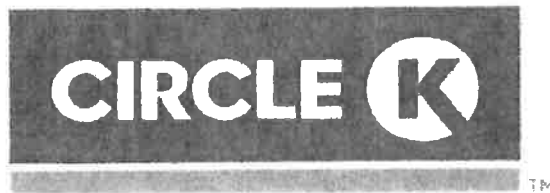
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Name	Address	Email/phone	Signature
<i>[Signature]</i>			
Thomas Nick ^{ies}	5030 Lamona Fresno CA 93727	230-7766 concrete	
Bao Vang	5054 E. Lamona ave Fresno CA 93727		<i>[Signature]</i>

[illegible]

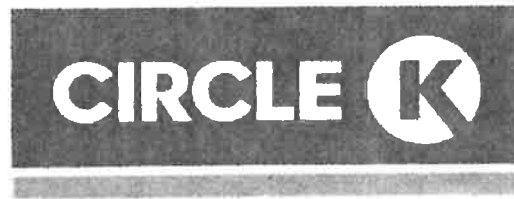


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Name	Address	Email/phone	Signature
Joseph Rubio	5031 east way		
Rick Maldonado	5041 E clay		
Yolanda Secundo	5045 E clay Ave		
Herbert Hunter	5049 E clay		
ANDRE MARTINEZ	5063 CLAY		
Sylvia HERNANDEZ	5004 E. Tyler		
Juan Valencha Juan	1276 N. Bailey		

[illegible]



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Name	Address	Email/phone	Signature
Alie Vany	5455 E. Hawthorne		
Cesar Luevanos	5372 E. Lewis Fresno, CA 93727		
Mai Yang	5315 E. CLAY AVE Fresno CA 93727	mayyang1984@ hotmail.com	
Catrina Torres	5321 E. Clay Ave. Fresno Cal 93727	trina9221985 @Yahoo .com	
Maria Gutierrez	5327 E. Clay Ave Fresno Cal 93727		
Ascencion V. Gomez	5376 E. Olive St Fresno, Ca. 93727		
Lola Leavens	5027 E. Clay Fresno CA 93727		



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[illegible]



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Name	Address	Email/phone	Signature
Destiny Poy	921 N. Peach	281-6693	Destiny Poy
Melissa S	5761 E. 67 Place	720 361 3127	Melissa
Rena Rayford	921 N. Peach Ave # A-137 Fresno CA 93227	NO	Rena Rayford



YES, I WANT A CIRCLE K IN MY COMMUNITY!!!

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Name	Address	Email/phone	Signature
Conrado	Fresno CA 93727 714 N VILLA		Conrado
Evelyn	5307 E. Turner Ave. Fresno, CA 93727		Evelyn
Tracy	5313 E. Turner Fresno, CA 93727		Tracy
Kim Figue	5359 E. White		Kim Figue
Kim	5326 E. White Ave 93727		Kim
PHILIP			Philip

①



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Name	Address	Email/phone	Signature
✓ Connie Armstrong	937 N. Peach	559-2734916	Connie Armstrong
Laurie McDowell	937 N Peach	559-369-5850	Laurie McDowell
Melissa Benjamin	937 N. PEACH	559-731-2511	Melissa Benjamin
Antwone Benjamin	937 N. Peach	559-731-2511	Antwone Benjamin
Chris Soto	957 N Peach	554-740-8705	Chris Soto
Travis Prock	937 N. Peach	559-36638	Travis Prock
Stephan Blueford	937 N Peach B#128	559 270 7770	Stephan Blueford



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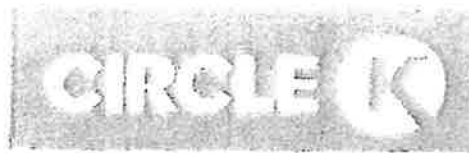
Name	Address	Email/phone	Signature
Lisa Trevino	1019 N. Peach Ave #173	lizam5744@gmail.com	Lisa Trevino
Courtney Johnson	1019 N Peach Ave #274	courtjameson@gmail.com	Courtney Johnson
Queenegwa Woods	1019 N Peach Ave #204D	10ShaeWoodZ@yahoo.com	Queenegwa Woods
Cynthia Ortiz	1019 N Peach Ave #102	(559) 317-5805	Cynthia Ortiz
Robert Lopez	1019 N. Peach #171	(559) 317-5805	Robert Lopez
Mario Mendez	1019 N. Peach #10	(559) 305-5020	Mario Mendez
Alexandra J Vazela	1019 N. Peach #10 Fresno CA	(559) 305-5020	a.j. Vazela



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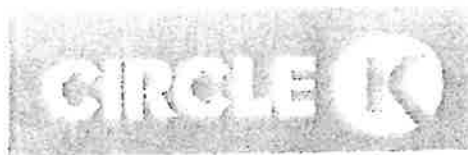
Name	Address	Email/phone	Signature
Tetsuk/Hiken	5343E Turner Fresno CA	255-7870	Tetsuk Hiken
Andrea Thomas	APT 102 Peach Fresno		Andrea Thomas
Whitney Langston	937 N Peach #139 Fresno CA 93727		Whitney Langston
Rosa Esquivel	937 N. Peach N. Peach 102		Rosa Esquivel
G. Simpf	937 N Peach		G. Simpf
J. Hernandez	937 N. PEACH #203 Fresno CA 93727		J. Hernandez
Celso P Castro	937 N Peach Ave Apt 105 Fresno		Celso P Castro



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Name	Address	Email/phone	Signature
CRUZ Violeta J	1003 N 1003 N PEACH		Violeta Cruz
Ron Norm	1003 N PEACH	(559) 800-3695	Ron Norm
Kaitly Sotomayor	1003 N Peach		Kaitly Sotomayor
Kellie Payne	1003 N Peach		Kellie Payne
Francine PELEZ	1003 N. Peach #75 Fresno, CA 93727	559- 304-2591	Francine Pelez
Trinidad Sanchez	1003 N. Peach #175 93727 Fresno, CA	559 - 304-2591	Trinidad Sanchez
Jennifer Cole	5181 E. Olive ave art. 122 Fresno, CA 93727	(559) 458-8653	Jennifer Cole



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Name	Address	Email/phone	Signature
Joanne McGee	1019 N. Peach Ave #125 Fresno, Ca 93727	135 Shelander Ave (559) 231-2867	Joanne McGee
Jessie Ferguson	1019 N. Peach 127 Fresno, Ca 93727	—	J. Ferguson
Yelender Ceballos	1019 N Peach Ave Fresno 93727	—	Yelender Ceballos
John Drume	1003, N. Peach	475-2638	John
Lorraine Curtis	1003 n. peach 138	559 994 7531	L.C.
Ruthann	1014 N Peach Fresno CA #141		Ruthann
Stephanie Ruiz	1003 N Peach Fresno, CA 93727	759 9711	Stephanie



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Name	Address	Email/phone	Signature
Victoria Willis	1019 N Peach #210		Victoria Willis
Eric Wingfield	1019 N Peach #210		Eric
Ravyn Stucker	1017 N Peach #114		Ravyn
Celest Benavides	1019 N Peach #151		Celest
Trinidad Gonzalez	1019 N Peach		Trinidad
Dessie Avila	1019 N Peach Ave #141		Dessie
Rogelio Nunez	1019 N Peach Ave		Rogelio



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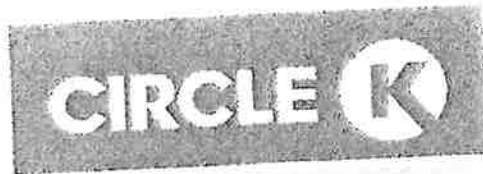
Name	Address	Email/phone	Signature
Eli Cruz	1775 N. Fine Ave Fresno 93727	559 251-8468	
Crystal Lira	1775 N. Fine Ave Fresno 93727	/	
Sorena Lee	1913 N. Gateway Blvd Fresno, CA 93727	559-266-5260	
Mary Thao	1921 N. Gateway Blvd Suite 100 Fresno CA 93727	559-797-1931	
Monica VanNath	1921 N. Gateway Blvd Suite 101 Fresno CA 93726	559-797-1931	
Jessica Milan	1941 N. Gateway Blvd Suite 102 Fresno CA 93727	559 456 3702	
Imogenita A Garcia	1456 Dawitt Street Sanger CA 93657	(559) 761-5200	



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Name	Address	Email/phone	Signature
Jacob Carreras	1536 N Ferejer Ave	Jacob.carreras@gmail.com 559 721 8028	<i>[Signature]</i>
Rod Lawley	3524 Circle Ct. E.	Rodlaw777.com 614-5612	<i>[Signature]</i>
Melissa Silvestre	1156 1/2 E Annadale Sanger CA		<i>[Signature]</i>
Artemio Lira	1156 1/2 E Annadale Sanger CA		<i>[Signature]</i>
Norlane Morales	354 Ost Nptc Sanger CA		<i>[Signature]</i>
Francisco Regalado	1456 DeWitt Ave Sanger CA	(559) 704 6192	<i>[Signature]</i>
Margarita Regalado	1456 DeWitt Ave Sanger CA		<i>[Signature]</i>



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Name	Address	Email/phone	Signature
Morris F. Garcia	1959 GATEWAY BLVD FRESNO CA 93727	559-453-1957	
Emily Flores	2048 N. Fine Ave FRESNO, CA 93727		
Tiffany Rogers	5388 E. Belmont #101 FRESNO, CA 93727		
Katie Russell	2048 N Fine Ave Fresno, CA 93727		
Isle Davidson	4960 E. UNIVERSITY #105 FRESNO 93727		
David Dodder	4980 E. UNIVERSITY FRESNO 93727 SUITE 106	559-554-4613	
Rick Wiens	1960 N. Gateway Fresno 93727		



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Name	Address	Email/phone	Signature
Joanne Yang	1954 N. Gateway #105 Fresno, CA 93727	559-300-5657	
Joe Hernandez	1954 N. Gateway #101 Fresno CA 93727	559-357-7781	
Rafael Flores	1388 bulldog lane Fresno CA 93710	559-270-2015	
Alexander Weiss	1974 Gateway drive Fresno CA 93727	415-225-5300	
Cher Yang	1968 N Gateway Blvd #101 Fresno CA 93727	Cheryangway@yahoo 906-7040	
Lisa Zielke	2834 Loyola Clovis CA 93619	LSac.hamilton@yahoo.com 770-4109	
Jabrin B. Vior	1974 N. Gateway Suite 104 Fresno, CA 93727	(559) 412-2878	



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Name	Address	Email/phone	Signature
Martha Perez	4148 N. Pennyway Fresno CA, 93727		
Mario Perez	4148 N. Pennyway Fresno CA, 93727		
Sarah Rios	1601 Creekside Dr. Apt 131 Madera, Ca 93638	N/A	
MARTIN REGALADO	663 East Wood Sanger CA 93652		
Maria Perez	114 Rawson Sanger CA. 93652		
RAYMOND GARCIA	663 EAST WOOD SANGER CA 93652		
Manuel Martinez	30656 Commercial rd Visalia CA		



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Name	Address	Email/phone	Signature
Adriana Perez	937 N. Peach #206 93727	(559) 579-3511	Adriana Perez
Isabel Muijs	937 N. Peach #157 93727		Isabel Muijs
Cecil Williams	937 Peach #123		Cecil Williams
	#124	(501) 777-1362	
Tiwanne Waller	937 N Peach		Tiwanne Waller
Evon Calhoun	437 N Peach 554-259-2580	554-287-2580	Evon Calhoun
Demetra Hull	937 N Peach Apt 117	559 312 7363	Demetra Hull
Darrell Jones	937 N Peach 11	559 614 7612	Darrell Jones



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Name	Address	Email/phone	Signature
Fernando Lazaro	921 N. Peach Ave #229		
Naila Tolloux	921 N. Peach Ave Apt. 233A		
Edgar Munoz	921 N. Peach Ave Apt. A/B		
Tiffany Arviso	921 N. Peach Apt #143		
Oswaldo Zuniga	921 N. Peach Apt #143		
Mayer Enciso	921 N. Peach #143		
Stin Stephany	921 N. Peach Ave 242 Frisco, CA 93727		



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Name	Address	Email/phone	Signature
Paul BLATARDO	937 N APT #115 Building 985 93727 FRESNO CA	559-652-9751	Paul Blatardo
Cynthia Becerra	737 N. Peach. Ave Apt 112 Fresno		Cynthia Becerra
Francisca VARELA	937 N Peach Ave #109 Fresno, CA 93727	916 224- 4850	Francisca Varela
Janet Bakunas	937 N Peach 125 Fresno, CA 93727	559-548- 2790	Janet Bakunas
Jessie Ludlow	937 N Peach Ave #130 Fresno, CA 93727	Linie 710 Yahoo.com	Jessie Ludlow
Elizabeth DORSEY	937 N Peach # Fresno	559-237- 3260	Elizabeth Dorsey
MAXINE BUTLER	921 N PEACH #119		Maxine Butler



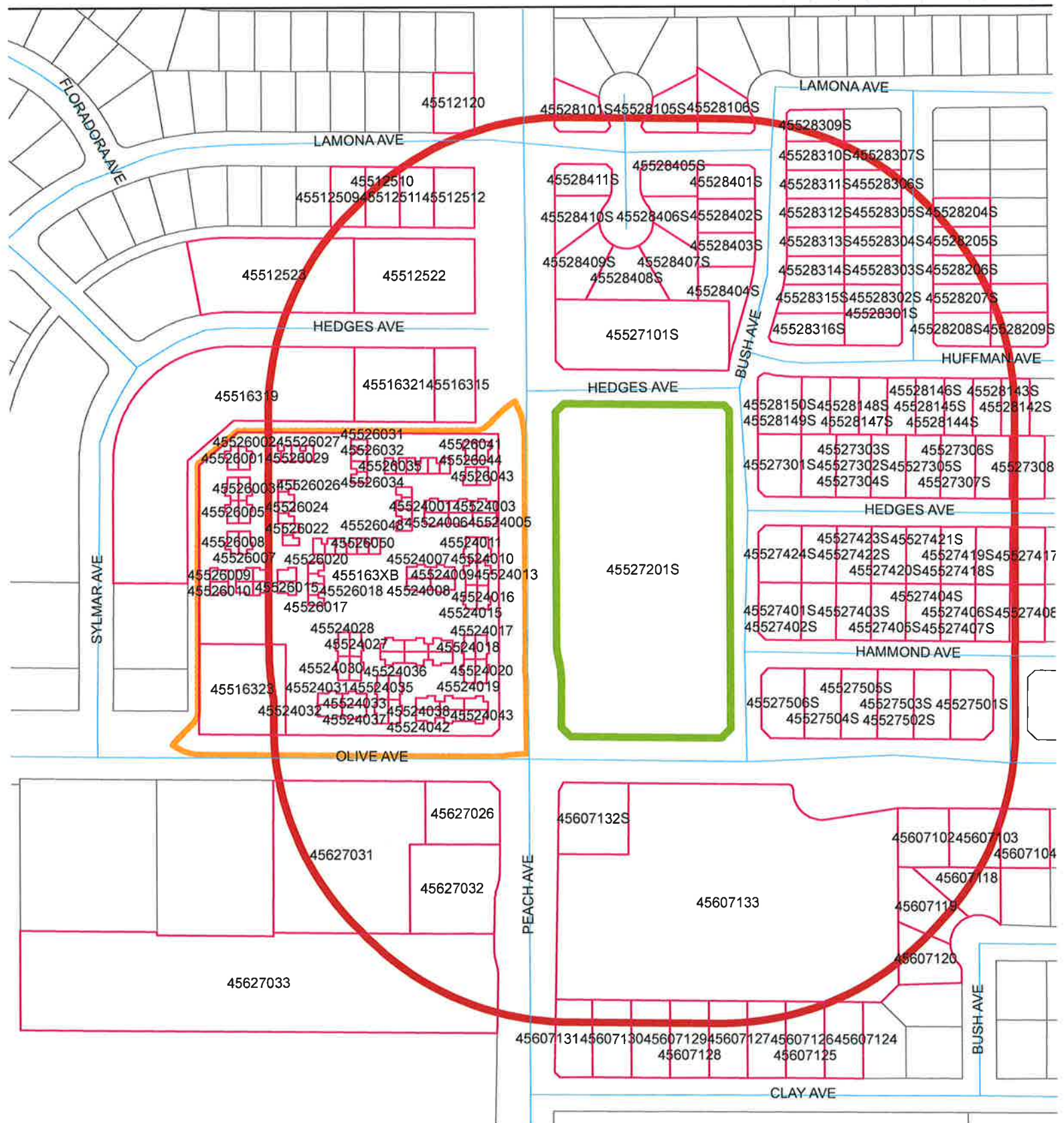
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Name	Address	Email/phone	Signature
Romnick Cabilung	937 N Peach Ave Apt 207 Fresno		Romnick
Hester Rogers	921 N Peach #120 93727		Hester Rogers
Judy Rogers	921 N Peach Apt 117 93727		Judy Rogers
Cory Butler	921 N Peach Apt 214 93727	559-200-0773	Cory Butler
Aaron Comales	921 N Peach Ave Apt 224 93727		Aaron Comales
Andrew Thomas	921 N Peach Ave Apt 129 93727		Andrew Thomas
Antoinette Oliver	921 N. Peach Ave Apt 232 Fresno, CA 93727		Antoinette Oliver

Buffered at: 500 Feet, Legal Notices, Owners

100'





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

Development and Resource Management Department
Jennifer K. Clark, Director

March 10, 2016

Please reply to:
Israel Trejo
(559) 621-8044

Land Development Consultants, LLC
c/o William Scarbrough
11811 N. Tatum Blvd. #1051
Phoenix, AZ 85028

SUBJECT: CONDITIONAL USE PERMIT NO. C-15-182, A REQUEST TO DEVELOP A 4,968 SQ. FT. CONVENIENCE RETAIL STORE (CIRCLE K) WITH ALCOHOL SALES, FUEL STATION WITH 10 DISPENSERS AND A 1,262 SQ. FT. AUTOMATIC CARWASH FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF NORTH PEACH AND EAST OLIVE AVENUES (APN 455-272-01)

Dear Mr. Scarbrough:

The Development and Resource Management Department Director on March 10, 2016, approved Conditional Use Permit Application No. C-15-182. Conditional Use Permit Application No. C-15-082 is a request for authorization to develop a 4,968 sq. ft. convenience retail store (CIRCLE K) with Type 21 alcohol sales, fuel station with 10 dispensers and a 1,262 sq. ft. automatic carwash. A notice indicating the Development and Resource Management Department Director's approval of this project was mailed to nearby property owners on March 10, 2016, commencing a fifteen-day comment/appeal period that expires on March 25, 2016. Approval will not become effective until the mandatory 15-day appeal period has passed with no appeals received in response to the mailed notice. If an appeal is received prior to March 25, 2016, the project will be scheduled to be heard by the Planning Commission. The project will not be approved until the 15-day appeal period has elapsed or until the Planning Commission has acted on the appeal.

CONDITIONS OF APPROVAL

PART A – ITEMS TO BE COMPLETED

The following items are required prior to issuance of building permits:

Planner to check
when completed

☐

1. Development shall take place in accordance with Exhibits A, A-2, E-1, E-2, E-3, F and L dated November 25, 2015. Transfer all comments and conditions on said Exhibits to the corrected exhibit(s) and **submit to planner at least 15 days prior to issuance of building permits.**

☐

2. Submit two copies of detailed, final landscaping plans to the Development Services Division. **These plans must be reviewed and approved prior to issuance of building permits.**

☐

3. Landscaping must be in place before issuance of the certificate of occupancy. A Hold on Occupancy shall be placed on the proposed development until such time that landscaping has been approved and verified for proper installation by the Development Services Division.

☐

4. Prior to final inspection, a written certification, signed by a landscape professional approved by the Director, shall be submitted stating that the required landscaping and irrigation system was installed in accordance with the landscaping and irrigation plans approved by the Development Services Division, Development and Resource Management Department.

☐

5. A recorded parcel map is required in order to establish the proposed parcel configuration **prior to issuance of building permits.** Contact the Development and Resource Management Department for further details.

PART B – OTHER REQUIREMENTS

Planning/Zoning/Environmental Compliance Requirements

Property development standards for this project are noted below:

1) Proposed Use

Conditional Use Permit Application No. C-15-182 is a request for authorization to develop a 4,968 sq. ft. convenience retail store (CIRCLE K) with Type 21 alcohol sales (beer, wine and distilled spirits), fuel station with 10 dispensers which can service 20 vehicles at one time and a 1,262 sq. ft. automatic carwash.

Pursuant to Section 15-104.D of the Development Code, planning permit applications that have been accepted by the City as complete prior to the effective date of the Development Code (i.e., January 3, 2016), shall be subject to the Code requirements in effect as of the date the application was deemed complete, unless the applicant chooses to use the updated provisions of the Development Code in their entirety. The subject application was accepted for processing on November 25, 2015, and, as such, the application is subject to the requirements of the previous Code, i.e. Chapter 12 of the Fresno Municipal Code.

Sound Study

The proposed project shall comply with the Conclusions and Recommendations in the Acoustical Analysis dated November 18, 2015, prepared by WJV Acoustics.

2) Building Setback, Open Spaces and Landscaping

Provide the following minimum building setbacks:

- a) Provide the setbacks as shown on Exhibit A-1 dated November 25, 2015.
- b) Provide the following minimum landscape setbacks:
 - i) Front yard (along North Peach and East Olive Avenues) – 10' (minimum) along North Peach and East Olive Avenues.
 - ii) Side yards (along North Bush and East Hedges Avenues) – 10' (minimum) along North Bush and East Hedges Avenues. The landscape setback is only required along the street frontages of the parcel on which the development is proposed.
- c) No exposed utility boxes, transformers, meters, piping (excepting the backflow prevention device), etc., are allowed to be located in the landscape areas or setbacks or on the street frontages of the buildings. All transformers, etc., shall be shown on the site plan. The backflow device shall be screened by landscaping or such other means as may be approved.
- d) The number of trees will be determined by the following formula:

Provide one medium size tree for every two parking spaces (Section 12-306-N-24-g-3 of the FMC).

38 parking spaces depicted on Exhibit A = 19 medium sized trees

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

Provide shade calculations directly on the landscape plan in accordance with the attached Parking Lot Shading Policy, including tree species and tree counts.

Disperse trees over the parking lot area to provide 50 percent shading of the parking area surface within 15 years. (This requirement may be reduced to 40 percent for existing development if it is demonstrated that the constraints of an existing site would make it impossible to meet the normal standards.) Trees shall also be planted in the required landscaped area along the periphery of the development in order to shade and enhance adjacent property and public rights-of-way. Refer to the attached "Performance Standards for Parking Lot Shading," for the tree list and further details.

- e) Trees shall be maintained in good health. However, trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for the health of the tree and public safety; or as may otherwise be

approved by the Development and Resource Management Department. (Include this note on the site plan.)

- f) The landscape plan shall depict the quantity, species, and size proposed trees. Incorporate a variety of drought tolerant landscape. Landscaping shall comply with the requirements of 12-306-N-23 & -24 of the Fresno Municipal Code.

3) Fences, Hedges and Walls

- i) Design of the project shall incorporate landscaping and half screen walls (2'-2'6" in height) to screen vehicles while allowing eye level visibility to the site. Confirm the exact location of the screen wall with the Development and Resource Management Department; it may not need to be constructed as far east and north as proposed. Significant architectural and/or landscape features shall be provided at the corner of the intersecting streets to enhance the streetscape.
- ii) Temporary fences to secure projects under construction are allowed. Any temporary fence shall be adequately secured and constructed to prevent overturning due to wind, vandalism, and/or casual contact by the general public. The construction shall be performed in such a manner as to minimize any potential safety hazard, which may occur as a result of improper fence installation or damage to the fence.
- iii) Future fences shall be reviewed and approved by the Development and Resource Management Department prior to installation. (Include this note on the site plan.)

4) Building Height/Elevations

- a) Pursuant to Section 12-217.5-D-1 of the FMC, the maximum height for buildings is 35 feet. None of the proposed buildings exceed 35 feet.

5) Off-Street Parking

- a) Pursuant to Section 12-217.5.I.1 of the FMC, the general parking requirement for the proposed uses is two (2) square feet of parking area for each square foot of floor area. The project proposed to develop a 4,968 sq. ft. convenience retail store. Said amount of floor area generally requires 27 parking stalls ($4,968 \times 2/370 = 27$).

Additionally, provide the minimum number of accessible parking space(s) as required per State of California Building Code, "Development Requirements for Handicapped Accessibility."

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

- b) All accessible 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. **(Include this note on the site plan.)**
- c) Pursuant to section 12-306.1.2.1.c of the FMC, the number of bicycle parking spaces to be provided shall be equal to 10% of the automobile parking spaces provided. Bicycle parking spaces shall each consist of one slot in a bike rack. They shall be grouped in racks which allow four feet of clearance on all sides. There shall be adequate space between rack slots to park, lock, and remove bicycles. Bicycle parking spaces shall each consist of one slot in a bike rack. Bicycle parking spaces and the required four-foot clearance shall be protected from motor vehicle encroachment by means of fixed barriers not less than six inches or more than three in height. Bicycle parking spaces shall not encroach into pedestrian ways, landscaped areas, or other required open spaces, and shall be located proximal to structures (depict a minimum of 3 bicycle stalls on Exhibit A).
- d) Lighting where provided to illuminate parking shall be hooded and so arranged and controlled so as not to cause a nuisance either to highway traffic or to the living environment. The amount of light shall be provided according to the standards of the Department of Public Works. **Depict all proposed lights on the site plan.**

6) Access

- a) There shall be pedestrian and vehicular access from a dedicated and improved street or alley to off-street parking and loading facilities on the property requiring off-street parking and loading. For non-residential uses, the design of the access shall be approved by the Department of Public Works as able to withstand commercial usage.
- b) Tract No. 4224 prohibited vehicular access to/from North Bush Avenue. Depict the waiver of access as "triangles" on the site plan.

7) Outdoor Advertising

- a) Signs, other than directional signs, are not approved for installation as part of this special permit. **(Include this note on the site plan.)** Should additional signs be required, the applicant must submit for a Sign Review Permit. Signs shall be architecturally compatible with, and complimentary to, the character of the development and land uses for which the signs advertise.

8) Addressing

- a) The Official Address for the site is 1234 North Peach Avenue. Only those addresses assigned by the City of Fresno will be recognized as 'Official Addresses'. The addresses shall be assigned as shown on the enclosed address plan. The United States Post Office will only recognize addresses assigned by the City of Fresno. If a non-official address is given to a building and or/separate suites, the City of Fresno has the authority to charge a fee and have those addresses corrected. In addition, the

United States Post Office will cease mail delivery to those addresses that are not 'Official Addresses'.

9) Other Requirements

- a) Development shall take place in accordance with the attached "General Notes and Requirements for Entitlement Applications" as applicable.
- b) Development shall take place in accordance with the policies of the Fresno General Plan and Roosevelt Community Plan.
- c) Development shall take place in accordance with the C-1 (Neighborhood Shopping Center District) zone district and all other applicable sections of the Fresno Municipal Code.

10) City and Other Services

- a) Development shall take place in accordance with the attached memoranda and letters from City of Fresno Departments and partner agencies, Public Works Department, Traffic Engineering Division dated January 22, 2016, Police Department dated January 20, 2016, Fire Department dated December 24, 2015, Department of Public Utilities (sewer and water) dated December 30, 2015 and December 22, 2015, Department of Public Utilities (re: solid waste) dated December 21, 2015, Airports Department dated December 30, 2015, County of Fresno dated December 22, 2015, Fresno Irrigation District dated December 21, 2015, Fresno Irrigation District dated July 23, 2015, Fresno Metropolitan Flood Control District dated December 24, 2015, and the Fresno Unified School District dated December 18, 2015.

11) Miscellaneous Requirements

- a) Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:
 - i) All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;
 - ii) All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
 - iii) Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.
- b) Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements

imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The Development and Resource Management Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.

APPEALS

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

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings pursuant to Section 12-405 can be made. Discretionary conditions of approval will ultimately be deemed mandatory unless appealed in writing to the Director within 15 days. In the event you wish to appeal the Director's decision, you may do so by filing a written appeal with the Director. The appeal shall include the appellant's interest in or relationship to the subject property, the decision or action appealed and specific reasons why the applicant believes the decision or action appealed should not be upheld.

If you wish to appeal the decision, a written request must be received at the Development and Resource Management Department by **March 25, 2016**. The written request should be addressed to Jennifer K. Clark, Director, and include the application number referenced above.

BACKCHECK PROCESS

Please Note: To complete the back-check process for building permits relative to planning and zoning issues, submit four copies of this corrected, final site plan, together with three copies of the elevations, landscape, and irrigation plans, any fees and title reports for required covenants, and any required studies or analyses to Israel Trejo in the Development Services Division for final review and approval, at least 15 days before applying for building permits.

It may be necessary to resubmit these "corrected exhibits" a second time if not all the conditions have been complied with or are not shown on the exhibits. Once the "corrected exhibits" are approved by the Development Services Division, please place these exhibits in the plan check set and contact the Development Services Division, along with Traffic Planning, to set up an appointment to signoff and stamp these exhibits. Please bring one additional copy of the site plan exhibit(s) to this appointment so that the Development Services Division has a final signed-off copy of the site plan.

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

The exercise of rights granted by this special permit must be commenced by March 24, 2020, (four years from the date of approval). There is no extension.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Israel Trejo', with a long horizontal flourish extending to the right.

Israel Trejo, Planner
Development Services Division

Enclosures: Exhibits A, A-2, E-1, E-2, E-3, F and L dated November 25, 2015
Comments from Partner Agencies & Departments
General Notes and Requirements for Entitlement Applications

General Notes and Requirements for Entitlement Applications

GENERAL

(Notice: Not all conditions will be applicable to all projects)

1. 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. *This special permit is granted, and the conditions imposed, based upon the Operation Statement provided by the applicant. The Operation Statement is material to the issuance of this special permit. Unless the conditions of approval specifically require operation inconsistent with the Operation Statement, a new or revised special permit is required if the operation of this establishment changes or becomes inconsistent with the Operation Statement.* Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the special permit or any other enforcement remedy available under the law. The Development and Resource Management Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.
2. No uses of land, buildings, or structures other than those specifically approved pursuant to this site plan shall be permitted.
3. Development shall take place in accordance with the Standards, Specifications, and Standard Drawings of the City of Fresno Public Works Department; <http://www.fresno.gov/Government/DepartmentDirectory/PublicWorks/DeveloperDoorway/Technical+Library/StandardSpecificationsandDrawings.htm>
4. Development shall take place in accordance with all city, county, state and federal laws and regulations.
5. All proposed building(s) or structure(s) constructed on the property must comply with the prevailing California Building Code Standards.
6. Any building modifications and/or additions not included with this application are not approved with this special permit and would be subject to a new special permit.
7. For projects initiated in response to code enforcement action, the exercise of rights granted by this special permit must be commenced by six months. Completion of the project, including improvements, shall occur by 12 months.

FENCES/WALLS, LANDSCAPING, PARKING

8. Temporary fences to secure projects under construction are allowed. Any temporary fence shall be adequately secured and constructed to prevent overturning due to wind, vandalism, and/or casual contact by the general public. The construction shall be performed in such a manner as to minimize any potential safety hazard, which may occur as a result of improper fence installation or damage to the fence.
9. Future fences shall be reviewed and approved by the Development and Resource Management Department prior to installation.
10. No structures of any kind (*including signs and/or fences*) may be installed or maintained within the required-landscaped areas. No exposed utility boxes, transformers, meters, piping (excepting the

- backflow prevention device), etc., are allowed to be located in the landscape areas or setbacks or on the street frontages of the buildings. All transformers, etc., shall be shown on the site plan. The backflow device shall be screened by landscaping or such other means as may be approved.
11. Provide shade calculations on the landscape plan for parking lot shading in accordance with the attached *Development Department, Performance Standards for Parking Lot Shading*, including tree species and tree counts.
 12. Disperse trees over the parking lot area to provide 50 percent shading of the parking area surface within 15 years. (This requirement may be reduced to 40 percent for existing development if it is demonstrated that the constraints of an existing site would make it impossible to meet the normal standards.) Trees shall also be planted in the required landscaped area along the periphery of the development in order to shade and enhance adjacent property and public rights-of-way. Refer to the attached "Performance Standards for Parking Lot Shading," for the tree list and further details.
 13. Trees shall be maintained in good health. However, trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for the health of the tree and public safety; or as may otherwise be approved by the Development and Resource Management Department.
 14. Landscaping must be in place before issuance of the certificate of occupancy. A Hold on Occupancy shall be placed on the proposed development until such time that landscaping has been approved and verified for proper installation by the Development Services Division. **(Include this note on the site and landscape plans.)**
 15. Prior to final inspection, a written certification, signed by a landscape professional approved by the Director, shall be submitted stating that the required landscaping and irrigation system was installed in accordance with the landscaping and irrigation plans approved by the Development Services Division, Development Department.
 16. Future tenant improvements shall be reviewed and approved by the Development and Resource Management Department to ensure that adequate off-street parking is provided.
 17. The parking lot design must accommodate the provision of trees in accordance with the attached Parking Lot Shading Policy.
 18. A minimum number of accessible parking stalls are required for the proposed project per State of California Building Code, "Development Requirements for Handicapped Accessibility."
 19. All accessible stalls shall be marked with the international symbol of spaces and a warning that vehicles in violation of Section 10-1017 of the Municipal Code shall be towed away. The international symbol and tow-away warning shall be posted conspicuously on seven-foot poles. **(Include this note on the site plan.)**
 20. All accessible 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 accessible parking stalls and ramps. **(Include this note on the site plan.)**
 21. Lighting where provided to illuminate parking, sales or display areas shall be hooded and so arranged and controlled so as not to cause a nuisance either to highway traffic or to the living environment. The amount of light shall be provided according to the standards of the Department of Public Works. **Depict all proposed lights on the site plan.**

22. Bicycle parking spaces shall be supplied at a rate of 10% of the automobile spaces provided pursuant to Section 12-306-I-2.1c of the Fresno Municipal Code (FMC). Bicycle parking spaces shall each consist of one slot in a bike rack. They shall be grouped in racks which allow four feet of clearance on all sides. There shall be adequate space between rack slots to park, lock, and remove bicycles. Bicycle parking spaces and the required four-foot clearance shall be protected from motor vehicle encroachment by means of fixed barriers not less than six inches or more than three in height. Bicycle parking spaces shall not encroach into pedestrian ways, landscaped areas, or other required open spaces, and shall be located proximal to structures.
23. All general provisions of Section 12-306-I of the FMC shall apply to all parking areas.
http://library.municode.com/HTML/14478/level3/MUCOFR_CH12LAUSPLZO_ART3GECOAPZO.htm
[I#MUCOFR_CH12LAUSPLZO_ART3GECOAPZO_S12-306PRDEST](#)

SIGNAGE

24. All future signs shall be architecturally compatible with the proposed building(s). Provide a set of drawings, with descriptive information, including, materials, design and colors to allow for a preliminary assessment of the future signage. It is recommended that you provide a copy of the signage early in the project process to allow for staff comment.
25. Signs, other than directional signs, if applicable, are not approved for installation as part of this special permit. **(Include this note on the site plan.)**
26. All proposed signs shall conform to the current sign ordinance. Applications for a sign permit and requirements for submittal are available at the Development and Resource Management Department's Public Front Counter or online at <http://www.fresno.gov/Government/DepartmentDirectory/PlanningandDevelopment/Planning/SignsandBanners.htm>
27. Window signs are limited to four square feet in area, providing information about hours of operation and emergency, sale or rental information only. Exterior signage such as banners, flags and pennants are prohibited. However, special event banner signs are permitted for 30 days if approved by the Development and Resource Management Department, attached to the building, and not exceeding 32 square feet in area.
28. Permanent window signs over six square feet in area can be submitted for approval under a sign review application (for a current fee of \$150).

MISCELLANEOUS

29. Noise levels shall not exceed the decibel levels described in Section 10-102.b of the FMC at anytime, measured at the nearest subject property line.
http://library.municode.com/HTML/14478/level3/MUCOFR_CH10REREPUNUREPRCOUS_ART1NORE.html#MUCOFR_CH10REREPUNUREPRCOUS_ART1NORE_S10-102DE
30. There shall be adequate vehicular access from a dedicated and improved street or alley to off-street parking and loading facilities on the property requiring off-street parking and loading. Vehicular and/or pedestrian access shall be provided and shall remain clear at all times.
31. The address listed in the conditions of approval is the 'Official Address' given to the building. If you would like separate suite or unit numbers for a building, provide a floor plan and contact the City of Fresno Development and Resource Management Department for 'Official Addresses'. **Only those**

addresses assigned by the City of Fresno will be recognized as 'Official Addresses'. The United States Post Office will only recognize addresses assigned by the City of Fresno. If a non-official address is given to a building and or/separate suites, the City of Fresno has the authority to charge a fee and have those addresses corrected. In addition, the United States Post Office will cease mail delivery to those addresses that are not 'Official Addresses'.

32. All projects, including projects that involve less than one acre of property, are required to comply with the City of Fresno's Urban Storm Water Quality Management and Discharge Control Ordinance, FMC Chapter 6, Article 7 (FMC Sections 6-701 *et seq.*)

When a project involves one acre or more of construction activity (including, but not limited to, grading) the developer is required to obtain a stormwater discharge permit for construction, with a Notice of Intent (NOI) filed **prior to** commencement of any grading construction activity. Contact the Fresno office of the California Regional Water Quality Control Board at 559-445-6281 regarding the required NOI and stormwater discharge permit. Additional information on California's construction stormwater regulation may be obtained from the Water Board via the internet: www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml. Helpful information for preparing and implementing stormwater pollution prevention plans may also be obtained from the California Stormwater Quality Association via its website, www.casqa.org

When a project involves specified nonresidential activities (certain commercial and industrial activities), an ongoing industrial stormwater discharge permit is also required. Contact the Fresno office of the California Regional Water Quality Control Board at 559-445-6281 to find out whether your project/business requires an industrial stormwater discharge permit, and to obtain details on securing this permit. Additional information on industrial stormwater discharge regulation may be obtained from this website: www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml, and the California Stormwater Quality Association has additional information on preparing stormwater pollution prevention plans for these activities (www.casqa.org).

33. Screen all roof-mounted equipment from the view of public rights-of-way. **Depict all mechanical equipment on site plan and elevations.**
34. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately. **(Include this note on the site plan.)**
35. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted. If the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (Phone: (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (Phone: (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists. An archeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation. **(Include this note on the site plan.)**
36. If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist and, if the paleontologist determines the material to be significant, it shall be preserved. **(Include this note on the site plan.)**
37. Connection to a municipal water system is required.
38. Connection to a municipal City of Fresno sewer system is required.

39. City of Fresno water and sewer connection charge obligations applicable to this project will be computed during the building construction plan check process and shall be payable at time of issuance of building permit unless other arrangements have been approved to defer such payments to a later date. For information relating to water and sewer service requirements and connection charges, contact Frank Saburit at (559) 621-8277.
40. Open street cuts are not permitted; all utility connections must be bored.
41. **CROSS-CONNECTION CONTROL.** A backflow prevention device may be required on the water service. Contact the Department of Public Utilities, Water Division (559) 621-5300 for requirements relating to approved devices, locations, testing and acceptance. This requirement must be satisfied prior to final occupancy.
42. This project was reviewed by the Fire Department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building and Safety Section of the Development and Resource Management when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building.
43. Outdoor storage of materials, including ISO containers, is prohibited. All materials shall be stored within a completely enclosed building, unless approved by the Development and Resource Management Department. **(Include this note on the site plan)**

FEES

(Not all fees will be applicable to all projects)

44. **NOTICE TO PROJECT APPLICANT:** In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.
45. **CITYWIDE DEVELOPMENT IMPACT FEES**
- a) **Traffic Signal Charge** (FMC Section 12-4.1101 to 12-4.1103) This project shall pay its Traffic Signal Mitigation Impact Fee at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual. Refer to the adopted Master Fee Schedule for fee rate. This fee shall be paid at time of building permit.
 - b) **Fire Facilities Fee** (FMC Section 12-4.901 to 12-4.906) (based on building square footage, or residential units)
 - c) **Police Facilities Fee** (FMC Section 12-4.801 to 12-4.806) (based on building square footage, or residential units)
 - d) **Parks Facilities Fee** (FMC Section 12-4.701 to 12-4.706) (based on the number of residential

units)

46. CITYWIDE REGIONAL AND NEW GROWTH MAJOR STREET IMPACT FEES (FMC Section 12-4.1006)

- a) Street Impact Fees shall be due and payable at the time of building permit issuance unless otherwise required by State law.
- b) Street Impact Fees will be a condition on all development entitlements granted.
- c) New construction on vacant parcels shall be calculated on a net acreage (adjusted acre basis) of the entire property subject to the development entitlement based upon planned land use. Notwithstanding, fees shall be based upon actual land use for developments in the C-M zone district and for development projects developed inconsistent with the plan land use.
- d) New construction on property that is partially developed, Street Impact Fees will be applied to the incremental increase proportionate to the respective floor to area ratios (25% for commercial and 40% for industrial). In no case shall anyone pay more than the amount of the total net acreage of the parcel multiplied by the applicable fee rate.
- e) Reuse being more intensive than the original use, the developer shall be required to pay the difference between the current amount of the Street Impact Fee obligation for the old use and the current amount of the Street impact Fee obligation for the new use.

47. FRESNO COUNTY FACILITY IMPACT FEE

- a) Satisfy the Fresno County Facilities Impact Fee obligation. The requirement to pay this fee is currently suspended by Fresno County. However, payment of this fee will be required if the fee has been reinstated at the time of issuance of building permits for this project.

48. REGIONAL TRANSPORTATION MITIGATION FEE (RTMF)

- a) Pay the RTMF fee to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148, ext. 200; www.fresnocog.org. Provide proof of payment or exemption prior to issuance of building permits.

49. SCHOOL FEES

- a) School fees must be paid, if required, prior to the issuance of building permits. Contact Central Unified School District. Provide proof of payment (or no fee required) prior to the issuance of building permits.

50. FLOOD CONTROL FEES

- a) Flood Control fees are due, if required, prior to issuance of building permits.

51. SEWER CONNECTION CHARGES (FMC Section 6-304(a)). The following sewer connection charges may be required and will be payable at the fee rate listed in the Master Fee Schedule at the time payment is due. New sewer connection charges adopted by the Council prior to the issuance of building permits may also be applied.

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

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

Effective January 9, 1999, Ordinance No. 98-97 also amended certain sewer connection charges. Fresno Municipal Code Article 15, Section 12 provides property owners the incentives and deletes certain sewer connection charges pursuant to the Simple Tiered Equity Program (STEP) and the Employment Development Program (EDP). For additional information on the STEP and EDP, contact the Department of Public Utilities, Administration Division at (559) 621-8600.

52. WATER CONNECTION CHARGES: (FMC Sections 6-507 to 6-513). The following water connection charges may be required and will be payable at the fee rate listed in the Master Fee Schedule at the time payment is due. New water connection charges adopted by the Council **prior** to issuance of building permits may also be applied.

- a) Frontage Charge (based on property frontage)
- b) Transmission Grid Main Charge (based on acreage)
- c) Transmission Grid Main Bond Debt Services Charge (based on acreage)
- d) UGM Water Supply Fee (based on living units, living unit equivalents or acreage)
- e) Wellhead Treatment Fee (based on living units or living unit equivalents)
- f) Recharge Fee (based on living units or living unit equivalents)
- g) 1994 Bond Debt Service Charge (based on living units or living unit equivalents)
- h) Service Charges (based on service size required by applicant)
- i) Meter Charges (based on service need)

53. Deferment of the payment of Citywide development impact fees for Fire, Police, Parks, Streets, and Traffic Signals is available for projects located within the Downtown Priority Areas in accordance with the provisions of Resolution Nos. 2009-265 and 2010-19.



Operational Statement

11/25/2015

Circle K Convenience Store, Fueling Station, and Carwash
NEC Peach & Olive
Fresno, CA

A. General Site & Project Description

Circle K proposes to develop a 4,968 square foot convenience grocery store with alcohol sales, a fueling canopy with ten (10) dispensers which will provide service to twenty (20) vehicles, and a 1,262 square foot automatic carwash at the northeast corner of Peach Avenue & Olive Avenue, in Fresno, California. The development will include approximately 88,659 square feet vacant, undeveloped land, generally described as the southern ½ of parcel #455-272-01S. A Parcel Map will be created to split the overall lot as proposed. The project site is shown in the photograph below.

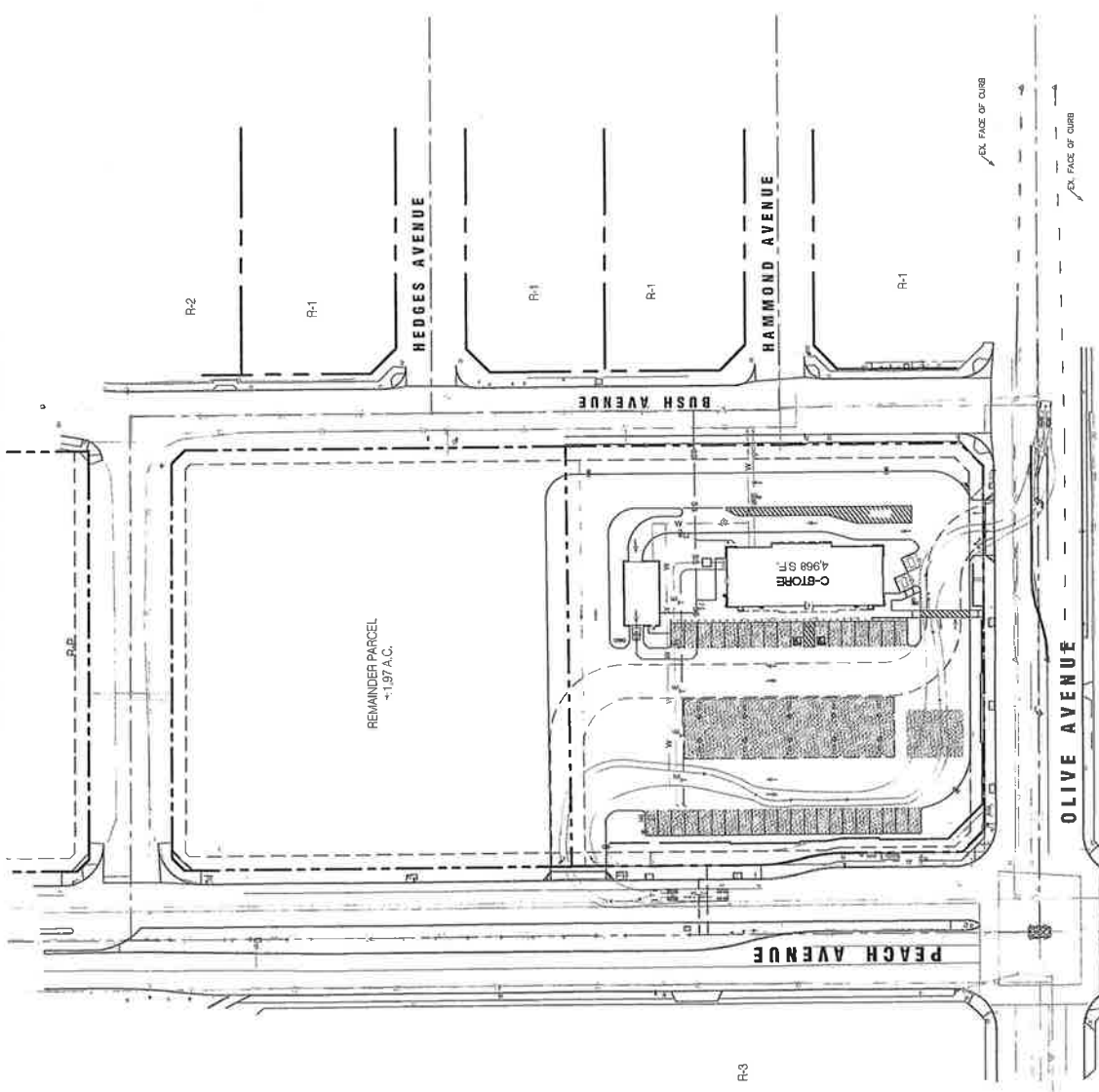


B. Operational Narrative

- I. The proposed development contemplates right-in/right-out access from Peach Avenue via a cross access agreement with the adjoining property to the north and an additional full access drive from Olive Avenue. So as to limit potential impacts upon nearby residential parcels, no access from the commercial development will be provided from Bush Avenue. Located in a well-developed area bounded by streets on three sides, the development will not create excessive noise above the existing ambient noise levels. Additionally, the development is designed to orient the commercial activities toward the western portion of the project site with the proposed development plan providing a large landscape buffer and substantial building setback along the

east property boundary as screening to the residential developments to the east. The design of the site provides for ample onsite circulation, parking, and landscaping. The retail facility and carwash will operate 24 hours per day, 7 days per week with 1-3 employees per shift. Timing and frequency of delivery services will vary depending on volume of products sold with the size and type of delivery vehicles varying from small trucks to fuel tankers. The proposed development will offer for sale to the general public a wide variety of goods and services, including packaged and fresh foods, fountain soft-drinks, coffees, teas, bottled beverages, tobacco, and alcohol. The proposed development will be applying for a Type 21 Off-Sale general liquor license to sell beer, wine, and distilled spirits. While the proposed convenience store offers a wide variety of food products to its customers, odors are not emitted as there is limited preparation of food products at the facility. The large trash receptacles are located within a masonry trash enclosures on the south side of the convenience store building to handle ordinary waste and debris generated from a retail facility. These enclosures provide aesthetic value to the facility by fully screening the large trash receptacles from the public view.

**CIRCLE K STORE
 OVERALL SITE PLAN**
 NEC PEACH AVENUE & OLIVE AVENUE, FRESNO, CA



VICINITY MAP



OWNER:
 RED PILL CAFE, 10000 ROCKSTAR BLVD., SUITE 250
 IRVINE, CA 92612
 PHONE: 949.355.9650
 CONTACT: DAVID COOPER

APPLICANT:
 RED PILL CAFE, 10000 ROCKSTAR BLVD., SUITE 250
 IRVINE, CA 92612
 PHONE: 949.355.9650
 CONTACT: DAVID COOPER

DESIGN CONSULTANT:
 GREENBERGFARROW, 18000 ROCKSTAR BLVD., SUITE 250
 IRVINE, CA 92612
 PHONE: 949.355.9650
 CONTACT: DAVID COOPER

STANDARD NOTES

1. LANDSCAPING MUST BE IN PLACE BEFORE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY. A POLYON OCCUPANCY PERMIT SHALL BE OBTAINED FROM THE CITY OF FRESNO. THE LANDSCAPING SHALL BE APPROVED AND VERIFIED FOR PROPER INSTALLATION BY THE DEVELOPMENT SERVICES DIVISION.
2. ALL ACCESSIBLE STALLS SHALL BE MARKED WITH THE INTERNATIONAL SYMBOL OF SPACES AND A WARNING THAT VEHICLES IN VIOLATION OF SECTION 10-01 OF THE MUNICIPAL CODE SHALL BE TOWED AWAY AT THE OWNER'S RISK. THE WARNING SHALL BE POSTED CONSPICUOUSLY ON SEVEN-FOOT POLES.
3. ALL ACCESSIBLE PARKING STALLS SHALL BE PLACED ADJACENT TO THE FACILITY ACCESS RAMP OR STRATEGIC AREAS WHERE THE HANDICAPPED SHALL NOT HAVE TO WHEEL OR WALK BEHIND PARKED VEHICLES WHILE TRAVELING TO OR FROM ACCESSIBLE PARKING STALLS AND RAMP.
4. SOME OTHER THAN DIRECTIONAL SIGNS, IF APPLICABLE, ARE NOT ALLOWED FOR INSTALLATION AS PART OF THIS SPECIAL PERMIT.
5. IF ARCHAEOLOGICAL AND/OR ANIMAL FOSSIL MATERIAL IS ENCOUNTERED DURING PROJECT SURVEYING, GRADING, EXCAVATING OR CONSTRUCTION WORK SHALL STOP IMMEDIATELY.
6. IF THERE ARE SUSPECTED HUMAN REMAINS, THE FRESNO COUNTY CORONER SHALL BE IMMEDIATELY CONTACTED. IF THE REMAINS OR OTHER CULTURAL RESOURCES ARE DISCOVERED, THE FRESNO COUNTY NATIVE AMERICAN HERITAGE COMMISSION (PHONE: 559.633.4833) SHALL BE IMMEDIATELY CONTACTED AND THE CALIFORNIA ARCHAEOLOGICAL INVENTORY (CAI) SHALL BE IMMEDIATELY NOTIFIED. THE CALIFORNIA ARCHAEOLOGICAL INVENTORY (CAI) SHALL BE IMMEDIATELY NOTIFIED. THE CALIFORNIA ARCHAEOLOGICAL INVENTORY (CAI) SHALL BE IMMEDIATELY NOTIFIED. THE CALIFORNIA ARCHAEOLOGICAL INVENTORY (CAI) SHALL BE IMMEDIATELY NOTIFIED.
7. IF ANIMAL FOSSILS ARE DISCOVERED, THE FRESNO COUNTY CORONER SHALL BE IMMEDIATELY CONTACTED. IF THE REMAINS OR OTHER CULTURAL RESOURCES ARE DISCOVERED, THE FRESNO COUNTY NATIVE AMERICAN HERITAGE COMMISSION (PHONE: 559.633.4833) SHALL BE IMMEDIATELY CONTACTED AND THE CALIFORNIA ARCHAEOLOGICAL INVENTORY (CAI) SHALL BE IMMEDIATELY NOTIFIED. THE CALIFORNIA ARCHAEOLOGICAL INVENTORY (CAI) SHALL BE IMMEDIATELY NOTIFIED. THE CALIFORNIA ARCHAEOLOGICAL INVENTORY (CAI) SHALL BE IMMEDIATELY NOTIFIED.
8. OUTDOOR STORAGE OF MATERIALS, INCLUDING SO CONTAINERS, IS PROHIBITED. ALL MATERIALS SHALL BE STORED IN A MANNER THAT DOES NOT OBSTRUCT OR INTERFERE WITH THE DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT.

GENERAL NOTES

1. THIS IS A CONCEPTUAL SITE PLAN AND IS FOR PLANNING PURPOSES ONLY. IT IS BASED ON A CAD FILE OF THE SURVEY PREPARED BY BASE CONSULTING GROUP, INC. DATED 11-03-2015.



A-2 11-25-15

REVISIONS	DATE	BY	DESCRIPTION
1	11/25/15	DAVID COOPER	ISSUED FOR PERMIT
2	11/25/15	DAVID COOPER	REVISED FOR PERMIT
3	11/25/15	DAVID COOPER	REVISED FOR PERMIT
4	11/25/15	DAVID COOPER	REVISED FOR PERMIT
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20	11/25/15	DAVID COOPER	REVISED FOR PERMIT

PROFESSIONAL SEAL

PROFESSIONAL SEAL
 QUALITY CERTIFICATION
 PROJECT NUMBER
 PROJECT NAME

CIRCLE K STORE #

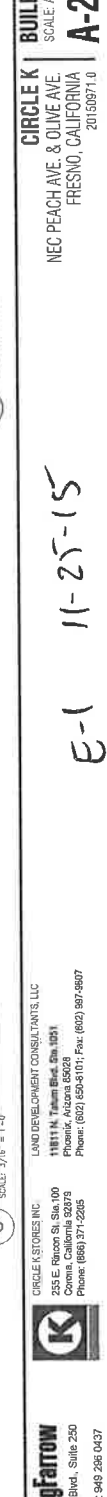
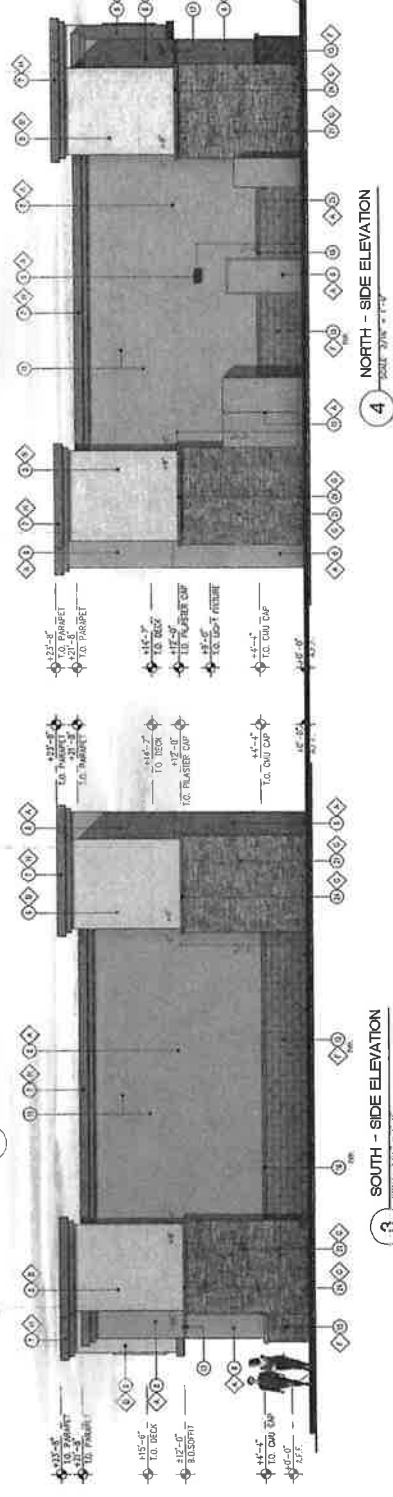
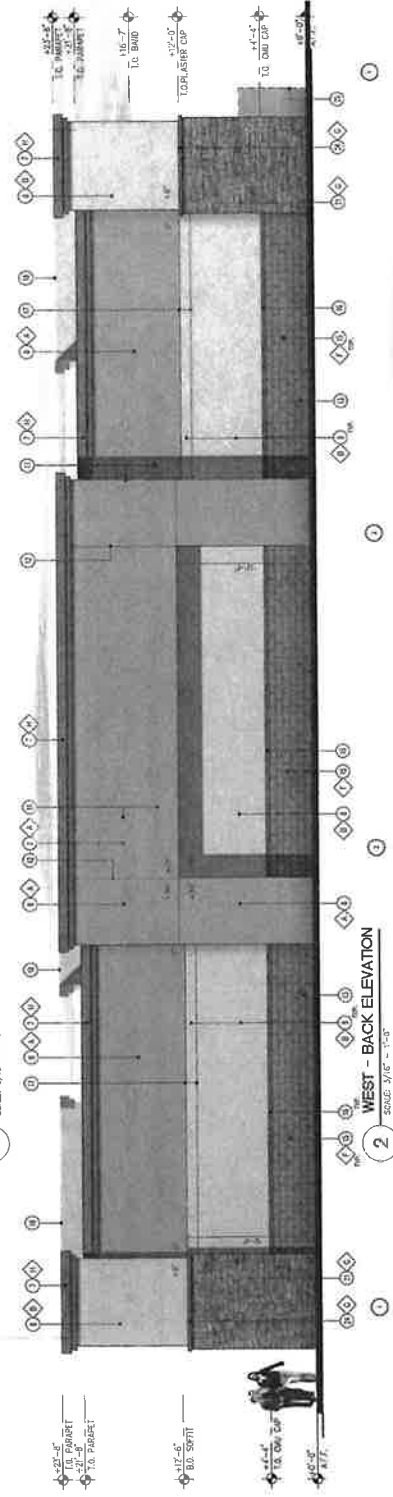
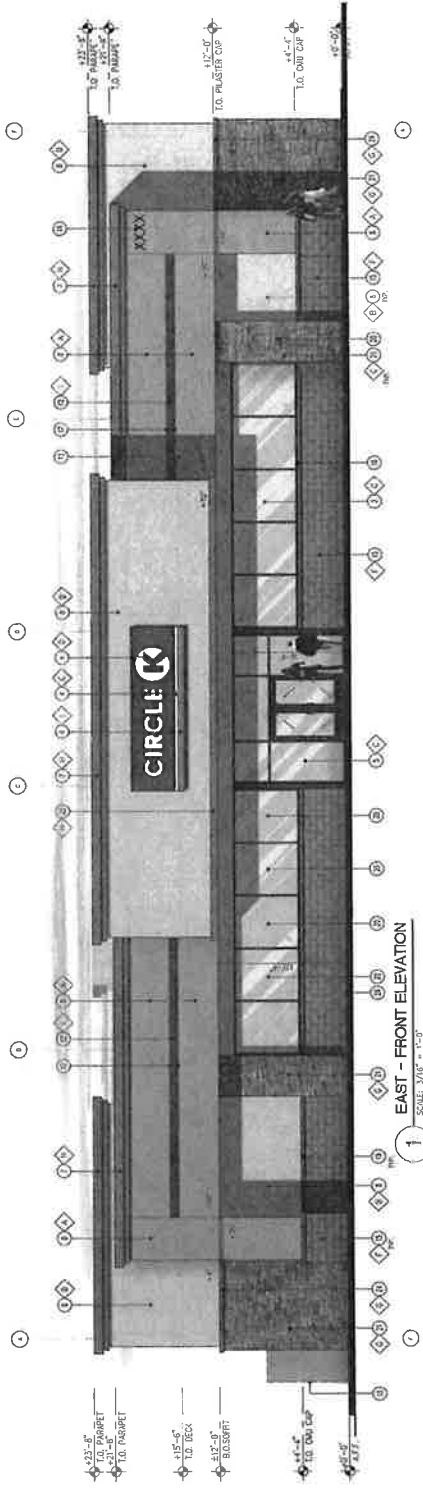
FRESNO, CALIFORNIA
 NEC PEACH AVENUE & OLIVE AVENUE



CIRCLE K STORES INC.
 PROJECT NUMBER
 SHEET TITLE

OVERALL SITE PLAN

SHEET NUMBER
SP4.2



KEY NOTES

1. SEE PLAN
2. ALL FINISHES TO BE AS SHOWN
3. SEE PLAN FOR CHASE AND TIE LOCATIONS
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FINISH SCHEDULE

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CIRCLE K BUILDING EXTERIOR ELEVATIONS - 4968
SCALE: AS NOTED
NEO PEACH AVE. & OLIVE AVE.
FRESNO, CALIFORNIA
20150971.0

Greenbergfarrow
19900 MacArthur Blvd., Suite 250
Irvine, CA 92612
t 949 256 0450 f 949 256 0437



LAND DEVELOPMENT CONSULTANTS, LLC
11811 N. Tatum Blvd., Suite 100
Phoenix, Arizona 85028
Phone: (602) 556-0101, Fax: (602) 556-0507

CIRCLE K STORES, INC.
235 E. Pinalon St., Suite 100
Corona, California 92626
Phone: (951) 371-2265

E-1 11-25-15

A-2

3 NORTH - SIDE ELEVATION
SCALE: 3/16" = 1'-0"

2 WEST - BACK ELEVATION
SCALE: 3/16" = 1'-0"

1 EAST - FRONT ELEVATION
SCALE: 3/16" = 1'-0"

4 SOUTH - SIDE ELEVATION
SCALE: 3/16" = 1'-0"

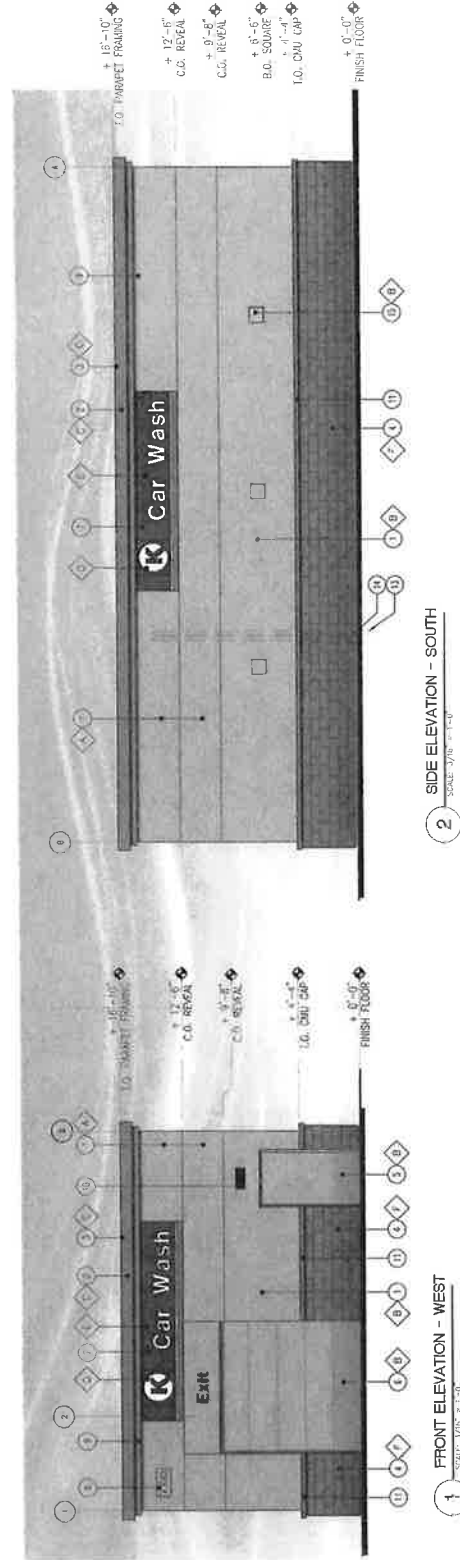
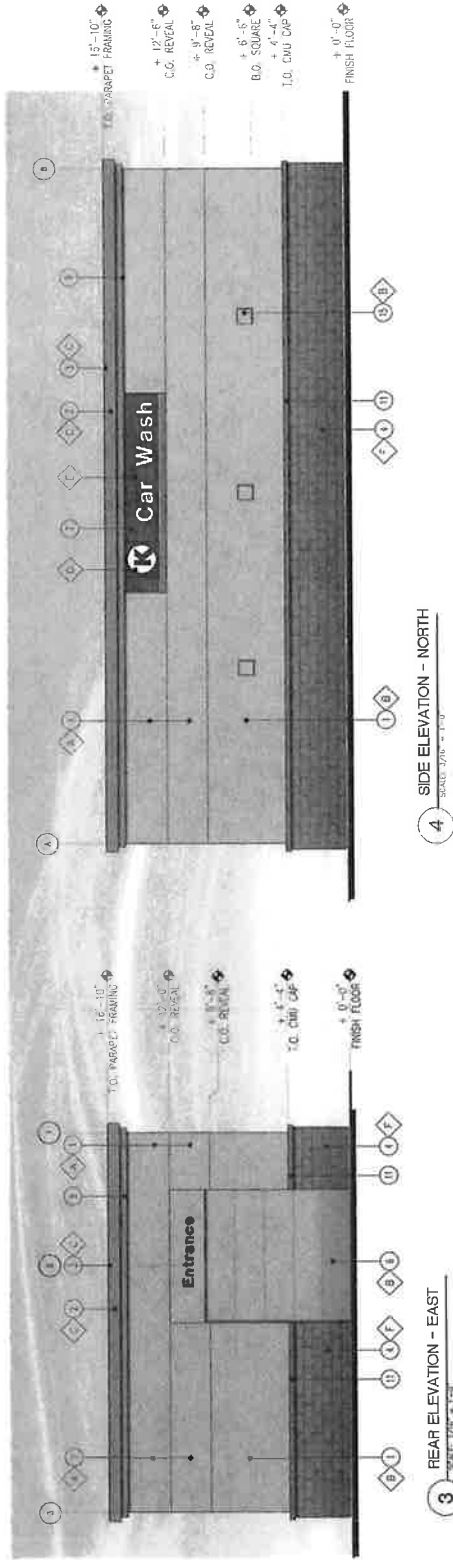
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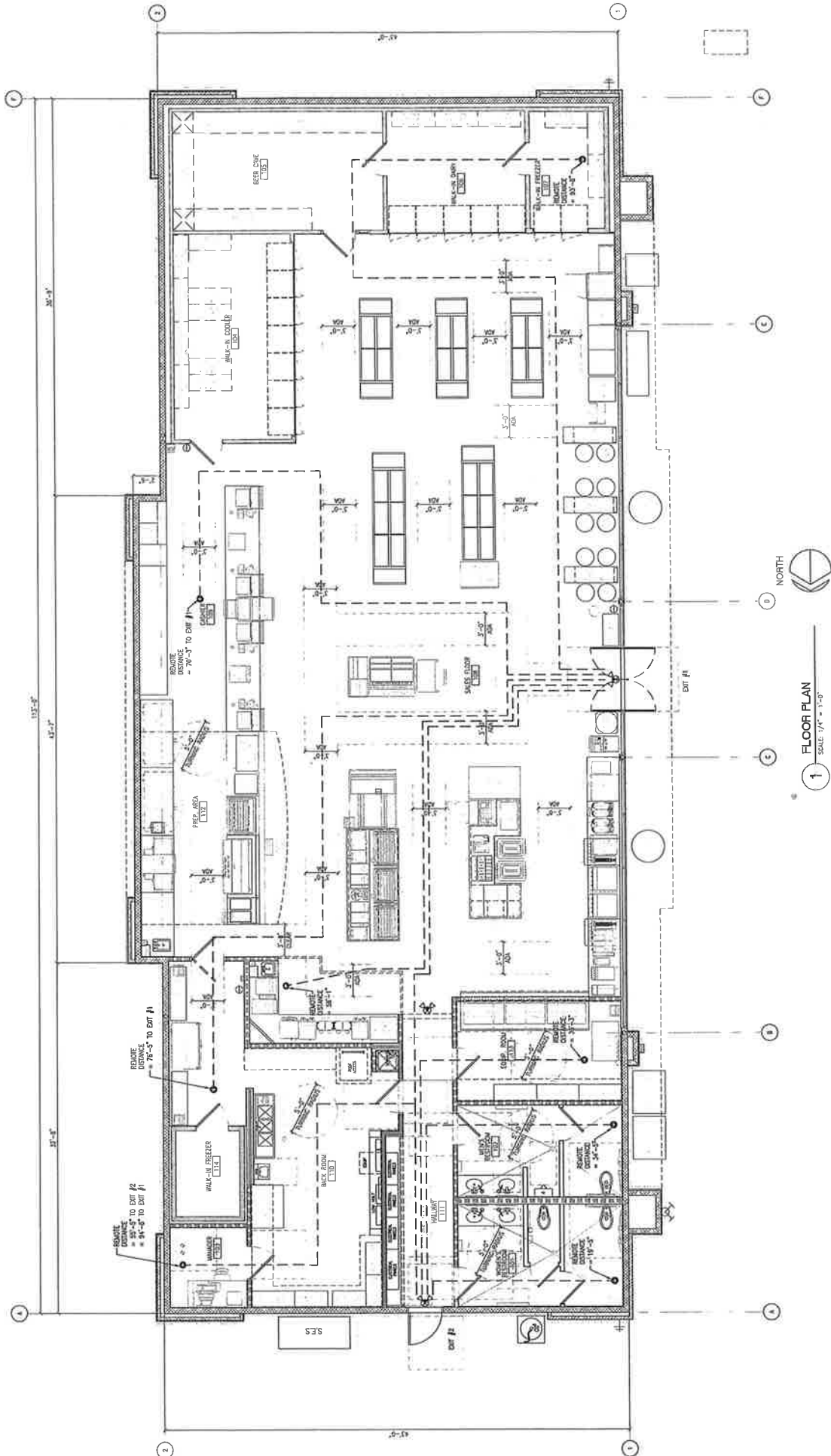
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|----|---|
| 1. | Identify the main components of the system. |
| 2. | Describe the function of each component. |
| 3. | Explain the relationship between the components. |
| 4. | Discuss the advantages and disadvantages of the system. |
| 5. | Conclude the report. |

FINISH SCHEDULE

- [illegible]

• **What service should manufacturers offer?**





CIRCLE K FLOOR PLAN - 4968
 SCALE: AS NOTED
A-1
 NEC PEACH AVE. & OLIVE AVE.
 FRESNO, CALIFORNIA
 20150971.0

CIRCLE K STORES INC.
 265 E. River St., Ste. 100
 Fresno, CA 93701
 Phone: (509) 850-6101; Fax: (509) 850-6807



GreenbergFarrow
 15000 MacArthur Blvd., Suite 250
 Irvine, CA 92617
 Phone: (949) 450-1000; Fax: (949) 450-1001

F- 11-25-05



DATE: January 22, 2016

TO: Israel Trejo
Development and Resource Management Department

FROM: Melessa Avakian, Senior Engineering Technician
Public Works Department, Traffic and Engineering Services Division

SUBJECT: Conditions of Approval for **C-15-182-ABCUP**

ADDRESS: **1234 North Peach Avenue**

APN: **455-272-01S**

ATTENTION:			
The items below require a separate process with additional fees and timelines, in addition to the CUP/SPR permit process. In order to avoid delays in obtaining a building permit, the following items shall be submitted to the contacts shown below.			
X	Traffic Impact Study (TIS) A traffic impact study has been submitted. Comply with the requirements therein.	Jill Gormley	Public Works Department (559) 621-8792 jill.gormley@fresno.gov
X	Deed (up to 2 month processing time) Deed documents for the required dedications must conform to the format specified by the city and shall be prepared by the applicant's engineer. The cost of deed document processing and recordation fee must be paid at the time of deed submittal and submitted with verification of ownership <u>prior</u> to the issuance of building permits.	Jeff Beck	Public Works Department (559) 621-8560 jeff.beck@fresno.gov
X	Parcel Map: The parcel configuration depicted for the proposed development does not conform to record information. Full offsite improvements, for the entire parcel, are required unless a recorded <u>Parcel Map</u> is provided.	Israel Trejo	Planning and Resource Management Department (559) 621-8044 Israel.Trejo@fresno.gov

PUBLIC IMPROVEMENT REQUIREMENTS

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

Repair all damaged and/or off grade off-site concrete street improvements as determined by the City of Fresno Public Works Department, Construction Management Division, (559) 621-5600. Pedestrian paths of travel must also meet current ADA regulations.

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

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

North Peach Avenue: Arterial

1. Construction Requirements:

- a. Construct a **30' minimum to 35' maximum** driveway approach to Public Works Standard(s) **P-2** and **P-6**. **If parking is allowed adjacent to the curb, provide 10' of red curbing (3 coats) on both sides of the proposed driveway approaches.** Construct a concrete pedestrian walkway behind all driveway approaches as identified on **Exhibit "A-1"**. Asphalt concrete paving per City of Fresno Public Works Standard Drawing **P-21** may be substituted for concrete.
- b. Provide a **10'** visibility triangle at all driveways.
- c. Construct a **10'** commercial concrete sidewalk to Public Works Standard **P-5**. Construct **4' x 6'** tree wells per Public Works Standard **P-8**. Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, Section 26-2.11(C).
- d. Accurately show all existing street light locations on the plans, for the entire parcel , - **AND-** that they are constructed per current City of Fresno Standards.
- e. If not already existing, modify or replace the existing ramp to meet current Public Works Standards, as determined by the Construction Management engineer **PRIOR** to occupancy. "Detectable Warning Devices" are required, if not existing. Reference Public Works Standards **P-24 thru P-27, P-28, P-30 thru P-32**.

East Olive Avenue: Collector

1. Dedication Requirements:

- a. Dedicate **2'** of property for pedestrian purposes behind all driveway approaches.

2. Construction Requirements:

- a. Construct a **35'** maximum driveway approach to Public Works Standard(s) **P-2** and **P-6**. **If parking is allowed adjacent to the curb, provide 10' of red curbing (3 coats) on both sides of the proposed driveway approaches.** Construct a concrete pedestrian walkway behind all driveway approaches as identified on **Exhibit "A-1"**. Asphalt concrete paving per City of Fresno Public Works Standard Drawing **P-21** may be substituted for concrete.
- b. Provide a **10'** visibility triangle at all driveways.
- c. Construct concrete **8'** commercial sidewalk to Public Works Standard **P-5**.
Remove the proposed tree wells that are on the site plan along Olive Avenue.
- d. If not already existing, construct an underground street lighting system to Public Works Standard **E-1** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-8** for Collectors. **-OR-** Show the existing street light locations on the plans, **-AND-** that they are constructed per current City of Fresno Standards.
- e. If not already existing, modify or replace the existing ramps to meet current Public Works Standards, as determined by the Construction Management engineer **PRIOR**

to occupancy. "Detectable Warning Devices" are required, if not existing. Reference Public Works Standards **P-24 thru P-27, P-28, P-30 thru P-32.**

North Bush Avenue: Local

1. Construction Requirements:
 - a. If not already existing, construct **18' to 20'** of permanent paving per Public Works Standard **P-50**, within the limits of this application and transition paving as necessary.
 - b. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a **7'** residential pattern. Construct a **6'** residential sidewalk.
 - c. Accurately show the existing street light locations on the plans, for the entire parcel, - **AND-** that they are constructed per current City of Fresno Standards.
 - d. Construct a standard curb ramp per Public Works Standard **P-28**, based on a **20'** radius at Hedges Avenue and Bush Avenue. "Detectable Warning Devices" are required, if not existing. Reference Public Works Standards **P-24 thru P-27, P-28, P-30 thru P-32.**

East Hedges Avenue: Local

1. Construction Requirements:
 - a. If not already existing, construct **20'** of permanent paving per Public Works Standard **P-50**, within the limits of this application and transition paving as necessary.
 - b. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a **10'** commercial pattern. Construct a **6'** residential sidewalk.
 - c. Construct an underground street lighting system to Public Works Standard **E-2** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-9** for Locals.
 - d. If not already existing, modify or replace the existing ramp at Peach Avenue and Hedges Avenue to meet current Public Works Standards, as determined by the Construction Management engineer **PRIOR** to occupancy. "Detectable Warning Devices" are required, if not existing. Reference Public Works Standards **P-24 thru P-27, P-28, P-30 thru P-32.**

Street Construction Plans are required and shall be approved by the City Engineer. All improvements shall be constructed in accordance with the City of Fresno, Public Works Department Standard Drawings and Specifications. The performance of any work within the public street right of way (including pedestrian and utility easements) requires a **STREET WORK PERMIT prior** to commencement of work. When preparing Street Plans and/or Traffic Control Plans, contact (Randy Schrey) at (559) 621-8807, **10 working days** in advance, to make sure that sidewalks or an approved accessible path remain open during construction. Submit construction plans for all required work, in a single package, to the City of Fresno's, Traffic and Engineering Services Division. All work shall be reviewed, approved, completed and accepted **prior** to obtaining a certificate of occupancy. Utility poles, street lights, signals, etc. shall be relocated as determined by the City Engineer.

Two 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 811.

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

PRIVATE IMPROVEMENT REQUIREMENTS

Off-Street Parking Facilities and Geometrics

1. Off-Street parking facilities and geometrics shall conform to the City of Fresno Public Works Department, Parking Manual and Standard Drawing(s) **P-21, P-22, P-23**.
2. Install **30"** state standard "STOP" sign(s) at location(s) shown. Sign shall be mounted on a **2"** galvanized post with the bottom of the sign **7'** above ground; located behind curb and immediately behind a major street sidewalk. A "right turn only" sign is also required, at the Peach Avenue location; install a **30" x 36"** state standard sign immediately below the stop sign on the same post.
3. Provide parking space needs, circulation, access, directional signs (e.g. "Entrance," "Exit," "Right Turn Only," "One Way" signs, etc.) as noted on **Exhibit "A-1"**.
4. Car Wash Drive Through: resubmit the site plan identifying a minimum of a **3** car stack. Use **20'** per car. (not to block existing or proposed parking) **15'** min. radius, **13'** minimum aisle in turn, **11'** lane, **9'** min at pay station.

Prior to resubmitting a corrected exhibit, provide the following information on the site plan:

A. General Requirements

1. **Legend:** Provide line types and utility symbols
2. **Parcel of Record:** Provide a legal description and identify the entire parcel at the time of permits.
3. **Property Lines and Easements:** Accurately identify, show, and dimension.

B. Offsite Information:

1. **Section and Center Lines:** Identify.
2. **Street Improvements and Furniture:** Identify existing and proposed ADA ramps (provide radius), street lights (show all on site plan), etc.
3. **ADA:** Identify the required 4' minimum path of travel along the public sidewalk adjacent to property, as required by the California Administration Code (Title 24). A pedestrian easement may be required if Title 24 requirements cannot be met.

C. Onsite Information:

1. **Buildings:** Identify and label all buildings as proposed.
2. **Parking Lot:**
 - a. **Stalls:** Provide length and width. Identify the **3'** vehicular overhang adjacent to continuous curbing. No obstructions shall be within the **3'** overhang.
 - b. **Curbs and/ or Wheel Stops:** **6"** high
 - c. **Walkways:** provide width adjacent to parking stalls **7'** min
 - d. **Lighting / Disability signage:** not to be within the **3'** vehicular overhang
 - e. **Paving:** per Public Works Standards **P-21,P-22, P-23**

Questions relative to these conditions may be directed to Melessa Avakian at 559 621-8812 Melessa.Avakian@fresno.gov in the Public Works Department, Traffic and Engineering Services Division.



PUBLIC WORKS DEPARTMENT

City Hall
2600 Fresno Street, 4th Floor
Fresno, California 93721
Ph. (559) 621-8800
www.fresno.gov

Scott L. Mozier, P.E.
Public Works Director

January 7, 2016

Israel Trejo
Development and Resources Management Department
2600 Fresno Street, 3rd Floor
Fresno, CA 93721

SUBJECT: REVIEW OF THE TRAFFIC IMPACT STUDY (TIS) DATED NOVEMBER 16, 2015 FOR THE PROPOSED CIRCLE K, LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF OLIVE AND PEACH AVENUES
TIS 16-003, C-15-182ABCUP

PROJECT OVERVIEW

We have reviewed the Traffic Impact Study (TIS) prepared JLB Traffic Engineering, Inc. for the proposed Circle K, "project", which plans to construct approximately 4,968 square foot gasoline service station with 20 fueling positions and a car wash on approximately 4.01 acres on the northeast corner of Olive and Peach Avenues.

The TIS evaluated the impacts of the project by analyzing two (2) intersections in the vicinity of the project during the AM and PM peak hours. Vehicle trips projected to be generated by the project were calculated using the ITE Trip Generation Manual, 9th Edition. The following table includes the daily (ADT), AM and PM peak hour trips projected to be generated by the project as shown in the TIS:

Land Use	Size	Weekday						
		ADT	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Gasoline/Service Station with Convenience Market & Car Wash (ITE Code 946)	20 fueling stations	3,057	121	116	237	141	136	277

The project site is located in Traffic Impact Zone (TIZ) II. Traffic Impact Zone II allows a level of service (LOS) standard of LOS E. Based on the analyses included in the TIS, all of the study intersections are currently operating at or above the City of Fresno's acceptable standard of LOS E. With the addition of the project and cumulative growth, the study intersections are projected to continue to operate at or above the City of Fresno's acceptable LOS E standard.

GENERAL COMMENTS and CONDITIONS

1. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee of \$47.12 per ADT, per the Master Fee Schedule, at the time of building permit. Based on the weekday total ADT of 3,057 for the proposed project, the fee would be \$91,931.12 payable at the time of the building permit.

The TSMI fee facilitates project impact mitigation to the City of Fresno Traffic Signal infrastructure so that costs are applied to each new project/building based on the generated ADT. The TSMI fee is credited against traffic signal installation/modifications and/or Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) that plan to build out the 2035 General Plan circulation element and are included in the Nexus Study for the TSMI fee. The TSMI fee is regularly updated as new traffic signals are added, new grant funds offset developer improvement costs, and/or construction costs increase/decrease. If the project is conditioned with traffic signal improvements in excess of their TSMI fee amount, the applicant may apply for fee credits (security/bonding and/or developer agreement required) and/or reimbursement for work in excess of their fee as long as the infrastructure is in place at the ultimate location. The applicant should work with the Public Works Department and identify, with a Professional Engineers estimate, the costs associated with the improvements prior to paying the TSMI fee to determine any applicable fee credits and/or reimbursements.

For project specific impacts that are not consistent with the 2035 General Plan, Public Works Standards, and/or are not incorporated into the TSMI fees, the infrastructure costs will not be eligible for reimbursement unless the City Engineer and City Traffic Engineer include the new traffic signal and/or ITS infrastructure in the next TSMI fee update and the applicant agrees to pay the new TSMI fee that includes the new infrastructure. Failure to pay this fee or construct improvements that are credited/reimbursable with this fee will result in a significant unmitigated impact as this fee is applied to all projects within the City Sphere of Influence.

2. This project shall pay its Fresno Major Street Impact (FMSI) Fee, which will be determined at time of building permit. This FMSI fee is creditable towards major street roadway improvements included in the nexus study for the FMSI fee.
3. The project shall pay the Regional Transportation Mitigation Fee (RTMF). Pay the RTMF fee to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148, ext. 200; www.fresnocoq.org. Provide proof of payment or exemption, based on vesting rights, prior to issuance of building permits.
4. The proposed project shall pay the \$288 Traffic Impact Study review fee for review of the document. Proof of payment shall be provided to the Traffic & Engineering Services Division.
5. The proposed project shall make necessary improvements and right-of-way and public easement dedications along adjacent public street(s) and within the site boundaries per City of Fresno standards/requirements.

6. The proposed site plan shall be reviewed and approved by the City of Fresno Traffic & Engineering Services Division, Traffic Planning Section.
7. The TIS has recommended that Olive Avenue be restriped to allow for an eastbound left-turn lane at the proposed project driveway along Olive. If the proposed project decides to construct this improvement, the proposed project shall modify the Olive Avenue lanes within the project's Olive Avenue frontage by extending the existing westbound exclusive left-turn lane as a two-way left turn lane to Bush Avenue, including all appropriate transitions and repairs per City standards and specifications. Width of two way left turn lane extension shall be at least 11'. The proposed project shall also make any modifications to the existing traffic signal at the intersection of Olive and Peach Avenues that are a result of the restriping. This traffic signal is not included in the current TSMI program and is not considered eligible reimbursable or creditable improvements.

If you have any further questions regarding this matter, please contact me at (559) 621-8792 or jill.gormley@fresno.gov.

Sincerely,



Jill Gormley, TE
City Traffic Engineer / Traffic Engineering Manager
Public Works Department, Traffic & Engineering Services

C: Copy filed with Traffic Impact Study
Louise Gilio, Traffic Planning Supervisor
Mike Sanchez, Asst. Director, DARM
Jose Benavides, JLB Traffic Engineering, Inc.

January 20, 2016

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

Attn. Israel Trejo, Planning Division

Re: SPECIAL PERMIT NO. C-15-182
Circle K Store
1234 N. Peach Ave
Fresno, CA 93702
A.P.N.s 455-272-01S

Dear Mr. Trejo,

Pursuant to your Department's request, the Fresno Police Department has reviewed the special permit application for property located at **1234 N. Peach Avenue**. The property has been zoned C-1 for Neighborhood Commercial. The applicant proposes the construction of a 4,968 square-foot retail convenience store with a 6,511 square foot fuel facility and 1,262 square-foot carwash. The applicant also requests authorization to establish a State of California Alcoholic Beverage Control Type 21 alcohol license. The Fresno Police Department's primary concern with the application is the propensity of the operations on the premises to generate calls for police service, and therefore, be detrimental to the public welfare.

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

1. All applicable provisions of the Fresno Municipal Code are complied with and the site of the proposed use is adequate in size and shape to accommodate the use, and all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,
2. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,
3. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. This third finding shall not apply to uses which are subject to the provisions of Section 12-306-N-39 of the Fresno Municipal Code (Regulating Adult Businesses).

The conditions are established to ensure public safety, and to minimize any impact to the surrounding area. The applicant proposes the construction of a Circle K convenience store, a

fuel facility and carwash. The applicant requests authorization to establish a Type 21 alcohol license (package store selling beer, wine and distilled spirits for consumption off the premises) for the Circle K store. We request the following conditions be included as Conditions of Approval for Conditional Use Permit Application No. C-15-182. These conditions will help to insure maintain an environment that is least likely to generate criminal activity, public complaints and police calls for service.

The Fresno Police Department is not in opposition of this Conditional Use Permit, providing the applicant agrees to the listed conditions. If the following conditions are not included as conditions of approval of CUP No. C-15-182, the Fresno Police Department shall oppose the approval of this Conditional Use Permit, and shall appeal such approval to the Planning Commission. As such, we request that you provide Detective McFarland #1612 with notice of the Director's decision regarding this Conditional Use Permit as well as a complete copy of the conditions of approval, if the Director approves the Conditional Use Permit.

Requested Conditions of Approval:

1. Fresno Municipal Codes

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

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

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

2. State and Federal Law

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

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

3. Video Camera

Prior to exercising any privileges granted by CUP No. C-15-182 the applicant must install a fully functional color digital video camera system ("System") that meets the following requirements:

- 3.1 The System must continuously record, store, be capable of playing back images and be fully functional at all times, including during any hours the business is closed. The System must be maintained in a secured location inside of the business.
- 3.2 The System shall have the correct date and time stamped onto the image at all times.
- 3.3 The camera storage capacity should be for at least one week (seven calendar days). Such cameras must be capable of producing a retrievable and identifiable image than can be made a permanent record and that can be enlarged through projection or other means.
- 3.4 Digital video recorder must be capable of storing at least seven days of real-time activities.
- 3.5 The System shall be capable of producing a CD or digital playback feature and may be provided to an authorized representative of the Fresno Police Department within 24 hours of the initial request relating to a **criminal investigation only**.
- 3.6 The interior of the business must have at least one camera placed to focus on each cash register transaction to include the clerk as well as the customer waiting area. There should be at least one camera focused on the entrance and the camera view should clearly show an image of the color coded height tape installed on the inside of the door jamb.

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

3.8 All interior cameras shall record in color.

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

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

4. ABC Education

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

- 4.1 Completed training from the State of California Department of Alcoholic Beverage Control--Fresno District Office-administered "Leadership and Education in Alcohol and Drugs" (LEAD) Program as confirmed by receipt of an ABC-issued certificate of completion; or,
- 4.2 Completed equivalent training acceptable to the ABC-- Fresno District Office to ensure proper distribution of beer, wine, distilled spirits, tobacco, and inhalants to adults of legal age.

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

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

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

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

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

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

6. **Wine Alcohol Per Volume**

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

7. **Posting Property**

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

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

8.1 The establishment shall not allow alcoholic beverages to be consumed outside the building premises or any other adjacent property under its control. No alcoholic beverage will be consumed on any property adjacent to the premises (i.e., parking lot and sidewalks). If the alcoholic beverages are consumed on the exterior portion of adjacent property not owned or controlled by the applicant, the applicant shall immediately report such consumption to the Fresno Police Department.

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

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

9. **Property Responsibility**

"Frequent" responses by the Fresno Police Department arising out of or relating to

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

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

10. The establishment shall ensure that all employees involved, either directly or indirectly, in the sale of alcoholic beverages are aware of and comply with these conditions. The establishment shall have each employee sign a written acknowledgment that he/she has reviewed and understood each of these conditions. The written acknowledgement shall be maintained by the establishment and made available to the Fresno Police Department upon reasonable request.

FRESNO POLICE DEPARTMENT

 Date: 1.20.16

Lieutenant Mark Salazar
Southeast District Commander

 Date: 1-20-16

Sergeant Michael Manfredi
Southeast District Supervisor

 Date: 1/20/2016

Detective Braden McFarland
Southeast District POP



FIRE DEPARTMENT

DATE: DECEMBER 24, 2015

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

FROM: LAURIE SAWHILL, Senior Fire Prevention Inspector
Fire Department, Community Risk Reduction Unit

SUBJECT: 1234 N PEACH, C-15-182-ABCUP

Conditional Use Permit Application No. C-15-182-ABCUP was filed by William Scarbrough of Land Development Consultants, LLC, and pertains to 4.01 acres of property located on the northeast corner East Olive and North Peach Avenues, 1234 North Peach Avenue & APN: 455-272-01S. The applicant proposes the construction of a 4,968 square-foot retail convenience store with a 6,511 square-foot fuel facility and 1,262 square-foot carwash. The applicant also requests authorization to establish a State of California Alcoholic Beverage Control Type 21 alcohol license (Package Store – sale of beer, wine, and distilled spirits for consumption off the premises where sold) for the proposed Circle K Store. The property is zoned C-1 (Neighborhood Commercial).

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

The fueling canopy will require fire sprinklers as it exceeds 5,000 square feet.

Detail on site plan proposed location of fire riser and fire department connection for that structure as well. If proposing a sprinkler riser inside a column, include the following note.

Note on plan: Provide a minimum 3 ft. x 3ft. access panel for the fire sprinkler riser in all commercial buildings.

The proposed location of fire sprinkler riser and FDC inside the store is not within 5 feet of an exterior door. Note: Interior sprinkler risers not located within five feet of an exterior door require an exterior wall mounted indicating control valve.

Curbs designated as "Fire Lane" shall be painted red and have "Fire Lane" stenciled in minimum 3" white letters every 50' or portion thereof.

Provide note on site plan: Provide sign(s) (17 "x22" minimum) at all public entrance drives to the property which state "Warning – Vehicles stopped, parked or left standing in fire

lanes will be immediately removed at owner's expense – 22658(a) California Vehicle Code – Fresno Police Department 621-2300.”

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

All revisions to plans shall be called out with a cloud or delta.



**DEPARTMENT OF PUBLIC UTILITIES
ADMINISTRATION DIVISION
MEMORANDUM**



Date: December 30, 2015

To: ISRAEL TREJO, Planner III
Planning and Development

From: KEVIN GRAY, Supervising Engineering Technician
Department of Public Utilities, Planning and Engineering Division

Subject: SEWER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-15-182-ABCUP

General

Conditional Use Permit Application No. C-15-182-ABCUP was filed by William Scarbrough of Land Development Consultants, LLC, and pertains to 4.01 acres of property located on the northeast corner East Olive and North Peach Avenues, 1234 North Peach Avenue & APN: 455-272-01S. The applicant proposes the construction of a 4,968 square-foot retail convenience store with a 6,511 square-foot fuel facility and 1,262 square-foot carwash. The applicant also requests authorization to establish a State of California Alcoholic Beverage Control Type 21 alcohol license (Package Store – sale of beer, wine, and distilled spirits for consumption off the premises where sold) for the proposed Circle K Store. The property is zoned C-1 (Neighborhood Commercial).

Sewer Requirements

The nearest sanitary sewer main to serve the proposed project is a 6-inch sewer main located in East Hedges Avenue and an 8-inch sewer main located in North Bush Avenue. Sewer facilities are available to provide service to the site subject to the following requirements:

1. Installation of sewer house branch(s) shall be required.
2. Abandon any existing on-site private septic systems.
3. On-site sanitary sewer facilities shall be private.
4. The Project Developer shall contact Wastewater Management Division/Environmental Services at (559) 621-5100 prior to pulling building permits regarding conditions of service for special users.

Sewer Fees

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

1. Sewer Lateral Charge.
2. Sewer Oversize Charge.



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3. Sewer Facility Charge (Non-Residential).
4. Upon connection of this Project to the City Sewer System the owner shall be subject to payment of Sewer Facility charges per Fresno Municipal Code Section 6-304 and 6-305. Sewer Facility Charges consist of two components, a Wastewater Facilities Charge and Trunk Sewer Charge where applicable.
5. Sewer Facility Charges are collected after occupancy on a monthly basis over time based on metered (water or sewer effluent) usage. The developer may contact the Department of Public Utilities/Wastewater-Environmental Control at (559) 621-5153 to receive an estimated cost of the Sewer Facility Charges applicable to the project (based on a constant sewer discharge and loading (Biochemical Oxygen Demand [BOD] and Total Suspended Solids [TSS] levels anticipated) at the current rates in effect, at that time, per Fresno's Master Fee Resolution. The developer shall provide data regarding estimated sewer discharge rates [flow] and loading [BOD/TSS levels] required for calculating the estimated charges.



Department of Public Utilities – Water Division



Providing Life's Essential Services

DATE: December 22, 2015

TO: LAUREN FILICE, Planner III
Development Department/Current Planning

THROUGH: MICHAEL CARBAJAL, Division Manager
Department of Public Utilities, Water Division

FROM: ROBERT A. DIAZ, Senior Engineering Technician
Department of Public Utilities, Water Division

RAD

**SUBJECT: WATER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-15-182
ABCUP**

General

Conditional Use Permit Application No. C-15-182-ABCUP was filed by William Scarbrough of Land Development Consultants, LLC, and pertains to 4.01 acres of property located on the northeast corner East Olive and North Peach Avenues, 1234 North Peach Avenue & APN: 455-272-01S. The applicant proposes the construction of a 4,968 square-foot retail convenience store with a 6,511 square-foot fuel facility and 1,262 square-foot carwash. The applicant also requests authorization to establish a State of California Alcoholic Beverage Control Type 21 alcohol license (Package Store sale of beer, wine, and distilled spirits for consumption off the premises where sold) for the proposed Circle K Store. The property is zoned C-1 (Neighborhood Commercial).

Water Requirements

The nearest water mains to serve the proposed project are a 12-inch main located in East Olive, an 8-inch main located in East Hedges Avenue and an 8-inch main located in North Bush Avenue. Water facilities are available to provide service to the site subject to the following requirements:

1. The developer shall provide a detailed water usage analysis identifying water fixture, landscape, and laundry efficiencies to document water conservation design characteristics, subject to approval by the Director of Public Utilities.
2. No water service connections shall be allowed to the existing 12-inch water main located in North Peach Avenue.
3. On-site water facilities shall be private.



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DEPARTMENT OF PUBLIC UTILITIES

Date: December 21, 2015

To: ISRAEL TREJO, Planner III
Development and Resource Management Department

From: MIKEAL CHICO, Management Analyst II
Solid Waste Management Division

A handwritten signature in black ink, appearing to be "MK" or similar, written over the printed name of Mikeal Chico.

Subject: Conditional Use Permit Application No. C-15-182-ABCUP was filed by William Scarbrough of Land Development Consultants, LLC, and pertains to 4.01 acres of property located on the northeast corner East Olive and North Peach Avenues, 1234 North Peach Avenue & APN: 455-272-01S. The applicant proposes the construction of a 4,968 square-foot retail convenience store with a 6,511 square-foot fuel facility and 1,262 square-foot carwash. The applicant also requests authorization to establish a State of California Alcoholic Beverage Control Type 21 alcohol license (Package Store – sale of beer, wine, and distilled spirits for consumption off the premises where sold) for the proposed Circle K Store. The property is zoned C-1 (Neighborhood Commercial).

General

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

Does Project Affect Your Agency/Jurisdiction

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

Recommended Conditions of Approval

2-cell trash enclosure required.

Additional Information

Location of enclosure is acceptable.



December 30, 2015

TO: ISRAEL TREJO, Planner III – DARM
FROM: JARRED GARZA, Senior Engineering Technician – Airports
SUBJECT: 1234 NORTH PEACH AVENUE (APN: 455-272-01S)

The proposed project pertains to ± 4.01 acres of property located on the northeast corner of East Olive and North Peach Avenues. The property is approximately 4,237 feet west of runway 11R-29L of the Fresno Yosemite International Airport. The applicant proposes the construction of a 4,968 square-foot retail convenience store with a 6,511 square-foot fuel facility and 1,262 square-foot carwash. The applicant also requests authorization to establish a State of California Alcoholic Beverage Control Type 21 alcohol license for the proposed Circle K Store. The property is zoned C-1.

The following policy criteria in the Fresno Yosemite International Airport Land Use Compatibility Plan apply to the subject application:

NOISE COMPATIBILITY

Located inside the 60-65 CNEL contour

- Compatible with proposed use

OVERFLIGHT COMPATIBILITY

Located outside the 65 CNEL

- No easement or covenant required

SAFETY COMPATIBILITY

Located inside Safety Compatibility Zone 6: Traffic Pattern Zone

- Compatible with proposed use

AIRSPACE PROTECTION

All structures (permanent or temporary) must comply with the Federal Aviation Administration's (FAA) Part 77 Objects Affecting Navigable Airspace.

- 100:1 Surface – Submit Form 7460 "Notice of Proposed Construction or Alteration" to the FAA at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp> for any temporary or permanent structures greater than 42 feet in height at this location (including construction cranes)



County of Fresno

DEPARTMENT OF PUBLIC HEALTH
DAVID POMAVILLE, DIRECTOR

December 22, 2015

LU0018306
2602

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

Dear Mr. Trejo:

PROJECT NUMBER: C-15-182

Conditional Use Permit Application No. C-15-182-ABCUP was filed by William Scarbrough of Land Development Consultants, LLC, and pertains to 4.01 acres of property located on the northeast corner of East Olive and North Peach Avenues. The applicant proposes the construction of a 4,968 square-foot retail convenience store with a 6,511 square-foot fuel facility and 1,262 square-foot carwash. The applicant also requests authorization to establish a State of California Alcoholic Beverage Control Type 21 alcohol license (Package Store - sale of beer, wine, and distilled spirits for consumption off the premises where sold) for the proposed Circle K Store. The property is zoned C-1 (*Neighborhood Commercial*).

APN: 455-272-01S

ZONING: C-1

ADDRESS: 1234 North Peach Avenue

Recommended Conditions of Approval:

- Prior to issuance of building permits, the applicant shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Prior to operation, the applicant shall apply for and obtain a permit to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Prior to alcohol sales, the applicant shall obtain their license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.
- Prior to the issuance of building permits, the applicant shall submit three (3) sets of complete plans and specifications regarding any proposed installation of underground petroleum storage tanks to the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency, at (559) 600-3271 for more information.

Promotion, preservation and protection of the community's health

1221 Fulton Mall / P.O. Box 11867 / Fresno, California 93775 / Phone (559) 600-3271 / FAX (559) 455-4646

Email: EnvironmentalHealth@co.fresno.ca.us ♦ www.co.fresno.ca.us ♦ www.fcdph.org

Equal Employment Opportunity ♦ Affirmative Action ♦ Disabled Employer

- Prior to occupancy, the applicant shall apply for and secure a Permit to Operate an Underground Storage Tank System from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
- Prior to operations, the applicant/tenant shall be required to complete the online Hazardous Materials Business Plan submittal (<https://www.fresnocupa.com/> or <http://cers.calepa.ca.gov/>). Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
- All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes.
- The proposed construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.

REVIEWED BY:

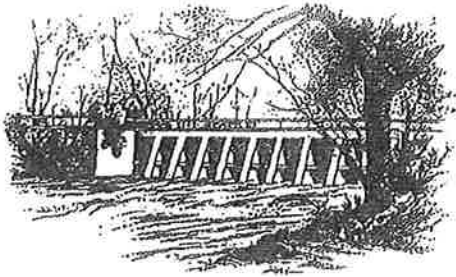
Kevin Tsuda

Digitally signed by Kevin Tsuda
DN: cn=Kevin Tsuda, o=Fresno County
Department of Public Health,
ou=Environmental Health Division,
email=ktsuda@co.fresno.ca.us, c=US
Date: 2015.12.22 14:04:23 -08'00'

Kevin Tsuda, R.E.H.S.
Environmental Health Specialist II

(559) 600-3271

cc: Tolzmann, Rogers, Gore, Bell & Jackson- Environmental Health Division (CT 30.01)
William Scarbrough- Applicant (bill@ldcaz.com)
Dave Cisiewski- Applicant (dave@ldcaz.com)



YOUR MOST VALUABLE RESOURCE - WATER



OFFICE OF
TELEPHONE (559) 233-7161
FAX (559) 233-8227
2907 S. MAPLE AVENUE
FRESNO, CALIFORNIA 93725-2208

December 21, 2015

Mr. Israel Trejo
Ms. Joann Zuniga
City of Fresno
Department of Development and Resource Management
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

RE: Conditional Use Permit Application No. C-15-182-ABCUP
N/E Peach and Olive avenues

Dear Mr. Trejo and Ms. Zuniga:

The Fresno Irrigation District (FID) has reviewed the Conditional Use Permit Application No. C-15-182-ABCUP filed by William Scarbrough of Land Development Consultants, LLC, and pertains to 4.01 acres of property located on the northeast corner of Olive and Peach avenues. The applicant proposes the construction of a 4,968 square feet retail convenience store with a 6,511 square feet fuel facility and 1,262 square feet carwash. The applicant also requests the authorization to establish a State of California Alcoholic Beverage Control Type 21 alcohol license for the proposed Circle K Store. The property is zoned C-1 (Neighborhood Commercial). FID has the following comments:

1. FID does not own, operate or maintain any facilities located within the subject property as shown on the attached FID exhibit map.
2. For informational purposes, FID's Mill Canal No. 36 runs westerly and crosses Peach Avenue approximately 2,000 feet north of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Peach or in the vicinity of the canal crossing, FID requires it review and approve all plans.

G:\Agencies\FresnoCity\Conditional Use Permit\C-15-182-ABCUP.doc

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Mr. Israel Trejo
Ms. Joann Zuniga
RE: C-15-182-ABCUP
December 21, 2015
Page 2 of 2

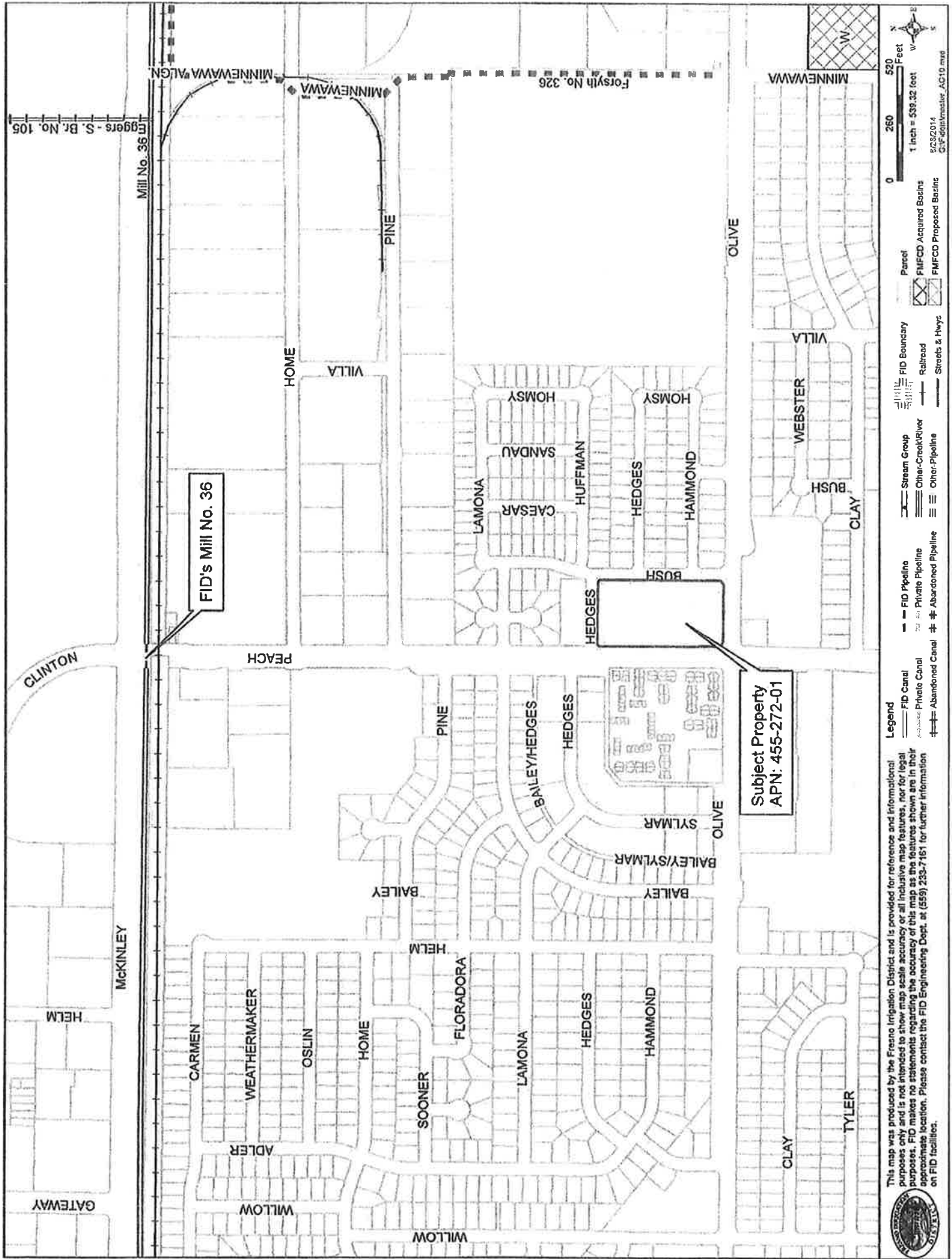
Thank you for submitting the proposed project for our review. We appreciate the opportunity to review and comment on the subject documents for this project. If you have any questions please feel free to contact Sen Saetern at (559) 233-7161 extension 7406 or ssaetern@fresnoirrigation.com.

Sincerely,



Laurence Kimura, P.E.
Chief Engineer

Attachment



**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS**

File No. 210.413

Page 1 of 3

PUBLIC AGENCY

ISRAEL TREJO
DEVELOPMENT SERVICES/PLANNING
CITY OF FRESNO
2600 FRESNO STREET, THIRD FLOOR
FRESNO, CA 93721

DEVELOPER

WILLIAM SCARBROUGH, LAND DEVELOPMENT
CONSULTANTS, LLC
11811 N. TATUM BLVD., SUITE 1051
PHOENIX, AZ 85028

PROJECT NO: **2015-182**

ADDRESS: **1234 N. PEACH AVE.**

APN: **455-272-01S**

SENT: **12/24/15**

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
G	\$0.00	NOR Review	\$72.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review	\$368.00	Amount to be submitted with first grading plan submittal.
Total Drainage Fee: \$0.00		Total Service Charge: \$440.00		

The proposed development will generate storm runoff which produces potentially significant environmental impacts and which must be properly discharged and mitigated pursuant to the California Environmental Quality Act and the National Environmental Policy Act. The District in cooperation with the City and County has developed and adopted the Storm Drainage and Flood Control Master Plan. Compliance with and implementation of this Master Plan by this development project will satisfy the drainage related CEQA/NEPA impact of the project mitigation requirements.

Pursuant to the District's Development Review Fee Policy, the subject project shall pay review fees for issuance of this Notice of Requirements (NOR) and any plan submittals requiring the District's reviews. The NOR fee shall be paid to the District by Developer before the Notice of Requirement will be submitted to the City. The Grading Plan fee shall be paid upon first submittal. The Storm Drain Plan fee shall be paid prior to return/pick up of first submittal.

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/29/16 based on the site plan submitted to the District on 12/17/15. Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

Considerations which may affect the fee obligation(s) or the timing or form of fee payment:

- a.) Fees related to undeveloped or phased portions of the project may be deferrable.
- b.) Fees may be calculated based on the actual percentage of runoff if different than that typical for the zone district under which the development is being undertaken and if permanent provisions are made to assure that the site remains in that configuration.
- c.) Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.
- d.) The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee obligation.
- e.) When the actual costs incurred in constructing Master Plan facilities exceeds the drainage fee obligation, reimbursement will be made for the excess costs from future fees collected by the District from other development.
- f.) Any request for a drainage fee refund requires the entitlement cancellation and a written request addressed to the General Manager of the District within 60 days from payment of the fee. A non refundable \$300 Administration fee or 5% of the refund whichever is less will be retained without fee credit.

**FR
CUP No. 2015-182**

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS**

Page 2 of 3

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

1. ☒ a. Drainage from the site shall BE DIRECTED TO PEACH AND/OR OLIVE AVENUES
☐ b. Grading and drainage patterns shall be as identified on Exhibit No.
☐ c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.

2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:
☐ Developer shall construct facilities as shown on Exhibit No. 1 as "MASTER PLAN FACILITIES TO BE CONSTRUCTED BY DEVELOPER".
☒ None required.

3. The following final improvement plans and information shall be submitted to the District for review prior to final development approval:
☒ Grading Plan
☐ Street Plan
☐ Storm Drain Plan
☐ Water & Sewer Plan
☐ Final Map
☐ Drainage Report (to be submitted with tentative map)
☐ Other
☐ None Required

4. Availability of drainage facilities:
☒ a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s).
☐ b. The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.
☐ c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available.
☐ d. See Exhibit No. 2.

5. The proposed development:
☐ Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)
☒ Does not appear to be located within a flood prone area.

6. ☐ The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

**FR
CUP No. 2015-182**

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS**

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**FR
CUP No. 2015-182**

7. The Federal Clean Water Act and the State General Permits for Storm Water Discharges Associated with Construction and Industrial Activities (State General Permits) require developers of construction projects disturbing one or more acres, and discharges associated with industrial activity not otherwise exempt from National Pollutant Discharge Elimination System (NPDES) permitting, to implement controls to reduce pollutants, prohibit the discharge of waters other than storm water to the municipal storm drain system, and meet water quality standards. These requirements apply both to pollutants generated during construction, and to those which may be generated by operations at the development after construction.
- a. State General Permit for Storm Water Discharges Associated with Construction Activities, effective July 1, 2010, as amended. A State General Construction Permit is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre) if part of a larger common plan of development or sale. Permittees are required to: submit a Notice of Intent and Permit Registration Documents to be covered and must pay a permit fee to the State Water Resources Control Board (State Board), develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, and complete an annual certification of compliance.
 - b. State General Permit for Storm Water Discharges Associated with Industrial Activities, April, 1997 (available at the District Office). A State General Industrial Permit is required for specific types of industries described in the NPDES regulations or by Standard Industrial Classification (SIC) code. The following categories of industries are generally required to secure an industrial permit: manufacturing; trucking; recycling; and waste and hazardous waste management. Specific exemptions exist for manufacturing activities which occur entirely indoors. Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board, develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, sample storm water runoff and test it for pollutant indicators, and annually submit a report to the State Board.
 - c. The proposed development is encouraged to select and implement storm water quality controls recommended in the Fresno-Clovis Storm Water Quality Management Construction and Post-Construction Guidelines (available at the District Office) to meet the requirements of the State General Permits, eliminate the potential for non-storm water to enter the municipal storm drain system, and where possible minimize contact with materials which may contaminate storm water runoff.
8. A requirement of the District may be appealed by filing a written notice of appeal with the Secretary of the District within ten days of the date of this Notice of Requirements.
9. The District reserves the right to modify, reduce or add to these requirements, or revise fees, as necessary to accommodate changes made in the proposed development by the developer or requirements made by other agencies.
10. X See Exhibit No. 2 for additional comments, recommendations and requirements.


Debbie Campbell
Design Engineer


Gary W. Chapman
Project Engineer

OTHER REQUIREMENTS
EXHIBIT NO. 2

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

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

Runoff from areas where industrial activities, product, or merchandise come into contact with and may contaminate storm water must be treated before discharging it off-site or into a storm drain. Roofs covering such areas are recommended. Cleaning of such areas by sweeping instead of washing is to be required unless such wash water can be directed to the sanitary sewer system. Storm drains receiving untreated runoff from such areas shall not be connected to the District's system. Loading docks, depressed areas, and areas servicing or fueling vehicles are specifically subject to these requirements. The District's policy governing said industrial site NPDES program requirements is available on the District's website at: www.fresnofloodcontrol.org or contact the District's Environmental Department, Daniel Rourke, for further information regarding these policies related to industrial site requirements.

Development No. CUP 2015-182



Preparing Career Ready Graduates

December 18, 2015

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

**SUBJECT: CONDITIONAL USE PERMIT NO. C-15-182-ABCUP
1234 N. PEACH AVE.**

Dear Mr. Trejo,

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

The applicant for the proposed 4,968 square-foot Circle K retail convenience store and 1,262 square-foot car wash to be located at 1234 North Peach Avenue is requesting authorization to establish a State of California Alcoholic Beverage Control Type 21 (*Package Store – sale of beer, wine, and distilled spirits for consumption off the premises where sold*) alcohol license. It is located within approximately 850 feet from Turner Elementary School.

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

The Fresno Unified School District levies a commercial/industrial development fee of \$0.54 per square foot. Any new development on the property will be subject to the development fee prior to issuance of a building permit.

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

Sincerely,



Alex Belanger, Assistant Superintendent
Facilities Management and Planning

AB:hl

c: Steve Gettman, Principal, Turner Elementary School

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Michael E. Hanson

**CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT NO. C-15-182**

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: Land Development Consultants, LLC
c/o William Scarbrough
11811 N. Tatum Blvd. #1051
Phoenix, AZ 85028

PROJECT LOCATION: Northeast corner of North Peach and East Olive
Avenues
(APN: 455-272-01)

PROJECT DESCRIPTION: Conditional Use Permit Application No. C-15-182 is a proposal to develop a 4,968 sq. ft. convenience store (Circle K) with Type 21 alcohol sales, fuel station with 10 dispensers and a 1,262 sq. ft. automatic carwash to be operated 24 hours a day

This project is exempt under Section 15332 (Class 32) of the California Environmental Quality Act (CEQA) Guidelines. None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

EXPLANATION:

Section 15332/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 subject property general plan designation is Community Commercial which allows commercial uses. Pursuant to Section 15-104.D of the new Development Code, planning permit applications that have been accepted by the City as complete prior to the effective date of the Development Code (January 3, 2016), shall be subject to the Code requirements in effect as of the date the application was deemed complete, unless the applicant chooses to use the updated provisions of the Development Code in their entirety. The subject application was accepted for processing on November 25, 2015, and, as such, the application is subject to the requirements of the previous Code, i.e. Chapter 12 of the Fresno Municipal Code. The proposed uses are allowed, subject a conditional use permit. The subject property is located within the city limits, contains $\pm$ 4.01 acres and is substantially surrounded by urban uses. The project site has no value, as habitat for endangered, rare or threatened species. Based on the project analysis, the project is not expected to result in any significant effects relating to traffic, noise, air quality, or water quality. The subject site has access to required utilities and public services.

Date: March 10, 2016

Prepared By: Israel Trejo, Planner

Submitted By:



Will Tackett, Supervising Planner
City of Fresno
Development and Resource Mgmt.
Department
(559) 621-8277