



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO.

COMMISSION MEETING 06/22/16

June 22, 2016

APPROVED BY

FROM: MIKE SANCHEZ, Assistant Director
Development Services Division

for MS
BE

THROUGH: MCKENCIE CONTRERAS, Supervising Planner
Development Services Division

BY: CHRIS LANG, Planner
Development Services Division

SUBJECT

Consideration of an appeal of Director Action approving Conditional Use Permit Application No. C-15-130 and related Environmental Assessment No. C-15-130, filed by Eric Zamora, on behalf of Nasser Abdullah, for property located on the northeast corner of North Van Ness Avenue and East Divisadero Street in the City of Fresno.

RECOMMENDATION

1. ADOPT Environmental Assessment No. C-15-130, dated February 25, 2016, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) through a Class 1 and Class 32 Categorical Exemption.
2. APPROVE Conditional Use Permit Application No. C-15-130 requesting authorization to establish a State of California Alcoholic Beverage Control Type 20 alcohol license (*Package Store – sale of beer and wine for consumption off the premises*) for the Valley Food grocery store subject to the following:
 - a. Development shall take place in accordance with the Conditions of Approval detailed in the approval letter for Conditional Use Permit Application No. C-15-130 dated February 25, 2016 and amended on May 17, 2016.

EXECUTIVE SUMMARY

Eric Zamora, on behalf of Nasser Abdullah, has filed Conditional Use Permit Application No. C-15-130, pertaining to approximately 0.64 acres of property located on the northeast corner of North Van Ness Avenue and East Divisadero Street. The applicant requests authorization to establish a State of California Alcoholic Beverage Control Type 20 alcohol license (*Package Store – sale of beer and wine for consumption off the premises where sold*) for the Valley Food grocery store. The C-4 (*Central Trading District*) zone district is consistent with the Cultural Arts District planned land use. The project application was submitted to the Development Services Division on September 3, 2015, and as such, was processed under the previous development code. The Development and Resource Management Department Director approved the subject conditional use permit application on February 25, 2016. 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 feet of the subject site. In response to this notice, an appeal was received by the Development Services Division from the Lowell

Neighborhood Association opposing the sale of alcohol at the subject property with 49 signatures. On May 31, 2016, after the applicant worked to resolve issues with the appellant, the appeal was withdrawn by the appellant. Pursuant to the FMC, once an appeal hearing is noticed, the Planning Commission must consider the item or permit the withdrawal of the appeal. Since the appeal has been withdrawn, staff is recommending that Planning Commission approve the Conditional Use Permit.

PROJECT INFORMATION

PROJECT	Conditional Use Permit Application No. C-15-130 is a request to establish a State of California Alcoholic Beverage Control Type 20 alcohol license (<i>Package Store – sale of beer and wine for consumption off the premises</i>) within a proposed 7,344 square-foot grocery store.
APPLICANT	Eric Zamora, on behalf of Nasser Abdullah
LOCATION	50 North Van Ness Avenue; Located on the northeast corner of North Van Ness Avenue and East Divisadero Street (APN: 459-315-06) (Council District 3, Councilmember Baines)
SITE SIZE	Approximately 0.64 acres
PLANNED LAND USE	Cultural Arts District
ZONING	C-4 (<i>Central Trading District</i>)
PLAN DESIGNATION AND CONSISTENCY	The request to establish a State of California Alcoholic Beverage Control Type 20 alcohol license is consistent with the existing C-4 zone district and Cultural Arts District planned land use designation of the Fresno General Plan, Central Area Community Plan and Fulton-Lowell Specific Plan.
ENVIRONMENTAL FINDING	Staff has determined that the proposed project is exempt from CEQA through a Class 1 and Class 32 Categorical Exemption, dated February 25, 2016
PLAN COMMITTEE RECOMMENDATION	The Fulton-Lowell Design Review Committee and the District 3 Plan Implementation Committee both recommended approval of the project subject to conditions.
STAFF RECOMMENDATION	<u>ADOPT</u> : Environmental Assessment No. C-15-130 <u>APPROVE</u> : Conditional Use Permit Application No. C-15-130

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Neighborhoods	C-5 & R-4 <i>General Commercial & High Density Multiple Family Residential</i>	Residential
East	Corridor General	C-4 <i>Central Trading District</i>	Residential
South	Cultural Arts District	C-4 <i>Central Trading District</i>	Commercial
West	Cultural Arts District	C-4 <i>Central Trading District</i>	Commercial

ENVIRONMENTAL FINDING

The proposed project was determined to be exempt from CEQA by the Development and Resource Management Department on February 25, 2016 through a Class 1 and Class 32 Categorical Exemption. No further environmental assessment is needed. None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project. CEQA (Public Resource Code Section 21000 et seq.) permits a public agency to determine whether a particular project is exempt from CEQA. A determination of a Categorical Exemption, Section 15301/Class 1 and Section 15332/Class 32 of the CEQA Guidelines was made and Environmental Assessment No. C-15-130 was completed for this project.

The conditional use permit application is consistent with the general and community plan planned land use designation of *Cultural Arts District* and conforms to all applicable policies. The site is completely surrounded by urban uses and does not contain any significant value as habitat for endangered, rare, or threatened species. The subject site is adequately served by all required utilities and public services.

The proposed project consists of a request to establish a State of California Alcoholic Beverage Control Type 20 alcohol license, and is consistent with the existing C-4 zone district and the Cultural Arts District planned land use designation of the Fresno General Plan, Central Area Community Plan, and Fulton-Lowell Specific Plan. The proposed operation is allowed within the designated zone district. Therefore, the project complies with the conditions of the Class 1 and 32 Categorical Exemptions.

BACKGROUND / ANALYSIS

Project Description

Conditional Use Permit Application No. C-15-130 is a request for authorization to establish a State of California Alcoholic Beverage Control Type 20 alcohol license (*Package Store – Sale of beer and wine for consumption off the premises where sold*) for the proposed Valley Food

grocery store. The proposed grocery store will be located in an existing 7,344 square-foot brick building with an existing parking lot, located in the historic Fulton-Lowell neighborhood. Services will include the sale of grocery items and local produce, a meat market, and a deli counter which will serve hot food to-go. The proposed hours of operation are from 7:00 a.m. to 10:00 p.m., seven days a week. No alcoholic beverage signage will be posted on the outside of the business. The Development and Resource Management Department Director approved the subject conditional use permit application on February 25, 2016.

Project Appeal

In accordance with the Special Permit Procedure of the FMC, a notice of granting of the conditional use permit application was mailed to property owners within 350 feet of the subject site. In response to this notice, an appeal letter was received with 49 signatures. A neighborhood meeting was held on May 20, 2016 in which the applicant met with the Lowell Neighborhood Association. The applicant and Lowell Neighborhood Association were able to agree on additional conditions which were satisfactory to both parties (see Exhibit H), and the appeal was withdrawn on May 31, 2016.

Proposed Use Allowed Pursuant to a Conditional Use Permit

Pursuant to FMC Section 12-220.3-B-18, the retail sale of alcohol for off-site consumption is permitted in the C-4 (*Central Trading District*) zone district subject to a conditional use permit. The applicant is proposing a grocery store, which is a permitted use in the C-4 district, and alcohol sales will be incidental to the primary use. Conditions of approval require improvements to the building façade, parking lot and landscaping for the subject property.

Police Department Review

The Fresno Police Department reviewed and approved the project subject to the provided conditions of approval dated September 10, 2015.

Fresno Unified School District

The State of California's Alcohol Beverage Control Act allows the state to refuse an alcohol license if the location is "within at least 600 feet from schools." The subject site is located within approximately 540 feet from Lowell Elementary School. As stated in memoranda dated September 8, 2015, the School District does not support this project. The approval of the project was noticed on February 25, 2016, however no response from the School District was received by the Development Services Division.

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 California Department of Alcoholic Beverage Control (ABC) in order to sell alcohol. Prior to the issuance of an ABC license, ABC is awaiting the decision on the subject conditional use permit application.

After researching the ABC database, it was determined that the applicant initially submitted an ABC license application in June 2015; however a Conditional Use Permit Application must first be approved by the City of Fresno before an ABC license is issued.

The proposed project is located in ABC Census Tract 6, which allows five off-sale licenses. There are currently nine existing off-sale licenses as of May 10, 2016 and the census tract is over concentrated. There is however only one off-sale license within a quarter mile of the subject property, a Type 21 located at the northeast corner of North Broadway and East Voorman, which is approximately 1,000 feet away from the subject property. According to ABC, if a census tract is over concentrated, then the applicant is required to submit a Public Convenience or Necessity (PCN). Because the City of Fresno refers determination back to ABC, it is up to the applicant to prove PCN is needed. This means that businesses are sometimes granted licenses even though there is an overconcentration in an area. The applicant has submitted the required PCN which has subsequently been approved by ABC.

Committee Meetings

The Fulton-Lowell Design Review Committee reviewed the project at several meetings, and on February 8, 2016, recommended approval with the following conditions:

- Provide outdoor seating adjacent to the primary entrance on the east elevation of the grocery store.
- Provide physical protection from the parking lot such as bollards or other forms of physical barriers.

The District 3 Plan Implementation Committee reviewed the project on September 14, 2015 and recommended approval with the following conditions:

- No alcohol displays in the floor area by the front door and cash registers.
- Alcohol cold storage should be in the furthest cold storage from the door.
- Any non-refrigerated displays may only be in this area opposite the cold storage.

Comments from the District 3 Plan Implementation Committee were not located in the file; therefore these conditions were not incorporated into the conditions of approval for the project. Staff recommends that the above conditions be added to the conditional use permit. The applicant has been notified of the proposed modification and has no objections to the additional conditions.

Notice of Planning Commission Hearing

The Development and Resource Management Department mailed notices of this Planning Commission hearing to surrounding property owners within 350 feet of the subject property, as well as other interested parties, pursuant to Section 12-401-C-2 of the FMC.

CONDITIONAL USE PERMIT APPLICATION REVIEW FINDINGS

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

No special permit may be issued unless it is found that the privilege exercised under the permit, as it may be conditioned, conforms to the findings of Section 12-405-A-2 of the FMC. Based upon analysis of the conditional use permit application, staff concludes that all of the required findings can be made for this conditional use permit application as follows:

Findings per Fresno Municipal Code Section 12-405-A-2	
a. <i>All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,</i>	
Finding a:	Conditional Use Permit Application No. C-15-130 will comply with all applicable property development standards, previous special permit conditions of approval, including parking, landscaping, walls, etc., given that the special conditions of project approval will ensure that all conditions are met prior to the facility exercising their right to sell alcohol.
b. <i>The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,</i>	
Finding b:	The subject site is bordered by two collector streets (North Van Ness Avenue and East Divisadero Street). Adjacent streets have been previously assessed to ensure that permitted uses would not have significant impacts on traffic. The project has been reviewed by the Department of Public Works, Traffic & Engineering and has been approved with conditions. The proposed project is consistent with uses allowed within the Cultural Arts District Plan Designation and the C-4 zone district.
c. <i>The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. The third finding shall not apply to uses which are subject to the provision of Section 12-306-N-30 of the FMC.</i>	

Finding c:	Approval of Conditional Use Permit Application No. C-15-130 would not be detrimental to those properties in the vicinity or detrimental to public welfare, with Conditions of Approval imposed. All plan policies and standards required by the Fresno Municipal Code have been applied to the proposed project as applicable to ensure compatibility with those surrounding land uses and to prevent any detriment to public welfare. Proposed alcoholic beverage sales must comply with state and federal regulations for such uses, as well as all standard Police Department requirements for security, video surveillance, loitering, and property management. Grocery sales must comply with state regulations for such uses, as well as standard Environmental Health requirements for food facilities.
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CONCLUSION

In conclusion, given that all mandated conditional use permit findings required pursuant to Section 12-405-A-2 of the Fresno Municipal Code can be made for Conditional Use Permit Application No. C-15-130, and given the project meets all requirements of a Class 1 and Class 32 Categorical Exemption and is thus exempt from CEQA, staff recommends that the Planning Commission deny the appeal and uphold the action of the Director as previously described in this staff report.

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

Attachments:

- Exhibit A – Vicinity Map
- Exhibit B – 2016 Aerial Photograph of Site
- Exhibit C – Noticing Map
- Exhibit D – Operational Statement
- Exhibit E – Site Plan
- Exhibit F – Floor Plan
- Exhibit G – Elevations
- Exhibit H – Conditions of Approval dated February 25, 2016
- Exhibit I – Comments and Requirements from Responsible Agencies

Exhibit A:

Vicinity Map

Exhibit “A”: Vicinity Map

Conditional Use Permit Application No. C-15-130

Northeast corner of North Van Ness Avenue and East Divisadero Street

VICINITY MAP



Exhibit B:

**Aerial Photograph of Site
(2016)**

Exhibit "B": Aerial Photograph

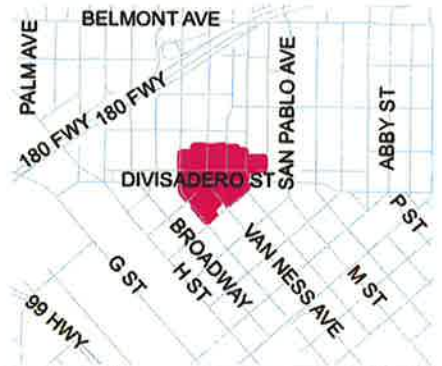


Exhibit C:

**Public Hearing Notice
Mailing List Vicinity Map**

999315 AddrList

Buffered at:350 Feet, Legal Notices, Owners
45931506



Address List Map, c:\gisdm5\automap\adrlst.mxd, Thu Feb 25 13:33:14 2016

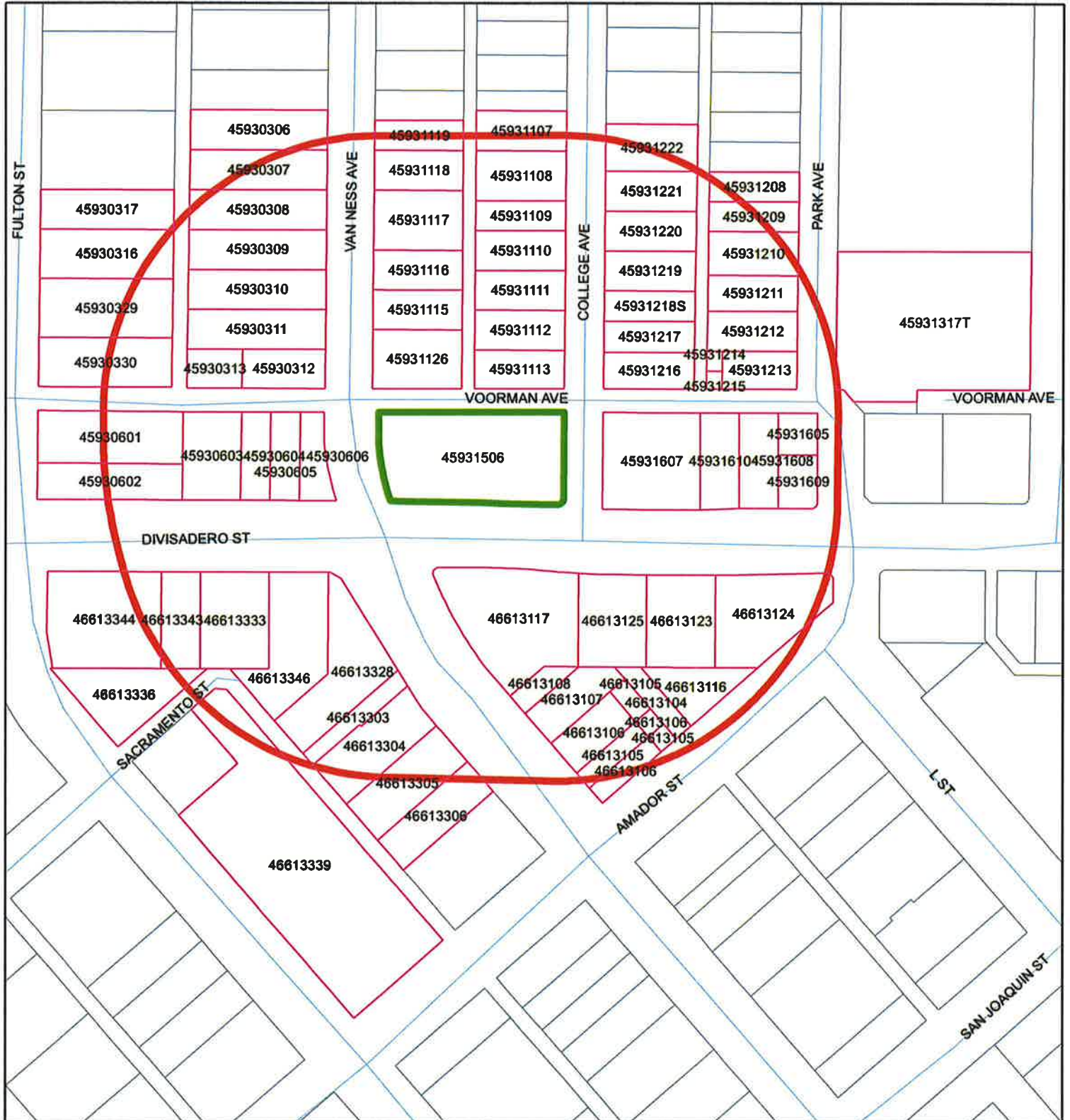


Exhibit D:

Operational Statement

Project : Proposed Grocery / Market / Deli

Location : 50 N. Van Ness Ave., Fresno, CA 93728

Operational Statement :

Project calls for the conversion of an existing 7,344 sqft. building to a Neighborhood grocery store to cater surrounding household and businesses.

Our objective is to provide a clean and safe environment to shop. We will provide great value and friendly service. Our shop will be a good neighbor and will be involved in the community .

Services will include sale of grocery items, local produce, meat market , deli and hot food to go. We plan to apply for a Type 20 ABC license which will allow us to sell packaged beer only and wine particularly California wine.

Business hours is from 7:00 am to 10:00 pm, 7 days a week. There will be about 15 employees per shift. We will consider hiring qualified applicants within the district.

Any graffiti incident to the property will be removed within 24 hour at our expense.

We will comply with the committee's request not to post any alcoholic beverage signage on the exterior windows.

Exhibit E:

Site Plan

Exhibit F:

Floor Plan



PLACED NEAR THE EXTINGUISHER THAT STATES THAT THE FIRE PROTECTION SYSTEM SHALL BE ACTIVATED PRIOR TO USING THE PORTABLE FIRE EXTINGUISHER

NOTE:
1. INSTALL SHIP OR AN EQUIVALENT FRISH BEHIND ALL OF THE SIMMS

NOTICE:
DRAWING IS AN INSTRUMENT
OF SERVICE AND IS THE PROPERTY
OF CYNTHIA ZAKORA, PE
ALL NOT BE REPRODUCED
WITHOUT SPECIFIC PERMISSION

TENANT IMPROVEMENT PLANS PREPARED FOR:
VALLEY FOOD
50 N VAN NESS AVE
FRESNO, CA 93721
TEL. NO. (659) 455-3586

442 • J. Neurosci., July 26, 2006 • 26(30):4372–4382

A3

DATE: 5-15-15
PROJECT NAME:

☒ PRELIMINARY -
PLAN CHECK SET
☐ PERMIT SET

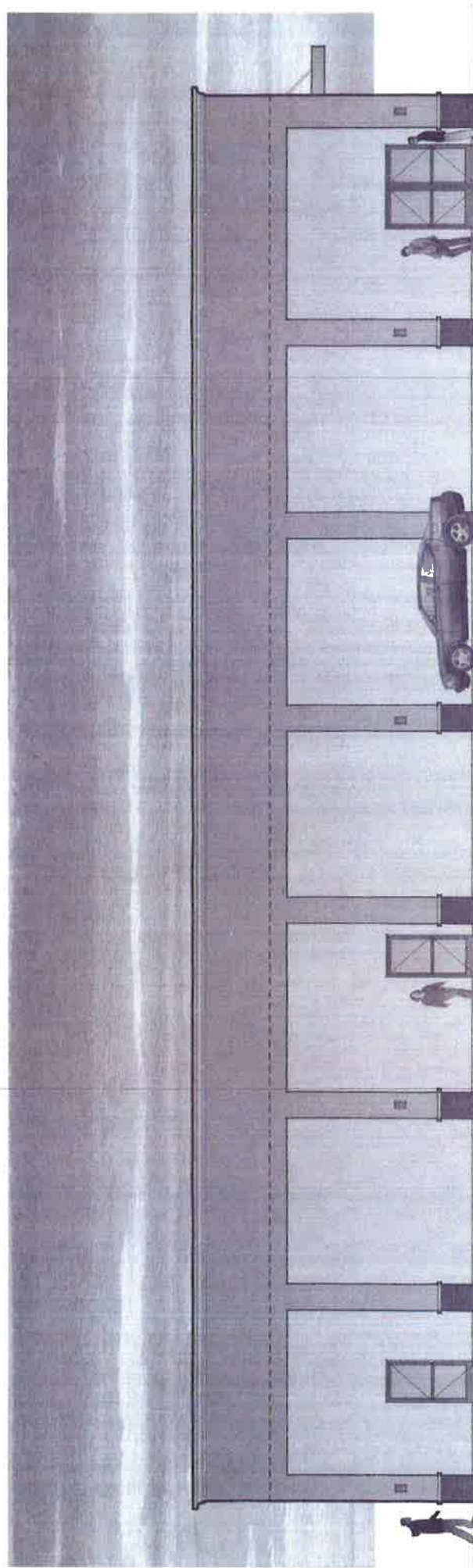
© 2000 Blackwell Science Ltd

Exhibit G:

Elevations



GROCERY ENTRANCE VIEW
SCALE: 1/4" = 1'-0"



ALLEY ELEVATION VIEW
SCALE: 1/4" = 1'-0"

Exhibit H:

Conditions of Approval
Dated February 25, 2016



DEVELOPMENT AND RESOURCE MANAGEMENT

2600 Fresno Street • Third Floor
Fresno, California 93721-3604
(559) 621-8277 FAX (559) 498-1026

Jennifer K. Clark, Director

February 25, 2016

Please reply to:
Chris Lang
(559) 621-8023

Nasser Abdullah
854 East California Avenue
Fresno, CA 93706

Dear Mr. Abdullah:

**SUBJECT: CONDITIONAL USE PERMIT APPLICATION NO. C-15-130 FOR
PROPERTY LOCATED AT 50 NORTH VAN NESS AVENUE
(APN: 459-315-06)**

The Development and Resource Management Department approved the above application on February 25, 2016, subject to the conditions of approval listed below. Conditional Use Permit Application No. C-15-130 has been reviewed under the provisions of the Zoning Ordinance. This approval authorizes the conversion of an existing 7,344 square-foot building to a neighborhood grocery store and the issuance of a Type 20 (*Package Store – sale of beer and wine for consumption off the premises where sold*) ABC liquor license for the Valley Food grocery store. **The conditional use permit was amended on May 12, 2016 to include additional operating conditions, items B-1-f and B-1-g. The conditional use permit was also amended on May 17, 2016 to include items B-1-h and B-1-i.**

The property is zoned C-4 (*Central Trading District*). **This project is exempt under Section 15301/Class 1 and Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines. No further environmental assessment will be needed at this time.** No other request at the subject location was included or approved with this application. No other changes to any previously approved entitlements for the overall site are allowed as a result of this approval.

CONDITIONS OF APPROVAL

PART A – ITEMS TO BE COMPLETED

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

Planner to check when completed	
☐	1. Development shall take place in accordance with Exhibits A (site plan), E-1, E-2 (elevations) and F (floor plan) dated September 3, 2015.

☐	2. Prior to issuance of building permits , the applicant shall complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval.
☐	3. Pursuant to section 12-306.I.2.1.c of the Fresno Municipal Code, the number of bicycle parking spaces to be provided shall be equal to 10 percent of the automobile parking spaces provided. Depict three bicycle parking spaces on site plan.
☐	4. If deliveries from vehicles weighing more than two tons will occur, provide one loading space and indicate location and dimensions on the site plan. Otherwise, indicate in operational statement that deliveries from vehicles weighing more than two tons will not occur.
☐	5. A minimum of 50 percent parking lot shading is required. Provide shade calculations on the landscape plan for parking lot shading in accordance with the attached <i>Development Department, Performance Standards for Parking Lot Shading</i> .
☐	6. Pay the Notice of Review fee of \$50.00 to the Fresno Metropolitan Flood Control District (FMFCD) prior to issuance of building permits and comply with any FMFCD conditions.

PART B – OTHER REQUIREMENTS

1) Planning/Zoning/Environmental Compliance Requirements

- a. Development shall take place in accordance with the policies of the Fresno General Plan, Central Area Community Plan and Fulton Lowell Specific Plan.
- b. Development shall take place in accordance with the Cultural Arts District planned land use and the C-4 (*Central Trading District*) zone district.
- c. This special permit is granted, and the conditions imposed, based upon the attached Operational Statement dated September 3, 2015. The Operational Statement is material to the issuance of this special permit. Unless the conditions of approval specifically require operation inconsistent with the Operational Statement, a new or revised special permit is required if the operation of this establishment changes or becomes inconsistent with the Operational 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.
- d. No signage (except directional) is approved with this application. Any outdoor advertising (i.e. signs promoting use) requires sign permit approval.

- e. The Fulton Lowell Design Review Committee has recommended that outdoor seating be provided along the east side of the building for deli patrons.
- f. No alcohol shall be displayed near the front door or cash registers.
- g. Alcohol cold storage shall be located in the furthest cold storage box from the door. Any non-refrigerated displays may only be in this area opposite the cold storage.
- h. No single beer sales are permitted; all beer and wine coolers must be sold in factory packaged quantities of three or more.
- i. No signs promoting alcohol sales shall be permitted on the exterior of the structure.

2) 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, including the Fresno Police Department dated September 10, 2015, Department of Public Works, Traffic & Engineering dated September 18, 2015, Department of Public Works, Median Island Maintenance dated October 2, 2015, Department of Public Utilities, Solid Waste Management dated September 15, 2015, and the County of Fresno, Department of Public Health dated September 9, 2015.

3) 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 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. 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

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 Department'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 appellant believes the decision or action appealed should not be upheld. **Appeals must be filed by March 11, 2016.** The written request must be addressed to Jennifer Clark, Director, and include the application number referenced above.

If any appeal is filed, the matter will be set for public hearing before the planning commission. If no appeal is filed you may obtain any necessary permits and proceed with the development of the project in accordance with the conditions noted above.

BACKCHECK PROCESS

Please Note: To complete the back-check process for building permits relative to planning and zoning issues, submit one copy of this corrected, final site plan to Chris Lang in the Development Services Division for final review and approval 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.

EXPIRATION

The exercise of rights granted by this special permit must be commenced by February 25, 2020, (four years from the date of approval). There is no extension.

Should you need further assistance or have any questions, please call me at (559) 621-8023 or via e-mail at Chris.Lang@fresno.gov.

Sincerely,



Chris Lang
Planner II

DEVELOPMENT SERVICES DIVISION

Enclosures: Exhibits A, E-1, E-2 and F dated September 3, 2015
Comments from Partner Agencies and Departments
Operational Statement
Performance Standards for Parking Lot Shading

c: Job Address File: 50 North Van Ness Avenue

Exhibit I:

Comments and Requirements from Responsible Agencies



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

Police Department
Jerry P. Dyer
Chief of Police



September 10, 2015

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

Attn. Nathan Bouvet

Re: **CONDITIONAL USE PERMIT NO. C-15-130**
Applicant: Nassar Abdullah

Business: Valley Food
Address: 50 N. Van Ness
Fresno, Ca 93706

A.P.N.: 459-135-06

Nathan Bouvet,

Pursuant to your Department's request, the Fresno Police Department has reviewed the IABC permit application for property located at **50 N. Van Ness Ave.** The property has been zoned C-4 for commercial development. 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

Professional, Effective, Timely

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. If approved, this Conditional Use Permit would allow for an off-sale Type 20 ABC license. We request the following conditions be included as Conditions of Approval for Conditional Use Permit C-15-130. These conditions will help to insure and 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 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 Jaime Campos 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.)
FMC 9-2501	(Loitering for the purpose of Soliciting Act of Prostitution)
FMC 9-2502	(Loitering for Drug 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)
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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 this CUP NO. C-15-130 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 that 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 four (4) 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 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, 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 Malt liquor in containers of 40 oz. or less shall not be sold in units of less than a four pack. All malt beverage and wine cooler products 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. Non-refrigerated Alcoholic Beverages

Non-refrigerated "hard" liquor or "distilled spirits," shall be placed within the cashier's area or, shall be located either in a locked cabinet, or other locked shelving system, with access controlled with either manual or remote control locking devices. During the hours of midnight and 2:00 a.m. the cabinet or shelving system shall be locked and opened only after an authorized employee has verified that the customer seeking to purchase items within the cabinet or shelving system is of "legal age."

8. 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.

9. Consumption of Alcoholic Beverages and Loitering.

9.1 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 property not owned or controlled by the applicant, the applicant shall immediately report such consumption to the Fresno Police Department.

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

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

10. Property Responsibility

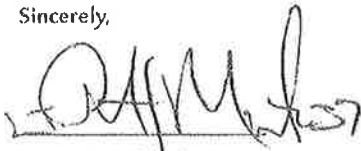
"Frequent" responses by the Fresno Police Department arising out of or relating to the operation or management of the real property owned or controlled by the responsible causing any combination of the following: animal disturbances; violent criminal acts; illegal consumption of intoxicants in public 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.

11. The establishment shall ensure that all employees are aware of and comply with these conditions. The establishment shall have each employee sign a written acknowledgment that he/she has reviewed and understood each of these conditions. The written acknowledgment shall be maintained by the establishment and made available to the Fresno Police Department upon reasonable request.

If you have any questions do not hesitate to call Detective Jaime Campos at (559) 621-6108.

Sincerely,



Lt. Anthony Martinez
Southwest District Commander

I agree and accept the listed conditions

Applicant _____

Nassar Abdullahi, Owner



NOTICE
THE CHARGE IS AN INSTRUMENT
OF FORCE AND IS THE PROPERTY
OF CUNHA ZAVONA, JR.
AND SHALL NOT BE REPRODUCED
WITHOUT SPECIFIC PERMISSION

1000

PRELIMINARY -
PLAN CHECK SET
PERMIT SET

SITE PLAN

5-15-15

DATE NAME
ZACKS

A-1

PROPOSED GROCERY STORE
1,344 sqft

E. VOORMAN AVE.

N. VAN NESS AVE.

N. COLLEGE AVE.

DIVISADERO AVE.

REFERENCE:

- ① ACCESSIBLE PARKING SPOT
- ② ACCESSIBLE PARKING SPOT SEE DETAIL
- ③ TRAFFIC POLE
- ④ TRAFFIC POLE
- ⑤ TRAFFIC POLE
- ⑥ TRAFFIC POLE
- ⑦ TRAFFIC POLE
- ⑧ TRAFFIC POLE
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The diagram is a hand-drawn site plan with a central rectangular area divided into several zones, each with a number and a description. The zones are:

- Zone 1:** Located at the top left, labeled "1. 2-3 STORES (RETAIL) - 10000 SQ. FT. (10000 SQ. FT.)".
- Zone 2:** Located at the top right, labeled "2. 10000 SQ. FT. (10000 SQ. FT.)".
- Zone 3:** Located in the middle left, labeled "3. 10000 SQ. FT. (10000 SQ. FT.)".
- Zone 4:** Located in the middle right, labeled "4. 10000 SQ. FT. (10000 SQ. FT.)".
- Zone 5:** Located at the bottom left, labeled "5. 10000 SQ. FT. (10000 SQ. FT.)".
- Zone 6:** Located at the bottom right, labeled "6. 10000 SQ. FT. (10000 SQ. FT.)".

Surrounding the central area are various labels and notes:

- Top Left:** "2-3 STORES (RETAIL) - 10000 SQ. FT. (10000 SQ. FT.)".
- Top Right:** "10000 SQ. FT. (10000 SQ. FT.)".
- Middle Left:** "10000 SQ. FT. (10000 SQ. FT.)".
- Middle Right:** "10000 SQ. FT. (10000 SQ. FT.)".
- Bottom Left:** "10000 SQ. FT. (10000 SQ. FT.)".
- Bottom Right:** "10000 SQ. FT. (10000 SQ. FT.)".
- Left Side:** "10000 SQ. FT. (10000 SQ. FT.)".
- Right Side:** "10000 SQ. FT. (10000 SQ. FT.)".
- Bottom:** "10000 SQ. FT. (10000 SQ. FT.)".

There are also some additional notes and labels:

- Top Center:** "10000 SQ. FT. (10000 SQ. FT.)".
- Bottom Center:** "10000 SQ. FT. (10000 SQ. FT.)".
- Far Left:** "10000 SQ. FT. (10000 SQ. FT.)".
- Far Right:** "10000 SQ. FT. (10000 SQ. FT.)".

The diagram is drawn with black lines on a white background. The zones are numbered 1 through 6. The labels are written in a simple, hand-drawn font. The overall layout is a rectangular site plan with various zones and surrounding areas.

[illegible]

SCOPE OF WORK	OWNER'S NAME	LOCATION	DATE	NO. OF DRAWING PAGE NO.	DATE PAGE NO.
PERMITS EXISTING BUILDING TO BE USED AS GROCERY STORE	VALLEY STATE BANK & CREDIT ASSN FRESNO CA 93706 TEL 481-2000 FAX 481-2048	3231 VAN NESS AVE FRESNO CA 93719	4-4-75	24	25
			4-4-75	26	27
			4-4-75	28	29
			4-4-75	30	31
			4-4-75	32	33
			4-4-75	34	35
			4-4-75	36	37
			4-4-75	38	39
			4-4-75	40	41
			4-4-75	42	43
			4-4-75	44	45
			4-4-75	46	47
			4-4-75	48	49
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			4-4-75	164	165
			4-4-75	166	167
			4-4-75	168	169
			4-4-75	170	171
			4-4-75	172	173
			4-4-75	174	175
			4-4-75	176	177

THE CITY OF CHICAGO'S REPAIRING DEPARTMENT HAS PUT ON AN URGENT CALL TO REPAIRING CONTRACTORS TO REPAIR THE CITY'S STREET CONCRETE.

[illegible]



DATE: September 18, 2015

TO: Nathan Bouvet
Development and Resource Management Department

FROM: Jairo Mata, Engineer II
Public Works Department, Traffic and Engineering Services Division

SUBJECT: Conditions of Approval for **C-15-130**
ADDRESS: **50 North Van Ness Avenue**
APN: **459-315-06**

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.

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.

East Divisadero Street: Collector

1. Construction Requirements:
 - a. Relocate and modify the existing driveway approach to a **30'** driveway approach to Public Works Standard(s) **P-2** and **P-6**, and install sidewalk, curb and gutter per Public Works Standard **P-5** to match existing or proposed street improvement line and grade. **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"**. 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. Remove the abandoned (existing curb ramps not identified for utilization) curb ramp as noted on **Exhibit "A"**, and install sidewalk, curb and gutter per City of Fresno Public Works Standard Drawing **P-5** to match existing or proposed street improvement line and grade.

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.
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"**.

Traffic Signal Mitigation Impact (TSMI) Fee: This project shall pay all applicable TSMI Fees at the time of building permit. Contact the Public Works Department, Frank Saburit at (559)621-8797. The fees are based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual.

Trip Generation: This development will generate the following Average Daily Trips (A.D.T.), as shown below:

Description/ ITE code	Size	ADT	AM Peak Hour	PM Peak Hour
Supermarket / 850	7,344 SF	751	25	70

Fresno Major Street Impact (FMSI) Fees: This entitlement is in the **Infill Area**; therefore pay all applicable City-wide regional street impact fees. Contact the Public Works Department, Frank Saburit at (559) 621-8797.

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

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

A. General Requirements

1. **Parcel of Record:** Provide a legal description of the legal lot of record.
2. **Property Lines:** Accurately show and dimension.
3. **Scope of work:** All items shall be listed as existing or proposed.

B. Offsite Information:

1. **Center Lines:** Identify.
2. **Street Improvements and Furniture:** Identify existing and proposed curb, gutter, sidewalks (provide width), driveway approaches (provide width), ADA ramps, etc.

C. Onsite Information:

1. **Driveways:** Provide a 10' visibility triangle at all driveways.
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. **Circulation Aisles:** provide widths
 - d. **Directional flow of traffic:** Identify existing and proposed directional arrows at beginning and end of aisles.
 - e. **Lighting / Disability signage:** not to be within the 3' vehicular overhang
 - f. **Planters:** provide planter dimensions

Questions relative to these conditions may be directed to Jairo Mata at 559 621-8714 Jairo.Mata@fresno.gov , in the Public Works Department, Traffic and Engineering Services Division.

DEPARTMENT OF PUBLIC WORKS

TO: Nathan Bouvet, Planner III
Joanne Zuniga, Development Services Coordinator
Planning Division

FROM: Hilary Kimber, Parks Supervisor II (559-621-1345)
Public Works, Median Island Maintenance

DATE: October 2, 2015

SUBJECT: SITE PLAN REVIEW NO. C-15-130 ABCUP

The Department of Public Works offers the following comments regarding 50 North Van Ness Avenue (APN: 459-315-06) located on the northeast corner of North Van Ness Avenue and East Divisadero Street:

GENERAL REQUIREMENTS

STREET TREE REQUIREMENTS

1. The subdivider is required to provide street trees on all public street frontages per Fresno Municipal Code and for the dedication of planting and trail landscaping easements as determined by the Planning Department. Street trees shall be planted at the minimum rate of one tree for each 24' of street frontage by the Developer in the Downtown area. The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC 12-306-23, Water Efficient Landscape Standards.
2. There are approximately 115 lineal feet of street frontage along both N. Van Ness and N. College Avenues resulting in the requirement of four (4) street trees on each street. There is an existing parkstrip on N. College but 4' x 6' tree wells will need to be constructed on N. Van Ness to support the street trees.

The designated street trees for N. Van Ness are:

Brachychiton populneus
Quercus ilex

Bottle Tree and/or
Holly Oak

The designated street tree for N. College Ave. is:

Platanus acerifolia

Sycamore

3. There are approximately 215 lineal feet of street frontage along E. Divisadero St. resulting in the requirement of eight (8) street trees in 4' x 6' tree wells.

The designated street trees for E. Divisadero St. are:

Ginkgo biloba 'Autumn Gold'
Pistacia chinensis

Maidenhair Tree and/or
Chinese Pistache

4. Public Works requires a landscape and irrigation plan for all locations within the city right-of-way, or for trees to be planted onsite in-lieu-of street trees to the scale of 1"=20'.

DEPARTMENT OF PUBLIC WORKS

TO: **Nathan Bouvet, Planner III**
Joanne Zuniga, Development Services Coordinator
Planning Division

FROM: **Hilary Kimber, Parks Supervisor II (559-621-1345)**
Public Works, Median Island Maintenance

DATE: October 2, 2015

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Brachychiton populneus	Bottle Tree and/or
Quercus ilex	Holly Oak

The designated street tree for N. College Ave. is:

Platanus acerifolia	Sycamore
----------------------------	-----------------

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Pistacia chinensis	Chinese Pistache

4. Public Works requires a landscape and irrigation plan for all locations within the city right-of-way, or for trees to be planted onsite in-lieu-of street trees to the scale of 1"=20'.



DEPARTMENT OF PUBLIC UTILITIES

Date: September 15, 2015

To: NATHAN BOUVET, Planner III
Development and Resource Management Department , Current Planning

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

A handwritten signature in black ink, appearing to read "Mikeal Chico", written over the "From:" line.

Subject: Conditional Use Permit Application No. C-15-130-ABCUP was filed by Eric Zamora, on behalf of Nasser Abdullah, and pertains to ± 0.64 acre of property located on the northeast corner of North Van Ness Avenue and East Divisadero Street in the historic Fulton-Lowell neighborhood in downtown Fresno, 50 North Van Ness Avenue & APN: 459-315-06. The applicant proposes to renovate and convert an existing vacant 7,344 square-foot building to a neighborhood grocery store; and requests authorization to establish a State of California Alcoholic Beverage Control alcohol license Type 20 (Package Store – sale of beer and wine for consumption off the premises were sold) for the “Valley Food” grocery store. The property is zoned C-4 (Central Trading).

General

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

Does Project Affect Your Agency/Jurisdiction

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

Suggestions to Reduce Impacts/Address Concerns

None.

Recommended Conditions of Approval

Enclosure shall be built in accordance with current City of Fresno Standards P-33 and P-34.
2-cell trash enclosure required.

Additional Information

Location of enclosure is acceptable.



County of Fresno

DEPARTMENT OF PUBLIC HEALTH
DAVID POMAVILLE, DIRECTOR

September 9, 2015

LU0018185
2602

Nathan Bouvet
Development and Resource Management
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

Dear Mr. Bouvet:

PROJECT NUMBER: C-15-130-ABCUP

Conditional Use Permit Application No. C-15-130-ABCUP was filed by Eric Zamora, on behalf of Nasser Abdullah, and pertains to ± 0.64 acre of property located on the northeast corner of North Van Ness Avenue and East Divisadero Street in the historic Fulton-Lowell neighborhood in downtown Fresno. The applicant proposes to renovate and convert an existing vacant 7,344 square-foot building to a neighborhood grocery store; and requests authorization to establish a State of California Alcoholic Beverage Control alcohol license Type 20 (Package Store - sale of beer and wine for consumption off the premises were sold) for the "Valley Food" grocery store. The property is zoned C-4 (Central Trading).

APN: 459-315-06

ZONING: C-4

ADDRESS: 50 North Van Ness 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 permits to operate food facilities 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.
- The proposed remodel and construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.

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

The following comments pertain to the remodel of the existing structure:

- Should the structure have an active rodent or insect infestation, the infestation should be abated prior to the remodel of the structure in order to prevent the spread of vectors to adjacent properties.
- In the process of remodeling the existing structure, the contractor may encounter asbestos containing construction materials and materials coated with lead based paints.
- If asbestos containing materials are encountered, contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000 for more information.
- If the structure was constructed prior to 1979 or if lead-based paint is suspected to have been used in these structures, then prior to demolition and/or remodel work the contractor should contact the following agencies for current regulations and requirements:
 - California Department of Public Health, Childhood Lead Poisoning Prevention Branch, at (510) 620-5600.
 - United States Environmental Protection Agency, Region 9, at (415) 947-8000.
 - State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) at (559) 454-5302.
- Any construction materials deemed hazardous as identified in the remodel process must be characterized and disposed of in accordance with current federal, state, and local requirements.

REVIEWED BY:

Kevin Tsuda

Digitally signed by Kevin Tsuda
DN: cn=Kevin Tsuda, o=Fresno
County Department of Public Health,
ou=Environmental Health Division,
email=ksuda@co.fresno.ca.us, c=US
Date: 2015.09.08 10:53:40 -0700

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

(559) 600-3271

cc: Casagrande, Tolzmann & Easley- Environmental Health Division (CT 06.00)
Eric Zamora, Applicant (aecsolutions@att.net)
Nasser Abdullah, Owner (zacksmkt@yahoo.com)



**DEPARTMENT OF PUBLIC UTILITIES
ADMINISTRATION DIVISION
MEMORANDUM**



Providing Life's Essential Services

Date: September 23, 2015

To: NATHAN BOUVET, 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-15-130-ABCUP

General

Conditional Use Permit Application No. C-15-130-ABCUP was filed by Eric Zamora, on behalf of Nasser Abdullah, and pertains to ±0.64 acre of property located on the northeast corner of North Van Ness Avenue and East Divisadero Street in the historic Fulton-Lowell neighborhood in downtown Fresno, 50 North Van Ness Avenue & APN: 459-315-06. The applicant proposes to renovate and convert an existing vacant 7,344 square-foot building to a neighborhood grocery store; and requests authorization to establish a State of California Alcoholic Beverage Control alcohol license Type 20 (Package Store sale of beer and wine for consumption off the premises were sold) for the Valley Food grocery store. The property is zoned C-4 (Central Trading).

Sewer Requirements

The nearest sanitary sewer main to serve the proposed project is a 15-inch sewer main in East Voorman Avenue. Sewer facilities are available to provide service to the site subject to the following requirements:

1. On-site sanitary sewer facilities shall be private
2. 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.

Sanitary Sewer Fees

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

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



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



Department of Public Utilities – Water Division



Providing Life's Essential Services

DATE: September 16, 2015

TO: NATHAN BOUVET, 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

SUBJECT: WATER REQUIREMENTS FOR CONDITIONAL USE PERMIT C-15-130

General

Conditional Use Permit Application No. C-15-130-ABCUP was filed by Eric Zamora, on behalf of Nasser Abdullah, and pertains to ± 0.64 acre of property located on the northeast corner of North Van Ness Avenue and East Divisadero Street in the historic Fulton-Lowell neighborhood in downtown Fresno, 50 North Van Ness Avenue & APN: 459-315-06. The applicant proposes to renovate and convert an existing vacant 7,344 square-foot building to a neighborhood grocery store; and requests authorization to establish a State of California Alcoholic Beverage Control alcohol license Type 20 (Package Store sale of beer and wine for consumption off the premises were sold) for the Valley Food grocery store. The property is zoned C-4 (Central Trading).

Water Requirements

The nearest water mains to serve the proposed project are a 12-inch main located in East Voorman Avenue. Water facilities are available to provide service to the site subject to the following requirements:

- 1) On-site water facilities shall be private.



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Michael E. Hanson

September 8, 2015

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

**SUBJECT: CONDITIONAL USE PERMIT NO. C-15-130-ABCUP
50 N. VAN NESS AVE.**

Dear Mr. Bouvet,

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

The proposed 'Valley Food' grocery store, to be located in an existing vacant 7,344 square-foot building at 50 North Van Ness Avenue, is requesting authorization to establish a Type 20 (*Package Store – sale of beer and wine for consumption off the premises where sold*) State of California Alcohol Beverage Control license. It is located within approximately 540 feet from Lowell 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 **does not support** this project and continues to have 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. However since no new construction is proposed, no development fee would be charged for this project.

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

Due

AB:hl
c: Miguel Naranjo, Principal, Lowell Elementary School



FULTON/LOWELL SPECIFIC PLAN DESIGN REVIEW COMMITTEE

PROJECT REVIEW

Project Record

February 08, 2016

Agenda Item III.A.

PROJECT INFORMATION

50 North Van Ness Avenue

(Eric Zamora, applicant on behalf of Nasser Abdullah, property owner)

Conditional Use Permit Application No. C-15-130 requesting authorization to renovate and convert the existing vacant 7,344 square-foot building located on the subject property to a neighborhood grocery store; and, establish a State of California Alcoholic Beverage Control alcohol license Type 20 (Package Store – sale of beer and wine for consumption off the premises where sold) for the “Valley Food” grocery store.

APN(s): 459-315-06 ZONING: C-4 (Central Trading)

COMMITTEE RECOMMENDATION

☒ APPROVE ☐ APPROVE WITH CONDITIONS ☐ DENY ☐ NO ACTION

	CLARK	FOORE-HAYDEN	SKIBBIE	RUBLE	QUINN
Approve	S-X	X	X	M-X	X
Deny					
Abstain					
Absent					

COMMITTEE CONDITIONS / COMMENTS

Committee recommended creating opportunities for outdoor seating adjacent to the primary entrance on the east elevation of the grocery store. Recommended that bollards or other form of physical protection from parking lot be provided.

Staff Liaison: _____

Date: _____

02/08/16



FULTON/LOWELL SPECIFIC PLAN DESIGN REVIEW COMMITTEE

PROJECT REVIEW SEPTEMBER 28, 2015

Project Record

Item 3a

PROJECT INFORMATION

- a. **50 North Van Ness** – Application filed by Eric Zamora of AEC Solutions, on behalf of Nasser Abdullah, and pertains to 0.64 acre of property located on the northeast corner of North Van Ness Avenue and East Divisadero Street (APN: 459-315-06). The applicant proposes to renovate an existing vacant 7,344 square-foot building to a market/grocery store; and requests authorization to establish a State of California Alcoholic Beverage Control alcohol license Type 20 (*Package Store – sale of beer and wine for consumption off the premises where sold*) for the "Valley Food" grocery store. The property is zoned C-4 (Central Trading) with a Cultural Arts District planned land use.

COMMITTEE RECOMMENDATION

☐ APPROVE ☐ APPROVE WITH CONDITIONS ☐ DENY ☒ NO ACTION

	CLARK	FOORE-HAYDEN	SKIBBIE	RUBLE	QUINN
Approve					
Deny					
Abstain					
Absent					

* – Address pedestrian uses / issue

COMMITTEE CONDITIONS / COMMENTS

- concern with size of sign & visibility from street (Van Ness)
- concern with safety if accessed from front & walking around to parking lot.
- Steve would like to see a walkable development
- would like an entry off the street; recommended entry from corner.
- no single beer & cigarettes.

*

Staff Liaison: _____

Date: _____

9/28/15