

Exhibit H



POLICE DEPARTMENT

Southeast Problem Oriented Policing

224 S Argyle Ave

Fresno, CA 93727

(559) 621-6309 / omar.barraza@fresno.gov



Paco Balderrama
Chief of Police

Cannabis Retail Business CUP Conditions

October 16, 2023

City of Fresno, Development Department

Director of Planning & Development.

Special Permit, Conditional Use Permit

2600 Fresno Street

Fresno, California, 93721-3604

Attn. Yuma Way CA

**Re: Conditional Use Permit Application #P23-03086
4555 E Kings Canyon RD Fresno, CA 93702
A.P.N. 46128430**

Dear Yuma Way CA/Fresno Farms,

Pursuant to your Department's request, the Fresno Police Department has reviewed the special permit application for property located at **4555 E Kings Canyon RD**. The property has been zoned **CMX**. 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.

We understand from the Operational Statement that the applicant intends to operate this business between the hours of:

8:00am to 10:00pm

The Fresno Police Department's primary concern with the application is the propensity of the premises to generate calls for police service which indicates potential activities on the premises that are detrimental to the public welfare or injurious to property or improvements.

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

1. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Code and all other chapters of the Municipal Code;
2. The proposed use is consistent with the General Plan and any other applicable plan and design guideline the City has adopted;
3. The proposed use will not be substantially adverse to the public health, safety, or general welfare of the community, nor be detrimental to surrounding properties or improvements;
4. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses in the vicinity; and
5. The site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required.

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 **Cannabis Retail Business Permit**. This CUP allows for the sale of Cannabis Products as defined by City of Fresno, Commercial Cannabis Regulatory Ordinance, **section 9-3310**. We request the following conditions be included as Conditions of Approval for Conditional Use Permit Application No. **P23-03086**. 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., **P23-03086** 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 O. Barraza 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 9-3303. (Compliance with Laws)
- FMC 9-3305. (Commercial Cannabis Business Permit Required to Engage in Commercial Activity)
- FMC 9-3307. (Location and Design of Cannabis Retail Businesses)
- FMC 9-3309. (Operating Requirements for All Commercial Cannabis Activity)
- FMC 9-3310. (Operating Requirements for A Cannabis Retail Business)
- FMC 9-3318. (Persons Prohibited From Holding A Commercial Cannabis Business Permit)
- FMC 9-3319. (Employee Requirements)

FMC 9-3322. (Renewal Applications)
FMC 9-3326. (City Business License)
FMC 9-3327. (Building Permits and Inspection)
FMC 9-3328. (Cannabis Conditional Use Permit)
FMC 9-3329. (Right to Occupy and Use Property)
FMC 9-3330. (Promulgation of Regulations, Standards, and Other Legal Duties)
FMC 9-3331. (Records and Recordkeeping)
FMC 9-3332. (Fees and Charges)
FMC 9-3335. (Inspection and Enforcement)
FMC 7-1410. (Reporting and Remittance of Tax)
FMC 7-1421. (Audit and Examination of Premises and Records)
FMC 15-2739. (Adult Use and Medicinal Cannabis Retail Business and Commercial Cannabis Business)

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, Labor Code, and California Department of Cannabis Control regulations:

CCR§ 5002. (Annual License Application Requirements)
CCR § 5025. (Premises)
CCR § 5027. (Physical Modification of Premises)
CCR § 5031. (Age Restriction)
CCR § 5032. (Commercial Cannabis Activity)
CCR § 5033. (Storage of Inventory)
CCR § 5035. (Notification of Criminal Acts, Civil Judgments, Violations of Labor Standards, and Revocation of a Local License, Permit, or Other Authorization After Licensure)
CCR § 5036. (Notification of Theft, Loss, and Criminal Activity)
CCR § 5037. (Record Retention)
CCR § 5043. Licensee Employee Badge Requirement.
CCR § 5044. Video Surveillance System.
CCR § 5045. Security Personnel.
CCR § 5046. Locks.
CCR § 5047. (Alarm System)
CCR § 5049. (Track and Trace Reporting)
Labor Code Section 6404.5 (Smoking in Places of Employment)

3. Video Camera

Prior to exercising any privileges granted by CUP No. **P23-03086** the applicant must install a fully functional color digital video camera system ("System") that meets the following requirements:

1. The System must continuously record, store, be capable of playing back images and be fully functional at all times, including during any hours the business is closed. The System must be maintained in a secured location inside of the business.
2. The System shall have the correct date and time stamped onto the image at all times.
3. The camera storage capacity should be for at least ninety 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.
4. Digital video recorder must be capable of storing at least ninety days of real-time activities.
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 immediately, upon request for a criminal investigation and/or purposes of compliance only.
6. The interior of the business must have at least one camera placed to focus on each cash register transaction to include the clerk as well as the customer waiting area. There should be at least one camera focused on the entrance and the camera view should clearly show an image of the color coded height tape installed on the inside of the door jamb.
7. There shall be 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.
8. All interior cameras shall record in color.
9. All exterior cameras shall record in color and have automatic low light switching capabilities to black and white. Exterior cameras should be in weatherproof enclosures and located in a manner that 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, with reasonable notice, 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. Security Plan.

Prior to the approval of this Conditional Use Permit, the establishment shall prepare and submit to the District Commander a security plan for approval. Approval of the security plan by the District Commander or his/her designee shall not be unreasonably denied. The contents of the Security Plan shall be incorporated as conditions of approval of CUP **P23-03086**. The establishment shall be responsible to have the District Commander or his/her designee re-approve the security plan annually running from the anniversary date of the final approval of the CUP. The establishment is responsible for providing both the District Commander, the Office of Cannabis Oversight, and the Planning and Development Department a copy of the approved security plan.

A permitted cannabis retail business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the cannabis retail business.

All establishments Security Plan shall:

- Identify the establishment's designated contact person for all safety and security management and shall provide the telephone numbers where the contact person may be reached 24 hours a day, seven days a week.
- Confirm that a manager will be on duty during business hours and will be responsible for monitoring and controlling the behavior of patrons.
- Identify all managers of the establishment and their contact telephone numbers.
- Confirm that first aid supplies and operational fire extinguishers are located in the kitchen (if applicable), service areas and the manager's office.
- Confirm that the burglar and fire alarm is monitored by a security company 24 hours a day, seven days a week.
- Establish limited access areas accessible only to authorized cannabis retail business personnel.
- All cannabis and cannabis products shall be stored in a secured and locked vault or vault equivalent. All safes and vaults shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All cannabis and cannabis products shall be kept in a manner as to prevent diversion, theft, and loss.
- Sensors shall be installed to detect entry and exit from all secure areas, and shall be monitored in real time by a security company licensed by the State of California Bureau of Security and Investigative Services.

- Panic buttons shall be installed with direct notification to a licensed security company dispatch, and shall be configured to immediately alert dispatch for that licensed security company.
- Armed security personnel shall be on-site during operating hours. If armed security personnel are not on-site when the cannabis retail business is closed, a verified response security patrol shall be utilized.
- Premises shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.
- Entrance areas are to be locked at all times and under the control of a designated responsible party that is either; (a) an employee of the cannabis retail business; or (b) a licensed security professional.
- Demonstrate to the Chief of Police, City Manager or their designees, compliance with the state's track and trace system for cannabis and cannabis products and all Cannabis regulations stated in the California Code of Regulations.
- State of the art network security protocols in place to protect computer information and all digital data.
- Exterior vegetation shall be planted, altered, and maintained in a fashion that precludes its use as a hiding place for persons on the premises.
- Identify an adequate number of acceptable interior security personnel and exterior security personnel who will monitor and control the behavior of customers inside and outside the building, the parking lot and any adjacent property under the establishment's control. The security personnel may be employees of the establishment or licensed security personnel retained from a security firm.
- Confirm that the security personnel shall regularly monitor the parking lot and any adjacent property under the establishment's control to ensure the areas are (a) free of people loitering or causing a disturbance and (b) are cleared of patrons and their vehicles one-half hour after closing.

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

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

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

The Maximum Permitted Occupancy for the entire premises, including any patios, shall be included on the Security Plan maintained at the business, to be made available immediately upon request of a Fresno Police Officer.

All on-duty licensed security guards shall comply with the uniform requirements set forth in California Business & Professions code section 7582.26.

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

FRESNO POLICE DEPARTMENT


Date: 10/26/23
Detective Omar Barraza #1718
Southeast District POP


Date: 10/26/23
Sergeant David Selecky #S103
Southeast District-Investigations/POP


Date: 10/24/23
Lieutenant M. Gebhart #L74
Southeast District Lieutenant


Date: 10/26/23
Captain J. Alvarez #CP20
Southeast District Captain


Date: 10/31/23
Deputy Chief M. Landon #DC15
Patrol Administration Deputy Chief



SUBJECT: Conditions of Approval for **P23-03086**

DATE: November 29th, 2023

TO: Robert Holt, Supervising Planner
Planning and Development Department

FROM: Braulio Flores, Engineer I
Public Works Department, Land Planning Section

ADDRESS: 4555 East Kings Canyon Road

APN: 461-284-30

ATTENTION:

The items below require a separate process with additional fees and timelines, in addition to the development permit process. Submit the following items early to avoid delaying approval of building permits. Final approval of the site plan is contingent on receipt of all items checked below.

To be completed:	Point of Contact	Department and Contact Information
Cross Access Agreement Our records indicate multiple parcels. Contact your planner regarding Cross Access Agreement requirements.	Robert Holt	Planning and Development Department (559) 621-8056 Robert.Holt@fresno.gov
Deeds (up to 2-month processing time) Deeds are required to provide easements to the City for required public improvements. They shall be prepared by the owner / developer's engineer. Contact Jason Camit for fees and processing requirements. Provide a copy of the recorded dedications to Traffic Planning prior to the issuance of building permits.	Jason Camit	Public Works Department (559) 621-8681 Jason.Camit@fresno.gov

ATTENTION:

Provide corrections as noted on Exhibit "A".

Prior to resubmitting the corrected exhibit, provide the following information and conditions of approval on the site plan:

A. GENERAL REQUIREMENTS

1. **Legal description:** Provide legal description.
2. **Easements:** Identify, revise and dimension existing and proposed easements.
3. **Scale:** Revise the site plan to a scale 1" = 30' or larger.
4. **Required Notes:** Revise General Notes to include the required Public Works Department notes.
 - a. Any 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.
 - b. Repair all damaged and/or off-grade concrete street improvements as determined by the Construction Management Engineer, prior to occupancy.
 - c. 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 1-800-642-2444
 - d. The performance of any work within the public street right-of-way requires a street work permit prior to commencement of work. All required street improvements must be completed and accepted by the City prior to occupancy. <https://www.fresno.gov/publicworks/traffic-engineering/#tab-6>
 - e. Deeds are required to provide easements to the city for required public improvements. They shall be prepared by the owner / developer's engineer. Executed copies shall be submitted to the city with verification of ownership prior to the issuance of building permits.
 - f. Provide a 4' minimum path of travel along the public sidewalk directly in front of property, to meet current accessibility regulations. A pedestrian easement may be required if requirements are not met.
 - g. Contact the Public Works Department, Traffic Engineering at 559-621-8800, 10 working days prior to any offsite concrete construction.
 - h. All existing sidewalks in excess of 2% maximum cross slope must be brought into compliance prior to acceptance by Public Works.
 - i. All development shall take place in accordance with all city laws and regulations.

B. OFFSITE INFORMATION:

1. **Section and Center Lines:** Identify section line.
2. **Public Street Improvements:**
 - a. **Alley approaches:** Identify
 - b. **Alley pavement:** Identify
 - c. **Streetlights:** Identify

3. **Accessibility:** Identify and dimension the required 4' minimum path of travel along the public sidewalk adjacent to the property. Provide pinch point dimensions. A pedestrian easement may be required if Title 24 requirements cannot be met.

C. ONSITE INFORMATION:

1. **Parking lot:**
 - a. **Visibility triangles:** Identify the required 12' visibility triangle at all approaches and alleys.

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. Construct additional offsite improvements, including but not limited to, concrete curb, gutter, sidewalk, approaches, ramps, pavement, utility relocations, etc. in accordance with *City of Fresno's Public Works Standards, Specifications*, and the approved street plans.

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 accessibility regulations.

All existing sidewalks and trails in excess of 2% maximum cross slope must be brought into compliance **prior** to acceptance by Public Works.

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

Kings Canyon Avenue: 4-Lane Arterial

(Provide the following as notes on the site plan.)

1. Dedication Requirements:
 - a. Dedicate a pedestrian easement behind the driveway approach to accommodate for a 4' path of travel.
2. Construction Requirements:
 - a. Construct a concrete pedestrian walkway behind the driveway approach as identified on **Exhibit "A"**.

- b. Provide a **12'** visibility triangle at all driveways, per Fresno Municipal Code (FMC) 15-2018B.

Jackson Avenue: Local

(Provide the following as notes on the site plan.)

1. Dedication Requirements:
 - a. If not existing, dedicate a corner cut for public street purposes at the intersection of Kings Canyon Road and Jackson Avenue.
2. Construction Requirements:
 - a. Demonstrate that the curb ramp is compliant with ADA Standards **-OR-** Modify or replace the existing ramp to meet current *Public Works Standards*, as determined by the Construction Management engineer **PRIOR** to occupancy.
 - b. Construct a concrete pedestrian walkway behind the driveway approach as identified on **Exhibit "A"**.
 - c. Provide a **12'** visibility triangle at all driveways, per Fresno Municipal Code (FMC) 15-2018B.
 - d. Identify and install a **"DO NOT ENTER"** sign at the location shown. Signs shall be mounted on a **2"** galvanized post with the bottom of the lowest sign **7'** above ground, located behind curb and immediately behind a major street sidewalk.

Alley:

(Provide the following as notes on the site plan.)

1. If not existing construct a concrete alley approach to *Public Works Standard P-13*.
2. Provide a **12'** visibility triangle at all points of ingress/egress, per *Fresno Municipal Code* (FMC) 15-2018B.

The performance of any work within the public right of way and/or easements (including street, bike, pedestrian, landscape, and utility easements) requires a **Street Work Permit prior** to commencement of work. Contact Public Works Department at (559) 621-8800, 10 working days prior to construction of any improvements in the public right-of-way and/or easements. All improvements shall be constructed in accordance with the City of Fresno, *Public Works Department Standard Drawings and Specifications*. Traffic Control Plans shall be required to ensure the sidewalk, or an approved accessible path remains open during construction. Contact Melessa Avakian at (559) 621-8812 or at Melessa.Avakian@fresno.gov and submit Traffic Control Plans to the Traffic Operations and Planning Division. All work shall be reviewed, approved, completed, and accepted **prior** to obtaining a certificate of occupancy.

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.

Any 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:

Contact the Planning and Development Department for review and approval of onsite parking. The parking lot is required to meet the *City of Fresno's Parking Manual, Public Works Standards P-21, P-22, and P-23 and Specifications*. Parking must also comply with the *California Building Code's* accessibility requirements and the Fire and Solid Waste Department's minimum turning templates.

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 Master fee schedule.

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.

In order to obtain street or building permit approval from the Public Works Department, an approval stamp with a signature from Land Planning Section is required on the site plan and inserted in the building sets.

Questions relative to these conditions may be directed to Braulio Flores (559) 621-8806 Braulio.Flores@fresno.gov in the Public Works Department, Land Planning Section.

A1.0



DEPARTMENT OF PUBLIC UTILITIES

MEMORANDUM

DATE: October 24, 2023

TO: ROBERT HOLT – Supervising Planner
Planning & Development Department – Current Planning

FROM: DEJAN PAVIC, PE, Projects Administrator
Department of Public Utilities – Utilities Planning & Engineering

SUBJECT: DPU CONDITIONS OF APPROVAL FOR P23-03086 CNB – FRESNO FARMS (CANABIS RETAIL CENTER) – APN 461-284-30

General Requirements

1. Engineered improvement plans, prepared by a Registered Civil Engineer, if necessary, shall be submitted for Department of Public Utilities review and approval.
2. All Department of Public Utilities facilities shall be constructed in accordance with The Department of Public Works standards, specifications, and policies.
3. Street easements and/or deeds shall be recorded prior to approval of improvement plans.
4. A street work permit is required for any work in the Right-of-Way.
5. All underground utilities shall be installed prior to permanent street paving.

Water Service Requirements

The nearest water main to serve the Project is an 8-inch water main located in the alley adjacent to the northerly property line of the Project (between East Kings Canyon Road and East Mono Street). Water facilities are available to provide service to the Project subject to the following requirements:

1. On-site water facilities shall remain private.
2. Installation of a new water service(s) and meter(s) shall be required, if the existing water service and meter at the property are not adequate and/or operational.
3. The applicant shall be financially responsible for the abandonment of any unused water services previously installed to the property.
4. Destroy any existing on-site well(s) in compliance with the State of California Well Standards, Bulletins 74-81 and 74-90, or current revisions, issued by California

Department of Water Resources, Fresno County standards, and City of Fresno standards. Applicant shall comply with Fresno Municipal Code (FMC) Section 6-518, as may be amended from time to time.

Water Supply Requirements

The existing property is currently served with 1 (one) 0.75-inch water service with 1.0-inch meter.

1. Water Capacity Fee charges for the installation of new water services and meters to serve the property.
 - a. The Water Capacity Fee charge assessed to the applicant shall be based on the number and size of service connections and water meters required to serve the property.
 - b. If the total domestic, commercial, industrial, and irrigation water demands for the Project can be accommodated with the existing water service and meter, the applicant shall not be required to pay Water Capacity Fee charges.
 - c. If the total domestic, commercial, industrial, and irrigation water demands for the Project cannot be accommodated with the existing water service and meter, and an additional water meter or a larger water meter is required, the applicant shall be required to pay Water Capacity Fee charges.
 - d. If a larger water meter or fire service is required to accommodate the new, larger water demands, then the Water Capacity Fee charge shall be calculated by subtracting the Water Capacity Fee charge associated with the existing water service and meter from the Water Capacity Fee charge associated with the larger water meter size required for the Project.
 - e. The Water Capacity Fee charges by meter size are defined in the City's Master Fee Schedule (MFS).
 - f. The City reserves the right to require the applicant to increase or decrease the size of a water meter for the Project to ensure that it is properly sized to accommodate fire protection requirements and to allow for accurate volumetric flow measurements at low- and high-flow conditions.
 - g. The Water Capacity Fee charge for any new or expanded service connection shall be payable prior to the issuance of a building permit at the fee level in effect on the date such permit is issued.
2. The applicant shall be required to pay all other water-related fees and charges in accordance with the City's MFS and the FMC.

Sewer Requirements

The nearest sanitary sewer mains to serve the Project is a 6-inch sewer main located in the alley adjacent to the northerly property line of the Project (between East Kings Canyon Road and East Mono Street). Sanitary sewer facilities are available to provide service to the Project subject to the following requirements:

1. Installation of a new sewer service branch shall be required if the existing sewer branch (sewer lateral) is not adequate and/or operational.
2. On-site sanitary sewer facilities shall be private.
3. All existing on-site private septic systems (including septic tanks) shall be destroyed and abandoned in compliance with the State of California standards, Fresno County standards, and City of Fresno standards, as may be amended from time to time. All sewer connections and sewer main extensions shall comply with FMC Section 6-303(a), as may be amended from time to time.
4. The applicant shall be financially responsible for abandonment of any unused sewer services previously installed to the property.

Sanitary Sewer Fees

The following Sewer Connection Charges are due and shall be paid for the Project (if not previously paid with the existing sewer service at the property):

1. Lateral Sewer Charge.
2. Oversize Sewer Charge.
3. Wastewater Facility Sewer 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 FMC Sections 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, based on metered usage (water or sewer effluent). The applicant 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 City of Fresno MFS. The applicant shall provide data regarding estimated sewer discharge rates (flow) and loading (BOD/TSS levels) required for calculating the estimated charges.

Solid Waste Requirements

The following are Solid Waste Requirements for the purpose of establishing City solid waste service policies for office/commercial space. These service requirements apply to all office/commercial complexes within the City of Fresno.

1. This location is serviced by a Commercial Solid Waste Franchisee. For service information, please contact Mid Valley Disposal at (559) 237-9425.
2. All office/commercial complexes are required to subscribe for recycling services, per FMC 9-405.1. Recycling services may be provided by the City of Fresno or any private recycling service provider. Recycling services must include, at the minimum, cardboard, newspaper, paper, glass, plastics, beverage containers, and metal recycling.
3. All trash and recyclable material must be placed in approved containers, per FMC 9-404. At no time may trash and recyclable material be placed on the ground or pavement.
4. Bin enclosures, if provided on site, must be used exclusively for the storage of trash and recycling bins, per The Public Works Standard Specifications P-33 and P-34.
5. This location will require 1 (one) 2-cell trash enclosure, designed to accommodate separate facilities containing 2 (two) – 4-cu. yd. bins, one for trash, one for recycling collection, to be constructed to current (Public Works Standard Specifications) Solid Waste Standards (P-33, P-34, and P-95) to be serviced weekly.
6. Service Route Permits and Location Permits are required for all private trash company services within the City of Fresno per FMC 9-408. All private company trash service arrangements must be pre-approved through Solid Waste Management Division.
7. The applicant will need to provide a 44-foot (centerline) turning radius at all corners and a T-turnaround (or hammerhead) area where the solid waste vehicle is to turn around.
8. Americans with Disability Act (ADA) requirement for office/commercial complexes (developments):

The applicant shall install (construct) a trash enclosure(s) for the Project that complies with the City's ADA requirements as defined in the City's Standard Drawings, Details and Specifications. The certificate of occupancy for the Project shall be withheld until the applicant installs (constructs) the trash enclosure(s) in accordance with the City's ADA requirements.



&
2600 Fresno Street
Fresno, California 93721-3604
www.fresno.gov

Building and Safety Division

October 19, 2023
Christian Mendez

Comments

The items below require a separate process with additional fees and timelines, in addition to the Conditional Use Permit Application process.

1. Construction documents are required to be submitted to the Building and Safety Services Division for approval permits for the proposed project.
2. All construction documents shall be signed by a licensed Architect/Engineer.
3. A "Change of Occupancy" is required for the proposed use.
4. Verify the required plumbing fixtures are provided for the proposed use.
5. Verify access to the toilet facilities comply with California Plumbing Code section 422.4.1.



&
2600 Fresno Street
Fresno, California 93721-3604
www.fresno.gov

Historic Preservation

November 1, 2023

Comments

1. Approved - The property is not within an historic district, not designated as historic property, yet over 50 years old. The proposed project will have minimal to no impact to the historic integrity of the property and is limited to interior work only. Any modification to the exterior of the building will require Historic Preservation Review. Therefore, this project is a non-substantial alteration and staff approves the issuance. This concludes the Historic Review Process.

Fresno County Environmental Health Division

October 5, 2023

Comments

1. The proposed project shall abide by all laws, statutes and regulations set forth by the California Department of Cannabis Control. For more information they can be contacted at (844) 612-2322 or at info@cannabis.ca.gov.
2. Facilities that use and/or store hazardous materials and/or hazardous wastes, they shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 (<http://cers.calepa.ca.gov/>). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
3. The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.
4. The following comments pertain to the remodel of existing structure:
 - Should the structure have an active rodent or insect infestation, the infestation should be abated prior to demolition 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.
5. If the structure was constructed prior to 1979 or if lead-based paint is suspected to have been used in the structure, then prior to

remodel/demolishing work the contractor should contact the following agencies for current regulations and requirements:

- California Department of Public Health, Childhood Lead Poisoning Prevention Branch, at (560) 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.



2907 S. Maple Avenue
Fresno, California 93725-2208
Telephone: (559) 233-7161
Fax: (559) 233-8227

CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.

October 24, 2023

Robert Holt
Development and Resource Management
City of Fresno
2600 Fresno Street, Third Floor
Fresno, CA 93721

RE: Conditional Use Permit Application No. P23-03086
N/W Kings Canyon Road and Maple Avenue

Dear Mr. Holt:

The Fresno Irrigation District (FID) has reviewed the Cannabis Conditional Use Permit Application No. P23-03086 for which the applicant requests authorization to establish a cannabis retail business in an existing approximately 2,130 sq. ft. commercial building, APN: 461-284-30. FID has the following comments:

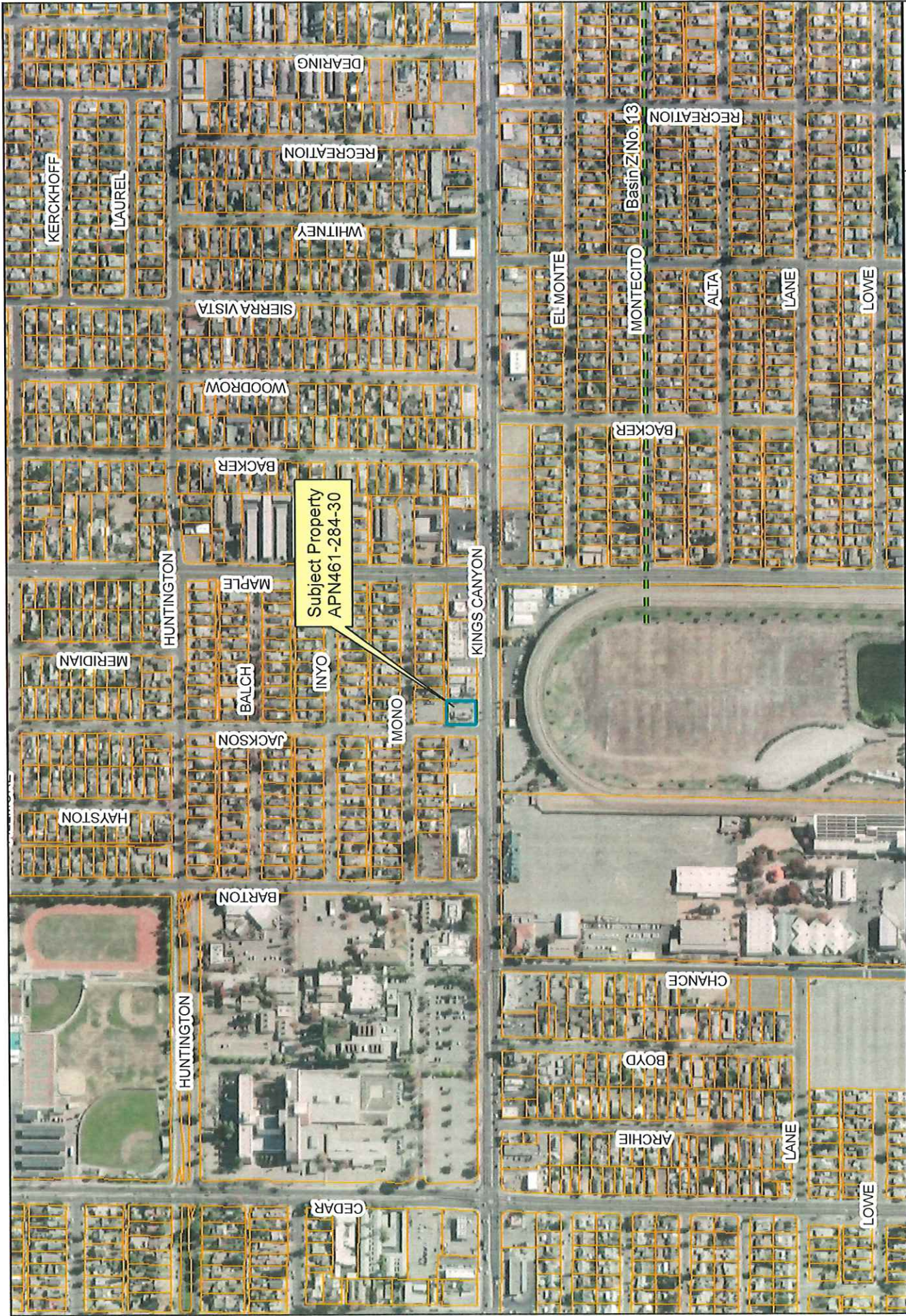
1. FID does not own, operate, or maintain any facilities located on the subject property, as shown on the attached FID exhibit map.

Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions, please feel free to contact Jeremy Landrith at (559) 233-7161 extension 7407 or jlandrith@fresnoirrigation.com.

Sincerely,

Laurence Kimura, P.E.
Chief Engineer

Attachment



Legend

- FID Pipeline
- FID Canal
- Private Canal
- Abandoned Canal
- Stream Group
- Other-Creek/River
- Other-Pipeline
- FID Boundary
- Railroad
- Streets & Hwys

Parcel

- FIMCD Acquired Basins
- FIMCD Proposed Basins

This map was produced by the Fresno Irrigation District and is provided for reference and informational purposes only and is not intended to show map scale accuracy or all inclusive map features, nor for legal purposes. FID makes no statements regarding the accuracy of this map as the features shown are in their approximate location. Please contact the FID Engineering Dept. at (559) 233-7161 for further information on FID facilities.

Path: G:\Figs\1003030727 FID Master.mxd
 Spatial Reference
 Name: NAD 1983 StatePlane California IV FIPS 0404

0 270 540 Feet
 1 inch = 533.17 feet



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

File No. 210.413

Page 1 of 3

PUBLIC AGENCY

ROBERT HOLT
DEVELOPMENT SERVICES/PLANNING
CITY OF FRESNO
2600 FRESNO STREET, THIRD FLOOR
FRESNO, CA 93721-3604

DEVELOPER

JESSICA REUVEN, YUMA WAY CA
12740 MCCORMICK ST.
VALLEY VILLAGE, CA91607

PROJECT NO: **2023-03086**

ADDRESS: **4555 E. KINGS CANYON RD.**

APN: **461-284-30**

SENT: **October 27, 2023**

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
Z	\$0.00	NOR Review	\$50.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review	\$0.00	Amount to be submitted with first grading plan submittal.
Total Drainage Fee: \$0.00		Total Service Charge: \$50.00		

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 3/07/24 based on the site plan submitted to the District on 10/04/23 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.) Creditable storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.
- d.) The actual cost incurred in constructing Creditable drainage system facilities is credited against the drainage fee obligation.
- e.) When the actual costs incurred in constructing Creditable 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. 2023-03086**

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

Page 2 of 3

**FR
CUP No. 2023-03086**

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

1. ☒ a. Drainage from the site shall REMAIN AS EXISTING.
☐ 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
☒ 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.

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

Page 3 of 3

**FR
CUP No. 2023-03086**

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, 2014 (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, RCE

Digitally signed by Debbie Campbell Date: 10/27/2023 11:40:06 AM



Gary W. Chapman
Engineering Tech III

Digitally signed by Gary W. Chapman Date: 10/16/2023 12:00:25 PM

CC:

CYNTHIA ZAMORA, CE DESIGN GROUP

28 E. MINARETS AVE.

FRESNO, CA 93711

OTHER REQUIREMENTS

EXHIBIT NO. 2

In an effort to improve storm runoff quality, outdoor storage areas shall be constructed and maintained such that material that may generate contaminants will be prevented from contact with rainfall and runoff and thereby prevent the conveyance of contaminants in 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 for further information regarding these policies related to industrial site requirements.



BOARD OF EDUCATION

Genoveva Islas, President
Susan Wittrup, Clerk
Claudia Cazares
Valerie F. Davis
Elizabeth Jonasson Rosas
Andy Levine
Keshia Thomas

SUPERINTENDENT

Robert G. Nelson, Ed.D.

October 4, 2023

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

SUBJECT: **APPLICATION NO. P23-03086**
4555 E. KINGS CANYON RD.

Dear Mr. Holt,

In response to the City's request for comments on the pending application referenced above, Fresno Unified School District (FUSD) has the following comments and concerns.

The applicant proposes the establishment of 'Yuma Way,' a cannabis retail sales business in a 2,130 square-foot existing retail building located at 4555 East Kings Canyon Road. The property is located within approximately 1,450 feet from Roosevelt High School.

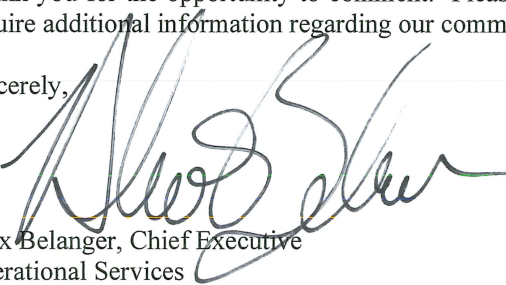
Per the City of Fresno Municipal Code, "all buildings in which a cultivator, distributor, or manufacturer is located shall be located no closer than 1,000 feet from any property boundary containing a residence, school, daycare, or youth center." In addition, "retailers would be required to maintain a minimum distance of 800 feet from any property boundary containing another cannabis retailer, school, daycare center, or youth center (i.e. parks, playgrounds, facilities hosting activities for minors)." The District **does not support** the proposed cannabis retail business and has concerns regarding potentially dangerous interaction between our students and the proposed sales. FUSD's response on these projects will be subject to state law as well as municipal code in effect, in addition to the Fresno Police Department's review of proposed projects with regard to the concentration and use of cannabis-related business in close proximity to school sites.

Any new commercial development which occurs, may ultimately affect the District by generating employees. The children of those employees living in the District will need to be housed in District schools.

The District levies a commercial/industrial development fee and the current fee rate is \$0.78 per square foot. Any new development on the property will be subject to the development fee prior to issuance of a building permit and fees will be calculated pursuant to the rate effective at the time of payment. However, if no new enclosed square footage is constructed no development fee would be charged.

Thank you for the opportunity to comment. Please contact our office at (559) 457-3066 if you have any questions or require additional information regarding our comments.

Sincerely,



Alex Belanger, Chief Executive
Operational Services

AB:hh

c: Michael Allen, Principal, Roosevelt High School

DWC



October 23, 2023

Re: P23-03086
Fresno Farms

Dear City of Fresno,

Thank you for providing PG&E the opportunity to review the proposed plans for Fresno Farms dated 10/4/2023. Our review indicates the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to the design, we ask that you resubmit the plans to the email address listed below.

If the project requires PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at pgeplanreview@pge.com.

Sincerely,

PG&E Plan Review Team
Land Management