

Exhibit I



**POLICE DEPARTMENT**

***Northwest Problem Oriented Policing***

3074 W. Shaw Ave.

Fresno, CA 93711

(559) 621-6529 / Christopher.hodge@Fresno.Gov



Paco Balderrama  
Chief of Police

**Cannabis Retail Business CUP Conditions**

July 12, 2023

City of Fresno, Development Department

Director of Planning & Development.

Special Permit, Conditional Use Permit

2600 Fresno Street

Fresno, California, 93721-3604

**Attn. Robert Holt, Planning & Development**

**Re: Conditional Use Permit Application P23-00801**

**Embarc**

**7363 N Blackstone**

**Fresno, Ca 93650**

**A.P.N. 30305316**

Dear Mr. Erik Young,

Pursuant to your Department's request, the Fresno Police Department has reviewed the special permit application for property located at **7363 N Blackstone Ave.** 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:

Monday-Sunday 6:00am 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. **P23-00801**. 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., **P23-00801** 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 Hodge 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](http://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 **P23-00801**, 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 that 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 **P23-00801**. 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.**

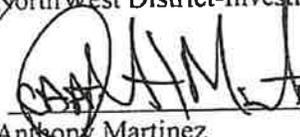
**All on-duty licensed security guards shall comply with the uniform requirements set forth in California Business & Professions code section 7582.26.**

“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).

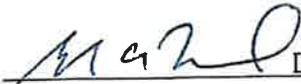
**FRESNO POLICE DEPARTMENT**

  
Date: 5-2-23  
Detective Chris Hodge  
NorthWest District POP

 5031  
Date: 4/19/23  
Sergeant Justin Hardy  
North West District-Investigations/POP

  
Date: 4/25/23  
Anthony Martinez  
North West District Captain

  
Date: 4/25/23  
Brian Pierce  
NorthWest District Lieutenant

  
Date: 5/2/23  
Burke Farrah  
Deputy Chief



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

## **Fire Department**

June 13, 2023  
Carl Torrence

### **Comments**

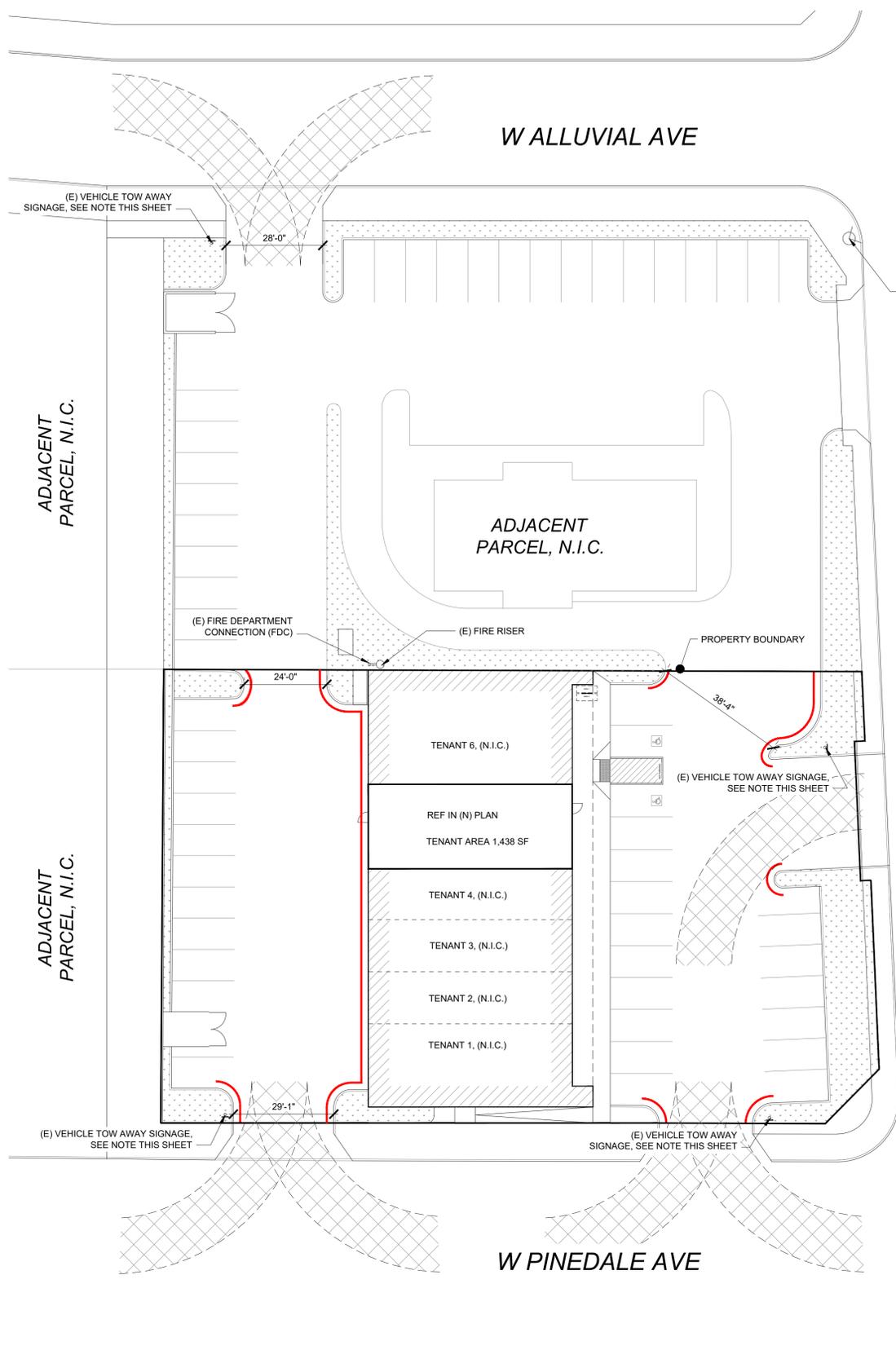
All revisions to plans shall be called out with a cloud or delta.

If you have questions and would like more information regarding FFD Development Policies please see the following: <https://www.fresno.gov/fire-training/manuals-and-forms/>

1. Emergency vehicle access shall be designated by painting the curb red (top and side) and stenciling "FIRE LANE NO PARKING" in 3-inch white letters on the most vertical curb, at least every 50 feet. If no curb is present, a minimum 6-inch wide red stripe shall be painted along the edge of the roadway with "FIRE LANE" in 3-inch white letters at least every 50 feet. (FFD Development Policy 403.005) \*\*The curbs at the vehicle access approach and at the property line where the fire sprinkler riser is located shall be marked as Fire Lane.
2. Provide note on site plan: Provide sign(s) (17"x22" minimum) at all public entrance drives to the property which state "Warning – Vehicles stopped, parked or left standing in fire lanes will be immediately removed at owner's expense – 22658(a) California Vehicle Code – Fresno Police Department 621-7000."

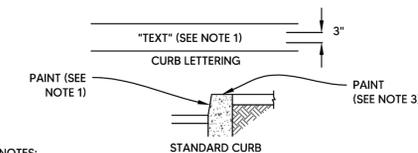
Fire Department - Exhibit A  
06/13/2023

### LEGEND



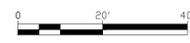
NO PARKING SIGNAGE  
PROVIDE SIGNAGE MINIMUM 17"x22" AT ALL PUBLIC ENTRANCES:

"WARNING - VEHICLES STOPPED, PARKED OR LEFT STANDING IN FIRE LANES WILL BE IMMEDIATELY REMOVED AT OWNER'S EXPENSE - 22658(A) CALIFORNIA VEHICLE CODE - FRESNO POLICE DEPARTMENT 621-7000."



- NOTES:
- FOR FIRE LANE DESIGNATIONS, PAINT CURB RED AND TEXT SHALL SAY "FIRE LANE - NO PARKING". FOR LOADING ZONE DESIGNATIONS, PAINT CURB YELLOW AND TEXT SHALL SAY "LOADING ZONE - NO PARKING".
  - ALL RAISED CURBS IN "NO PARKING" AREAS SHALL BE PAINTED RED WITH ACCEPTABLE RED CURB PAINT AND LETTERED TO THE ABOVE STANDARDS. "LETTERING SHALL BE 3" HIGH, WHITE AND HAVE 3/4" STROKE." MARKING TO LOCATED EVERY 25 FEET.
  - FOR ZERO CURBS, PLACE TEXT ON TOP OF PCC.

1 ARCHITECTURAL SITE PLAN  
1:20 = 1'-0"



2 FIRE LANE MARKINGS  
N.T.S.

SHEET ADDED



KM Architecture, Inc.  
A Full Service Architectural Practice  
3420 COACH LANE, SUITE 9,  
CAMERON PARK, CA,  
95682  
(530) 344-4073

EMBARC, FRESNO  
TENANT IMPROVEMENTS  
7363 N. BLACKSTONE AVE,  
PINEDALE, CA 93650

CONSTRUCTION  
DOCUMENTS

APN:  
30305316

Project Manager  
KIRK MILLER  
Project Architect  
KIRK MILLER  
Scale  
AS NOTED  
Date  
01/01/2023  
Project Number  
20112.15

PRELIMINARY

This drawing is not final, or to be used for construction until the Architect or Engineer's seal and signature appear above.

SHEET TITLE

FIRE PLAN

MARK	DESCRIPTION	DATE
CUP	COMMENTS	3/22/23

SHEET NO.

A00.1

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF KM ARCHITECTURE, INC. AND MAY NOT BE DUPLICATED WITHOUT WRITTEN CONSENT OF KM ARCHITECTURE, INC.



**SUBJECT:** Conditions of Approval for **P23-00801**

**DATE:** 5/19/2023

**TO:** Robert Holt  
Planning and Development Department

**FROM:** Rogelio Ruiz, Engineer I  
Public Works Department, Traffic Planning Section

**ADDRESS:** 7363 N Blackstone Ave

**APN:** 303-053-16

**ATTENTION:**

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

1. **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.

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

**A. ONSITE INFORMATION:**

1. **State standard "STOP":** Identify and install a 30" state standard "STOP" 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.
- 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.

### **Blackstone Avenue: Arterial**

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

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

### **Pinedale Avenue: Local**

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

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

**Traffic Signal Mitigation Impact (TSMI) Fee and Fresno Major Street Impact (FMSI) Fees:** This project shall pay all applicable TSMI and FMSI fees at the time of building permit. Contact the Public Works Department, Frank Saburit at (559)621-8797.

**Fresno Major Street Impact (FMSI) Fees:** This entitlement is in the **New Growth Area**; therefore pay all applicable growth area fees and citywide 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. Provide proof of payment or exemption **prior** to issuance of certificate of occupancy.

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

Questions relative to these conditions may be directed to Rogelio Ruiz (559) 621-8690 or [Rogelio.Ruiz@fresno.gov](mailto:Rogelio.Ruiz@fresno.gov) in the Public Works Department, Traffic Planning Section.



**KM Architecture, Inc.**  
 A Full Service Architectural Practice  
 3420 COACH LANE, SUITE 9,  
 CAMERON PARK, CA,  
 95682  
 (530) 344-4073

**EMBARC, FRESNO  
 TENANT IMPROVEMENTS**  
 7363 N. BLACKSTONE AVE.,  
 PINEDALE, CA 93650

**CONSTRUCTION  
 DOCUMENTS**

APN:  
 30305316

Project Manager K/IRK MILLER	Project Architect K/IRK MILLER	Scale AS NOTED	Date 01/01/2023	Project Number 20112.15
<b>PRELIMINARY</b>				
<small>This document is for informational purposes only and is not a contract. It is subject to change without notice and approval of the Architect &amp; Engineer's seal and signature is required.</small>				

**ARCHITECTURAL  
 SITE PLAN**

CIP COMMENTS	3/22/23
MARK DESCRIPTION	DATE
SHEET NO.	

**A00**

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF KM ARCHITECTURE, INC. AND MAY NOT BE DUPLICATED WITHOUT WRITTEN CONSENT OF KM ARCHITECTURE, INC.

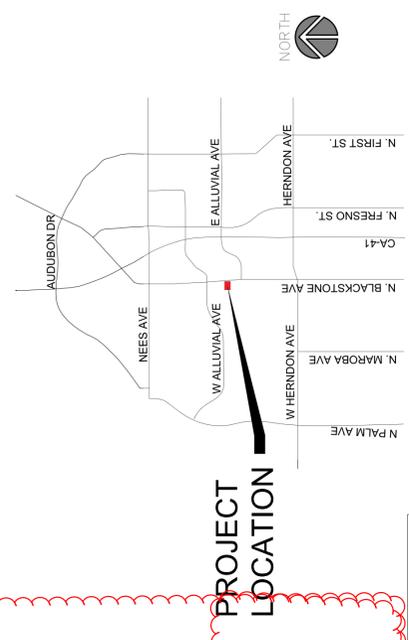
**PROJECT DATA SUMMARY**

<b>BUILDING DATA</b>	APN: 30305316
JURISDICTION	CITY OF FRESNO
LAND USE DESIGNATION	CORRIDOR-CENTER MIXED USE
ZONING	CNX
CLIMATE ZONE	12
SITE AREA	0.63 ACRE
PREVIOUS OCCUPANCY CLASSIFICATION	M (1,156 FT <sup>2</sup> ), S-1 (282 FT <sup>2</sup> )
OCCUPANCY CLASSIFICATION	VB
SPRINKLERED	YES
OCCUPANT LOAD	32
OCCUPANCY SEPARATIONS	NO, NON-SEPARATED OCCUPANCIES
TOTAL EXISTING BUILDING AREA	7,483 FT <sup>2</sup>
EXISTING TENANT AREA	6,045 FT <sup>2</sup>
PROPOSED NEW AREA	NO ADDED AREA - TENANT IMPROVEMENTS ONLY
TENANT IMPROVEMENT AREA OF WORK	1,438 FT <sup>2</sup>
REQUIRED PARKING FOR BUILDING @ 1/600	13 (7,483 TOTAL SF)
REQUIRED PARKING FOR TENANT @ 1/600	3 (1,483 TOTAL SF)
EXISTING AVAILABLE PARKING	30
REQUIRED ACCESSIBLE PARKING	2
EXISTING AVAILABLE ACCESSIBLE PARKING	2
REQUIRED BICYCLE SPACE(S)	(1) CLASS II (SHORT-TERM) - NO ADDED PARKING
PROVIDED BICYCLE SPACE(S)	(2) CLASS II (SHORT-TERM)

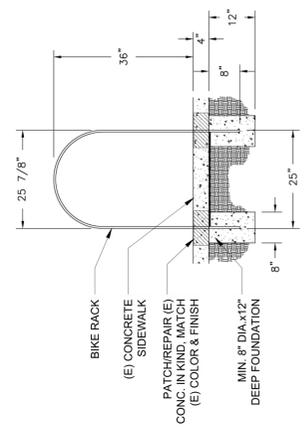
**SITE ACCESSIBILITY NOTES**

- ACCESSIBLE PATH OF TRAVEL (POT), AS INDICATED SHALL COMPLY WITH 11B-003 OF THE CALIFORNIA BUILDING CODE. POT SHALL BE AN IDENTIFIABLE ACCESSIBLE ROUTE WITHIN AN EXISTING SITE, BUILDING OR FACILITY BY MEANS OF WHICH A PARTICULAR AREA MAY BE APPROACHED, ENTERED AND EXITED, AND WHICH CONNECTS A PARTICULAR AREA WITH AN EXTERIOR APPROACH (INCLUDING SIDEWALKS, STREETS AND PARKING AREAS), AN ENTRANCE TO THE FACILITY, AND OTHER PARTS OF THE FACILITY. ACCESSIBLE PATH SHALL BE:
  - THE RUNNING SURFACE SHALL NOT EXCEED 120 INCHES FOR SIDEWALKS, WHICH SHALL BE 48 INCHES FOR DRIVEWAY APPROACHES.
  - CROSS SLOPE SHALL NOT EXCEED 1:48 (PER 11B-003.3).
  - CLEAR WIDTH OF SIDEWALKS AND WALKS SHALL BE 48" WIDE MINIMUM (PER 11B-003.5.1).
  - VERTICAL CHANGES IN LEVEL SHALL COMPLY WITH 11B-303.2 AND SHALL NOT EXCEED 1/4" MAXIMUM. INCLUDE A 1/4" VERTICAL AND 1/4" BEVELED WITH A SLOPE NOT EXCEEDING 1:2.
  - DOORS, DOORWAYS, AND GATES THAT ARE PART OF AN ACCESSIBLE ROUTE SHALL COMPLY WITH SECTION 11B-404, INCLUDING ALL GROUND LEVEL ENTRANCES AND EXITS.
  - PER 11B-203.5 MACHINERY SPACES, SPACES FREQUENTED ONLY BY SERVICE PERSONNEL FOR MAINTENANCE, REPAIR OR OCCASIONAL MONITORING OF EQUIPMENT SHALL NOT BE REQUIRED TO COMPLY WITH CHAPTER 11B OF THE CALIFORNIA BUILDING CODE.

**VICINITY MAP**



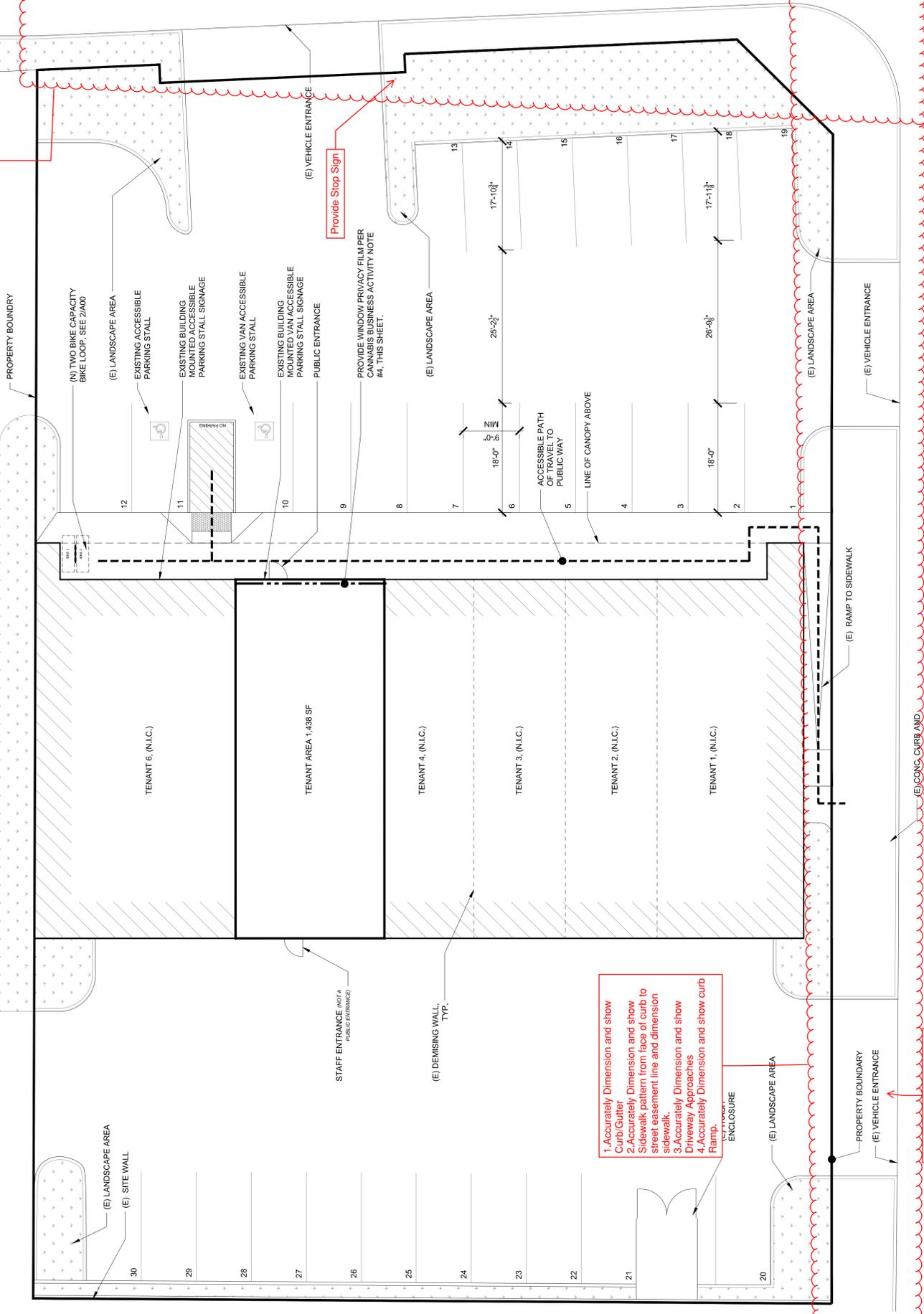
**PROJECT LOCATION**



2 BIKE RACK MOUNTING DETAIL  
 N.T.S.

- 1. Accurately Dimension and show Curb/Gutter**  
 2. Accurately Dimension and show Sidewalk pattern from face of curb to street easement line and dimension sidewalk.
- 3. Accurately Dimension and show Driveway Approaches**  
 4. Accurately Dimension and show curb Ramp.

- Accessibility:**  
 1. 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 the 24' requirements cannot be met.  
 2. All existing sidewalks and trails in excess of 2% maximum cross slope must be brought into compliance prior to acceptance by Public Works.



- CANNABIS BUSINESS ACTIVITY NOTE:**
- NO CANNABIS CULTIVATION WILL BE CONDUCTED.
  - ALL CANNABIS ACTIVITY LIMITED TO COMMERCIAL BUSINESS.
  - ALL CANNABIS ACTIVITY WILL BE CONDUCTED WITHIN BUILDING INTERIOR.
  - NO CANNABIS OR CANNABIS PRODUCTS OR GRAPHICS DEPICTING CANNABIS OR CANNABIS PRODUCTS SHALL BE VISIBLE FROM THE EXTERIOR OF ANY PROPERTY ISSUED A PERMIT FOR THE SALE, LEASE, OR RENTAL OF ANY OF THE VEHICLES OWNED OR USED AS PART OF THE CANNABIS RETAIL BUSINESS. NO OUTDOOR STORAGE OF CANNABIS OR CANNABIS PRODUCTS IS PERMITTED AT ANY TIME.

- DEVELOPMENT NOTES:**
- THE PROPOSED CANNABIS RETAIL BUSINESS CONFORMS WITH THE GENERAL PLAN, AND THE BULLARD
  - THE PROPOSED CANNABIS RETAIL BUSINESS CONFORMS WITH CMC ZONE DISTRICT DEVELOPMENT STANDARDS
  - AND ALL OTHER RELATED DEVELOPMENT STANDARDS.
  - THE PROPOSED CANNABIS RETAIL BUSINESS IS ADEQUATE IN SIZE AND SHAPE TO ACCOMMODATE THE YARDS, WALLS, FENCES, PARKING AND LOADING FACILITIES, LANDSCAPING, AND ALL ITEMS REQUIRED FOR THE BUSINESS.
  - THE PROPOSED CANNABIS RETAIL BUSINESS IS SERVED BY HIGHWAYS ADEQUATE IN WIDTH AND IMPROVED AS NECESSARY TO CARRY THE KIND AND QUANTITY OF TRAFFIC SUCH USE WILL GENERATE.
  - THE PROPOSED CANNABIS RETAIL BUSINESS IS PROVIDED WITH ADEQUATE ELECTRICITY, SEWERAGE, DISPOSAL, WATER, FIRE PROTECTION, AND STORM DRAINAGE FACILITIES FOR THE INTENDED PURPOSE.
  - THE PROPOSED CANNABIS RETAIL BUSINESS DEMONSTRATES COMPATIBILITY WITH THE SURROUNDING SIMILAR TO OTHER NEARBY BUILDINGS AND BLEND IN WITH EXISTING BUILDINGS. THE ESTABLISHMENT LOOKS REMOVE PREVIOUS TENANT'S SIGN, PATCH & PAINT EXTERIOR STOREFRONT THE EXISTING COLOR OF THE BUILDING.
  - DOOR SCHEDULE TO BE INCLUDED IN PERMIT SET AND OTHER OPERATING DEVICES SHALL BE INSTALLED 34 INCHES MINIMUM ABOVE FINISH FLOOR.
  - CONDITION OF APPROVAL WILL REQUIRE A PRE-INSPECTION BY FRESNO FIRE DEPARTMENT PRIOR TO OCCUPANCY.
  - PROVIDE AN OCCUPANT LOAD FOR EACH SPACE WITHIN THE BUILDING, USING THE APPROPRIATE OCCUPANT LOAD FACTOR FROM CH 10 TABLE 1004.5.
  - THIS PERMIT DOES NOT INCLUDE ANY HIGH-PILE STORAGE (PER CFC) OR RACK STORAGE OVER 8 FEET IN HEIGHT, ANY SUCH STORAGE SHALL BE STORED IN A DESIGNATED STORAGE AREA (PER PERMITS), 2019 CFC, CHAPTER 32.
  - NO HAZARDOUS MATERIALS TO BE STORED OR USED IN THE BUILDING.
  - FOR GROUP M OCCUPANCY WHOLESALE AND RETAIL SALES USES, INDOOR STORAGE OF FLAMMABLE AND COMBUSTIBLE LIQUIDS SHALL NOT EXCEED THE MAXIMUM ALLOWABLE QUANTITIES PER CONTROL AREA INDICATED IN 2019 CFC TABLE 5704.3.4.1.

**W PINEDALE AVE** EXHIBIT A DATE 05/15/2023

APPL. NO. P23-00801

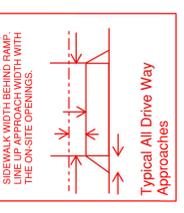
**ROGELIOR PW LAND PLANNING SECTION**

CPI REVIEWED REVISIONS REQ'D

ROGELIO.RUIZ@FRESNO.GOV

2023.05.19 16:07:34-0700

**CITY OF FRESNO DARM DEPT**



**OWNER**  
 3503 ALHAMBRA HOLDINGS LLC  
 1201 K Street  
 Suite 920  
 Sacramento, CA 95814

1 ARCHITECTURAL SITE PLAN  
 1:10 = 1'-0"



**KM Architecture, Inc.**  
A Full Service Architectural Practice  
3420 COACH LANE, SUITE 9,  
CAMERON PARK, CA,  
95682  
(530) 344-4073

**EMBARC, FRESNO  
TENANT IMPROVEMENTS**  
7363 N. BLACKSTONE AVE.,  
PINEDALE, CA 93650

**CONSTRUCTION  
DOCUMENTS**

APN:  
30305316

Project Manager KIRK MILLER	Project Architect KIRK MILLER	Scale AS NOTED	Date 01/01/2023	Project Number 20112.15
<b>PRELIMINARY</b>				
<small>This document is for informational purposes only and is not a contract. It is subject to change without notice and approval of the Architect.</small>				

**ARCHITECTURAL  
SITE PLAN**

CIP COMMENTS	3/22/23
MARK DESCRIPTION	DATE
SHEET NO.	

**A00**

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF KM ARCHITECTURE, INC. AND MAY NOT BE DUPLICATED WITHOUT WRITTEN CONSENT OF KM ARCHITECTURE, INC.

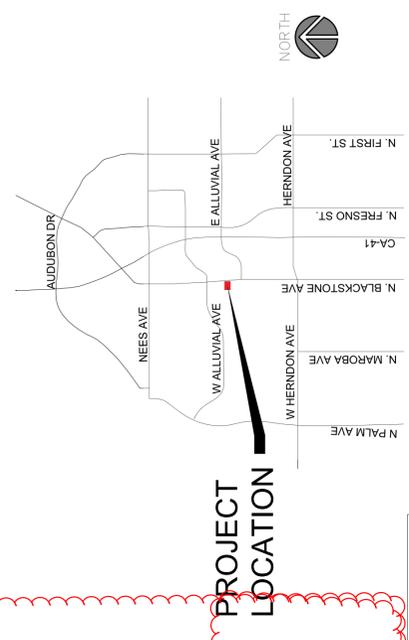
**PROJECT DATA SUMMARY**

<b>BUILDING DATA</b>	30305316
APN	CITY OF FRESNO
JURISDICTION	CORRIDOR-CENTER MIXED USE
LAND USE DESIGNATION	CNX
ZONING	12
CLIMATE ZONE	0.63 ACRE
SITE AREA	M (1,156 FT <sup>2</sup> ), S-1 (282 FT <sup>2</sup> )
PREVIOUS OCCUPANCY CLASSIFICATION	VB
OCCUPANCY CLASSIFICATION	YES
TYPE OF CONSTRUCTION	32
SPRINKLERED	NO, NON-SEPARATED OCCUPANCIES
OCCUPANT LOAD	7,483 FT <sup>2</sup>
OCCUPANCY SEPARATIONS	6,045 FT <sup>2</sup>
TOTAL EXISTING BUILDING AREA	NO ADDED AREA - TENANT IMPROVEMENTS ONLY
EXISTING TENANT AREA	1,438 FT <sup>2</sup>
PROPOSED NEW AREA	
TENANT IMPROVEMENT AREA OF WORK	
REQUIRED PARKING FOR BUILDING @ 1/600	13 (7,483 TOTAL SF)
REQUIRED PARKING FOR TENANT @ 1/600	3 (1,483 TOTAL SF)
EXISTING AVAILABLE PARKING	30
REQUIRED ACCESSIBLE PARKING	2
EXISTING AVAILABLE ACCESSIBLE PARKING	2
REQUIRED BICYCLE SPACE(S)	(1) CLASS II (SHORT-TERM) - NO ADDED PARKING
PROVIDED BICYCLE SPACE(S)	(2) CLASS II (SHORT-TERM)

**SITE ACCESSIBILITY NOTES**

- ACCESSIBLE PATH OF TRAVEL (POT), AS INDICATED SHALL COMPLY WITH 11B-003 OF THE CALIFORNIA BUILDING CODE. POT SHALL BE AN IDENTIFIABLE ACCESSIBLE ROUTE WITHIN AN EXISTING SITE, BUILDING OR FACILITY BY MEANS OF WHICH A PARTICULAR AREA MAY BE APPROACHED, ENTERED AND EXITED, AND WHICH CONNECTS A PARTICULAR AREA WITH AN EXTERIOR APPROACH (INCLUDING SIDEWALKS, STREETS AND PARKING AREAS), AN ENTRANCE TO THE FACILITY, AND OTHER PARTS OF THE FACILITY. ACCESSIBLE PATH SHALL BE:
  - THE RUNNING SURFACE SHALL NOT EXCEED 120 INCHES FOR SIDEWALKS, WHICH SHALL BE 48 INCHES FOR DRIVEWAY APPROACHES.
  - CROSS SLOPE SHALL NOT EXCEED 1:48 (PER 11B-003.3).
  - CLEAR WIDTH OF SIDEWALKS AND WALKS SHALL BE 48" WIDE MINIMUM (PER 11B-003.5.1).
  - VERTICAL CHANGES IN LEVEL SHALL COMPLY WITH 11B-303.2 AND SHALL NOT EXCEED 1/4" MAXIMUM. INCLUDE A 1/4" VERTICAL AND 1/4" BEVELED WITH A SLOPE NOT EXCEEDING 1:2.
  - DOORS, DOORWAYS, AND GATES THAT ARE PART OF AN ACCESSIBLE ROUTE SHALL COMPLY WITH SECTION 11B-404, INCLUDING ALL GROUND LEVEL ENTRANCES AND EXITS.
  - PER 11B-203.5 MACHINERY SPACES, SPACES FREQUENTED ONLY BY SERVICE PERSONNEL FOR MAINTENANCE, REPAIR OR OCCASIONAL MONITORING OF EQUIPMENT SHALL NOT BE REQUIRED TO COMPLY WITH CHAPTER 11B OF THE CALIFORNIA BUILDING CODE.

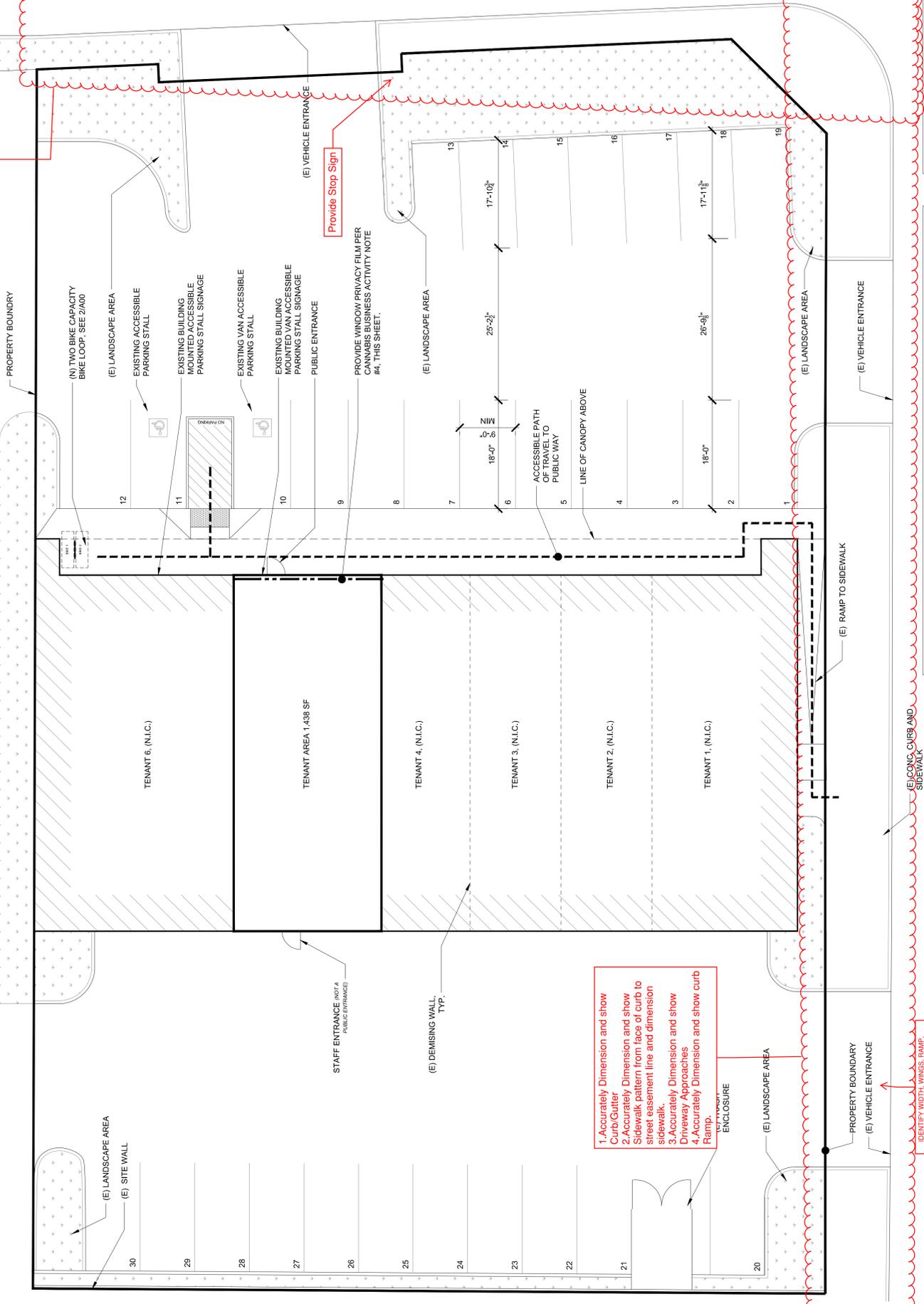
**VICINITY MAP**



**PROJECT LOCATION**

1. Accurately Dimension and show Curb/Gutter
2. Accurately Dimension and show Sidewalk pattern from face of curb to street easement line and dimension sidewalk.
3. Accurately Dimension and show Driveway Approaches
4. Accurately Dimension and show curb Ramp.

1. 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 the 24' requirements cannot be met.
2. All existing sidewalks and trails in excess of 2% maximum cross slope must be brought into compliance prior to acceptance by Public Works.



**CANNABIS BUSINESS ACTIVITY NOTE:**

1. NO CANNABIS CULTIVATION WILL BE CONDUCTED
2. ALL CANNABIS ACTIVITY LIMITED TO COMMERCIAL BUSINESS.
3. ALL CANNABIS ACTIVITY WILL BE CONDUCTED WITHIN BUILDING INTERIOR
4. NO CANNABIS OR CANNABIS PRODUCTS OR GRAPHICS DEPICTING CANNABIS OR CANNABIS PRODUCTS SHALL BE VISIBLE FROM THE EXTERIOR OF ANY PROPERTY ISSUED A PERMIT FOR ANY OF THE VEHICLES OWNED OR USED AS PART OF THE CANNABIS RETAIL BUSINESS. NO OUTDOOR STORAGE OF CANNABIS OR CANNABIS PRODUCTS IS PERMITTED AT ANY TIME.

**SITE PLAN DISCLAIMER:**  
ALL SITE INFORMATION NOTED ON THIS PAGE WAS COLLECTED THROUGH COUNTY IMAGERY, GIS DATA, AND PARCEL RECORDS. NO SURVEY OF THE PROPERTY HAS BEEN CONDUCTED.

**DEVELOPMENT NOTES:**

1. THE PROPOSED CANNABIS RETAIL BUSINESS CONFORMS WITH THE GENERAL PLAN, AND THE BULLARD
2. THE PROPOSED CANNABIS RETAIL BUSINESS COMPLIES WITH CMX ZONE DISTRICT DEVELOPMENT STANDARDS
3. AND ALL OTHER RELATED DEVELOPMENT STANDARDS.
4. THE PROPOSED CANNABIS RETAIL BUSINESS IS ADEQUATE IN SIZE AND SHAPE TO ACCOMMODATE THE YARDS, WALLS, FENCES, PARKING AND LOADING FACILITIES, LANDSCAPING, AND ALL ITEMS REQUIRED FOR THE NECESSARY CANNABIS RETAIL BUSINESS AS SERVED BY HIGHWAYS ADEQUATE IN WIDTH AND IMPROVED AS NECESSARY TO CARRY THE KIND AND QUANTITY OF TRAFFIC SUCH USE WILL GENERATE.
5. THE PROPOSED CANNABIS RETAIL BUSINESS IS PROVIDED WITH ADEQUATE ELECTRICITY, SEWERAGE, DISPOSAL, WATER, FIRE PROTECTION, AND STORM DRAINAGE FACILITIES FOR THE INTENDED PURPOSE.
6. THE PROPOSED CANNABIS RETAIL BUSINESS DEMONSTRATES COMPATIBILITY WITH THE SURROUNDING SIMILAR TO OTHER NEARBY BUILDINGS AND BLEND IN WITH EXISTING BUILDINGS. THE ESTABLISHMENT LOOKS REMOVE PREVIOUS TENANT'S SIGN, PATCH & PAINT EXTERIOR STOREFRONT THE EXISTING COLOR OF THE BUILDING.
7. DOOR SCHEDULE TO BE INCLUDED IN PERMIT SET AND OTHER OPERATING DEVICES SHALL BE INSTALLED 34 INCHES MINIMUM FROM THE EXTERIOR FACE OF THE DOOR.
8. A CONDITION OF APPROVAL WILL REQUIRE A PRE-INSPECTION BY FRESNO FIRE DEPARTMENT PRIOR TO OCCUPANCY.
9. PROVIDE AN OCCUPANT LOAD FOR EACH SPACE WITHIN THE BUILDING, USING THE APPROPRIATE OCCUPANT LOAD FACTOR FROM CH 10 TABLE 1004.5.
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11. NO HAZARDOUS MATERIALS TO BE STORED OR USED IN THE BUILDING.
12. FOR GROUP M OCCUPANCY WHOLESALE AND RETAIL SALES USES, INDOOR STORAGE OF FLAMMABLE AND COMBUSTIBLE LIQUIDS SHALL NOT EXCEED THE MAXIMUM ALLOWABLE QUANTITIES PER CONTROL AREA INDICATED IN 2019 CFC TABLE 5704.3.4.1.

**W PINEDALE AVE** EXHIBIT A DATE 04/12/2023

APPL. NO. P23-00801

**ROGELIOR PW LAND PLANNING SECTION**

CPI REVIEWED REVISIONS REQ'D

ROGELIO.RUIZ@FRESNO.GOV

2023.05.19 16:07:34-0700

**CITY OF FRESNO DARM DEPT**

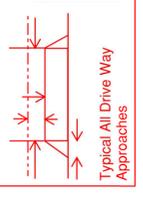
**OWNER**

3503 ALHAMBRA HOLDINGS LLC  
1201 K Street  
Suite 920  
Sacramento, CA 95814

**ARCHITECTURAL SITE PLAN**

1:10 = 1'-0"

1



1. Accurately Dimension and show Curb/Gutter
2. Accurately Dimension and show Sidewalk pattern from face of curb to street easement line and dimension sidewalk.
3. Accurately Dimension and show Driveway Approaches
4. Accurately Dimension and show curb Ramp.



2 BIKE RACK MOUNTING DETAIL  
N.T.S.



## DEPARTMENT OF PUBLIC UTILITIES

### MEMORANDUM

**DATE:** May 5, 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 P23-00801 CANNABIS  
RETAIL BUSINESS – APN 303-053-16**

#### **Water Service Requirements**

The Project is located within the Pinedale County Water District service area. It is anticipated that the Pinedale County Water District will provide **water** services (potable water and fire protection) to the Project. The applicant should contact the Pinedale County Water District for water conditions and/or restrictions.

#### **Sewer Service Requirements**

The Project is located within the Pinedale County Water District service area. It is anticipated that the Pinedale County Water District will provide **sewer** service to the Project. The applicant should contact the Pinedale County Water District for sewer conditions and/or restrictions.

#### **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 Allied Waste at (559) 275-1551 or (800) 493-4285.
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.

DPU CONDITIONS OF APPROVAL FOR P23-00801 CANNABIS REATIL BUSINESS

APN 303-053-16

May 5, 2023

Page 2 of 2

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 and 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 Services Division**

May 3, 2023  
Christian Mendez

### **Comments**

The following items 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 Building and Safety Services Division for approval and permits for the proposed project.
  - All Construction Documents must be designed, stamped and signed by a licensed Architect/Engineer.



April 28, 2023

Office of Cannabis Oversight  
City of Fresno – Office of the City Manager  
2600 Fresno Street  
Fresno, California 93721

SUBJECT: Commercial Cannabis Business Permit Application  
Embarc Fresno  
7363 North Blackstone Avenue

To Whom it May Concern:

The District has been made aware of a proposed cannabis retailer to be located at 7363 N Blackstone Avenue, within the City of Fresno's 2<sup>nd</sup> Council District. This proposed development is operating with the business name "Embarc Fresno".

According to Article 27, Chapter 15 of the Fresno Municipal Code (FMC), all building(s) in which a cannabis retail business is located shall be no closer than 800 feet from any property boundary containing a variety of locations that house or care for students, including K-12 schools. This proposed location is 1,000 feet from Pinedale Elementary School.

Pinedale Elementary School is not only a TK-6 grade elementary campus, but it also serves as a transportation hub for students in grades 7-12 who live in the surrounding neighborhood. The presence of a cannabis retail location so close to a school will undoubtedly be an attractive nuisance for students and create serious supervision problems for school staff. Additionally, this business will likely become a nuisance for the community and pose potential health and welfare problems for the students.

The District strongly opposes any retail cannabis operations at this location for the reasons noted above. The negative impact of having a cannabis retail location near a school is too significant to ignore. The safety and wellbeing of our students must be our top priority, and allowing such a business to operate in close proximity to a school is simply unacceptable.

Please contact me if you have any questions regarding this letter.

Sincerely,

Michael Johnston  
Associate Superintendent  
Administrative Services

**Governing Board**

Hugh Awtrey  
Deena L. Combs-Flores  
David DeFrank  
Steven G. Fogg, M.D.  
Yolanda Moore  
Clint Olivier  
Tiffany Stoker Madsen

**Administration**

Elmear O'Brien, Ed.D.  
*Superintendent*

Norm Anderson  
*Deputy Superintendent*

Robyn Castillo, Ed.D.  
*Associate Superintendent*

Corrine Folmer, Ed.D.  
*Associate Superintendent*

Barry S. Jager, Jr.  
*Associate Superintendent*

Michael Johnston  
*Associate Superintendent*



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

**CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.**

May 4, 2023

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

RE: Conditional Use Permit Application No. P23-00801  
S/W Alluvial and Blackstone avenues

Dear Mr. Holt:

The Fresno Irrigation District (FID) has reviewed the Conditional Use Permit Application No. P23-00801 for which the applicant proposes the establishment of a cannabis retail business in an existing building, APN: 303-053-16. FID has the following comment:

1. FID does not own, operate, or maintain any facilities located on the subject property, as shown on the attached FID exhibit map.
2. For informational purposes, FID's Bullard No. 124 runs southwesterly, crosses Fresno Street approximately 2,100 feet northeast of the subject property, crosses Alluvial Avenue approximately 1,300 feet northwest of the subject property, crosses Blackstone Avenue approximately 200 feet northeast of the subject property, crosses Alluvial Avenue approximately 900 feet northwest of the subject property, crosses Pinedale Avenue approximately 1,000 feet southwest of the subject property, crosses Minarets Avenue 1,300 feet southwest of the subject property, Birch Avenue 1,600 feet southwest of the subject property, Spruce Avenue 1,900 feet southwest of the subject property, crosses Locust Avenue 2,200 feet southwest of the subject property, and crosses Fir Avenue approximately 2,600 feet southwest of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Fresno Street Alluvial Avenue, Blackstone Avenue, Pinedale Avenue, Minarets Avenue, Birch Avenue, Spruce Avenue, Locust Avenue, Fir Avenue, or in the vicinity of this pipeline, FID requires it review and approve all plans.

G:\Agencies\FresnoCity\Conditional Use Permit\P23-00801\P23-00801 FID Comments.doc

**BOARD OF DIRECTORS**

President RYAN JACOBSEN Vice-President JERRY PRIETO, JR. CHRISTOPHER WOOLF  
GEORGE PORTER GREGORY BEBERIAN General Manager BILL STRETCH

Robert Holt  
RE: P23-00801  
May 4, 2023  
Page 2 of 2

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](mailto:jlandrith@fresnoirrigation.com).

Sincerely,



Laurence Kimura, P.E.  
Chief Engineer

Attachment



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:\FID\pds\2020223 FID Master.mxd  
 Spatial Reference  
 Name: NAD 1983 StatePlane California IV FIPS 0404

- Legend**
- FID Canal
  - Private Canal
  - Abandoned Canal
  - FID Pipeline
  - Private Pipeline
  - Abandoned Pipeline
  - Stream Group
  - Stream-Creek/River
  - Other-Creek/River
  - Other-Pipeline
  - Parcel
  - FMFCD Acquired Basins
  - FMFCD Proposed Basins
  - FID Boundary
  - Railroad
  - Streets & Hwys



FRESNO IRRIGATION DISTRICT

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

**PUBLIC AGENCY**

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

**DEVELOPER**

DUSTIN MOORE  
1201 K STREET SUITE 920  
SACRAMENTO CA 95814

PROJECT NO: **2023-00801**

ADDRESS: **7363 N BLACKSTONE AVE**

APN: **303-053-16**

SENT: **May 01, 2023**

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
CO2	\$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.
<b>Total Drainage Fee: \$0.00</b>		<b>Total Service Charge: \$50.00</b>		

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 4/13/23 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.  
2023-00801**

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 2 of 3

FR  
CUP No. 2023-00801

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. 2023-00801

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: 5/1/2023 10:36:22 AM



Anthony Zaragoza  
Engineer III

Digitally signed by Anthony Zaragoza Date: 4/13/2023 4:34:05 PM

CC:

SIEGEL & CO.

5305 N FRESNO ST #108

FRESNO CA 93710

## **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.

## **Fresno County Environmental Health Division**

April 26, 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](mailto: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.



May 5, 2023

Re: P23-00801  
7363 N Blackstone Avenue

Dear City of Fresno,

Thank you for providing PG&E the opportunity to review the proposed plans for P23-00801 dated 4/12/2023. 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](mailto:pgeplanreview@pge.com).

Sincerely,

PG&E Plan Review Team  
Land Management

May 4, 2023

Robert Holt  
City of Fresno  
Planning Department  
2600 Fresno St. Room 3065  
Fresno, CA 93721

**Project: P23-00801 Embarc Cannabis Dispensary**

**District CEQA Reference No: 20230365**

Dear Mr. Holt:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the conditional use permit (CUP) application from the City of Fresno (City) for the retail cannabis project. Per the CUP application, the project consists of the operation of a cannabis retail dispensary in an existing building (Project). The Project is located at 7363 N. Blackstone Avenue in Fresno, CA.

The District offers the following comments regarding the Project:

**1) Project Related Emissions**

At the federal level under the National Ambient Air Quality Standards (NAAQS), the District is designated as extreme nonattainment for the 8-hour ozone standards and serious nonattainment for the particulate matter less than 2.5 microns in size (PM<sub>2.5</sub>) standards. At the state level under California Ambient Air Quality Standards (CAAQS), the District is designated as nonattainment for the 8-hour ozone, PM<sub>10</sub>, PM<sub>2.5</sub> standards.

Based on information provided to the District, Project specific annual criteria pollutant emissions from construction and operation are not expected to exceed any of the significance thresholds as identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI):  
<https://www.valleyair.org/transportation/GAMAQI.pdf>.

**Samir Sheikh**  
Executive Director/Air Pollution Control Officer

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**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: (661) 392-5500 FAX: (661) 392-5585

### **1a) Construction Emissions**

The District recommends, to reduce impacts from construction-related diesel exhaust emissions, the Project should utilize the cleanest available off-road construction equipment, including the latest tier equipment.

### **2) On-Site Solar Deployment**

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the City consider incorporating solar power systems as an emission reduction strategy for the Project.

### **3) Electric Vehicle Chargers**

To support and accelerate the installation of electric vehicle charging equipment and development of required infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of the District's Charge Up! Incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District recommends that the City and project proponents install electric vehicle chargers at project sites, and at strategic locations.

Please visit [www.valleyair.org/grants/chargeup.htm](http://www.valleyair.org/grants/chargeup.htm) for more information.

### **4) Nuisance Odors**

While offensive odors rarely cause any physical harm, they can be unpleasant, leading to considerable distress among the public and often resulting in citizen complaints.

The City should consider all available pertinent information to determine if the Project could have a significant impact related to nuisance odors. Nuisance odors may be assessed qualitatively taking into consideration the proposed business or industry type and its potential to create odors, as well as proximity to off-site receptors that potentially would be exposed to objectionable odors. The intensity of an odor source's operations and its proximity to receptors influences the potential significance of malodorous emissions. Any project with the potential to frequently expose members of the public to objectionable odors should be deemed to have a significant impact.

According to the District Guidance for Assessing and Mitigating air Quality Impacts (GAMAQI), a significant odor impact is defined as more than one confirmed complaint per year averaged over a three-year period, or three unconfirmed complaints per year averaged over a three-year period. An unconfirmed complaint means that either the odor or air contaminant release could not be detected, or the source of the odor could not be determined.

The District is available to assist the City with information regarding specific facilities and categories of facilities, and associated odor complaint records.

## **5) District Rules and Regulations**

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm). To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

### **5a) District Rule 9510 - Indirect Source Review (ISR)**

The District has reviewed the information provided and determined that there is no construction of a new building, facility, or structure, or reconstruction of a building, facility, or structure for the purpose of increasing capacity or activity. Therefore, the project does not meet the definition of a "Development Project", as defined in District Rule 9510 section 3.13, and District Rule 9510 requirements and related fees do not apply to the Project.

### **5b) District Rule 4601 (Architectural Coatings)**

The Project may be subject to District Rule 4601 since it may utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs.

The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at:  
<http://www.valleyair.org/rules/currnrules/r4601.pdf>

**6) District Comment Letter**

The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please contact Jacob Torrez by e-mail at [Jacob.torrez@valleyair.org](mailto:Jacob.torrez@valleyair.org) or by phone at (559) 230-6558.

Sincerely,

Brian Clements  
Director of Permit Services



For: Mark Montelongo  
Program Manager