



## REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. **VIII-C**  
COMMISSION MEETING 5-18-16

APPROVED BY

  
DEPARTMENT DIRECTOR

May 18, 2016

FROM: MIKE SANCHEZ, Assistant Director  
Development Services Division 

THROUGH WILL TACKETT, Supervising Planner  
Development Services Division 

BY: ISRAEL TREJO, Planner  
Development Services Division 

### SUBJECT

Consider an appeal regarding Conditional Use Permit Application No. C-15-182 approved by the Development and Resource Management Department Director for property located on the northeast corner North Peach and East Olive Avenues.

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

### EXECUTIVE SUMMARY

Conditional Use Permit Application No. C-15-182 was filed by Land Development Consultants, LLC., on behalf of Circle K, and pertains to  $\pm$  4.01 acres of property located on the northeast corner North Peach and East Olive Avenues. The applicant proposes the construction of a 4,968 sq. ft. convenience store (Circle K) to include the sales of beer/wine and distilled spirits (Type 21 ABC License), gas station with 10 dispensers which can serve 20 vehicles at one time and a 1,262 sq. ft. automatic carwash. The facility is proposed to be operated 24 hours a day. The Development and Resource Management Department Director approved the project on March 10, 2016. In accordance with the Special Permit Procedure of the Fresno Municipal Code, a notice of granting of the conditional use permit application was mailed to property owners within 350 ft. of the subject site. In response to said notice, three appeal letters were received (Exhibits B, C & D). The appeal letter labeled as Exhibit B was signed by 2 people, the appeal letter labeled as Exhibit C was signed by 31 people and the appeal letter labeled as Exhibit D was signed by 204 people.

## PROJECT INFORMATION

PROJECT	Conditional Use Permit Application No. C-15-182 is a request to construct a 4,968 sq. ft. convenience store (Circle K) to include the sales of beer/wine and distilled spirits (Type 21 ABC License), gas station with 10 dispensers which can serve 20 vehicles at one time and a 1,262 sq. ft. automatic carwash. The facility is proposed to be operated 24 hours a day
APPLICANT	Land Development Consultants, LLC., on behalf of Circle K
LOCATION	Northeast corner North Peach and East Olive Avenues <b>(Council District 4, Councilmember Caprioglio)</b>
SITE SIZE	± 4.01 acres
LAND USE	Community Commercial
ZONING	The application is subject to the C-1/cz ( <i>Neighborhood Shopping Center District/conditions of zoning</i> ) standards. Current zoning, pursuant to the citywide rezone and recently adopted Citywide Development Code, is CC ( <i>Commercial – Community/cz</i> )
PLAN DESIGNATION AND CONSISTENCY	The proposed project is consistent with the planned land use of Community Commercial designated by the Fresno General Plan
ENVIRONMENTAL FINDING	A Class 32 Categorical Exemption was prepared for the project on March 10, 2016
PLAN COMMITTEE RECOMMENDATION	The District 4 Advisory Committee recommended approval of Conditional Use Permit No. C-15-182 at their meeting on January 25, 2016, by a vote of 5-0
STAFF RECOMMENDATION	Staff recommends approval of Conditional Use Permit Application No. C-15-182 subject to the Conditions of Approval detailed in the approval letter dated March 10, 2016

## BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Office Employment	O <i>Office District</i>	Vacant
East	Medium Low Density Residential	RS-4 <i>Residential Single Family District</i>	Single Family Residential

<b>South</b>	Community Commercial and Medium High Density Residential	<b>CC &amp; RM-1</b> <i>Commercial – Community &amp; Residential Multi-Family District</i>	Convenience Store and Multi-Family Residential
<b>West</b>	Medium High Density Residential	<b>RM-1</b> <i>Residential Multi-Family District</i>	Multi-Family Residential

## ENVIRONMENTAL FINDING

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

Section 15332/Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section. (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations, (b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses, (c) the project site has no value, as habitat for endangered, rare or threatened species, (d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, (e) the site can be adequately served by all required utilities and public services.

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

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

## BACKGROUND / ANALYSIS

### Project Description

Conditional Use Permit Application No. C-15-182 was filed by Land Development Consultants, LLC., on behalf of Circle K, and pertains to ± 4.01 acres of property located on the northeast corner North Peach and East Olive Avenues. The applicant proposes the construction of a 4,968 sq. ft. convenience store (Circle K) to include the sales of beer/wine and distilled spirits

(Type 21 ABC License), gas station with 10 dispensers which can serve 20 vehicles at one time and a 1,262 sq. ft. automatic carwash. The Development and Resource Management Department Director approved the project on March 10, 2016. In accordance with the Special Permit Procedure of the Fresno Municipal Code, a notice of granting of the conditional use permit application was mailed to property owners within 350 ft. of the subject site. In response to said notice, three appeal letters were received (Exhibits B, C & D). The appeal letter labeled as Exhibit B was signed by 2 people, the appeal letter labeled as Exhibit C was signed by 31 people and the appeal letter labeled as Exhibit D was signed by 204 people.

## **Development Code**

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

## **Zoning**

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

It is noted that the current zoning of the subject property is the CC (Commercial – Community/cz) zone district pursuant to the citywide rezone approved by the Fresno City Council on February 4, 2016.

## Sound Study

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

## Traffic Study

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

### **Alcoholic Beverage Control Regulations**

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

#### **California Business and Professions Code 23789**

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

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

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

#### **Number of Existing and Allowed ABC Licenses**

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

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

#### **Fresno Unified School District**

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

FUSD has concerns regarding potentially dangerous interaction between students and the proposed operation. FUSD's response on the project is subject to the Alcoholic Beverage

Control Act and the Fresno Police Department's review and support of the project with regard to the concentration and use of alcohol-related business in close proximity to school sites.

#### **District 4 Plan Implementation Committee**

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

#### **ANALYSIS OF THE APPEAL LETTERS**

There were three appeal letters (Exhibits B, C & D) received in response to the Notice of Granting issued for the project. The appeal letter labeled as Exhibit B was signed by 2 people, the appeal letter labeled as Exhibit C was signed by 31 people and the appeal letter labeled as Exhibit D was signed by 204 people.

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

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

#### **Response:**

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

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

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

the conditional use permit for violation of the Management of Real Property Ordinance.

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

**Response:**

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

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

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

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

**Response:**

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

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

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

**Response:**

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

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

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

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

### **Neighborhood Meeting**

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

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

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

### **Land Use Plans and Policies**

#### *Fresno General Plan*

The Fresno General Plan provides objectives and policies to guide development. Conditional Use Permit Application No. C-15-182 meets the objectives and policies of the Fresno General Plan. The following are excerpts of such objectives.

Policy LU-2-a states: Promote development of vacant, underdeveloped, and re-developable land within the City Limits where urban services are available by considering the establishment and implementation of supportive regulations and programs.

Policy LU-6 states: Retain and enhance existing commercial areas to strengthen Fresno's economic base and site new office, retail, and lodging use districts to serve neighborhoods and regional visitors.

The proposed project is consistent with the objectives and policies of the Fresno General Plan, as it would improve economic vitality in the City of Fresno and allow development of an existing undeveloped property.



## Notice of Planning Commission Hearing

The Development and Resource Management Department mailed notices of this Planning Commission hearing to surrounding property owners within 350 feet of the subject property (Exhibit E).

## CONDITIONAL USE PERMIT FINDINGS

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

Findings per Fresno Municipal Code Section 12-405-A-2	
a. <i>All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,</i>	
Finding a:	Conditional Use Permit Application No. C-15-182 will comply with all applicable property development standards, including parking, landscaping, walls, etc., and previous property development conditions, given that the special conditions of project approval will ensure that all conditions are met prior to operation of the facility.
b. <i>The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,</i>	
Finding b:	The applicant has provided a Draft Traffic Impact Analysis prepared by JLB Traffic Engineering Inc, dated November 16, 2015, which concludes that with the addition of the project and cumulative growth, the study intersections are projected to continue to operate at the City of Fresno's acceptable standard.
c. <i>The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. The third finding shall not apply to uses which are subject to the provision of Section 12-306-N-30 of the FMC.</i>	

Finding c:	There is no substantial evidence to indicate that the proposed project will be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. The project site is not located in area with an over concentration of ABC licenses and the project has been conditioned by various departments and agencies, including the Police Department. The proposed project has been conditioned, said conditions are intended to help protect the public health, safety and welfare of patrons and surrounding properties. In addition, the applicant will be required to comply with the conditions of approval as required by the Police Department which will stipulate certain requirements that must be met by the applicant. These conditions are intended to help protect the public health, safety and welfare of patrons and neighbours, alike.
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## CONCLUSION

In conclusion, given that all mandated conditional use permit findings required pursuant to Section 12-405-A-2 of the Fresno Municipal Code can be made for Conditional Use Permit Application No. C-15-182, staff recommends that the Planning Commission deny the appeal and uphold the action of the Director as previously described in this staff report. Planning Commission action of the proposed Conditional Use Permit, unless appealed to the Council, is final.

Attachments:

- Exhibit A: 2015 Aerial Photograph of site
- Exhibit B: Appeal Letter dated March 21, 2016
- Exhibit C: Appeal Letter dated March 23, 2016
- Exhibit D: Appeal Letter dated March 14, 2016
- Exhibit E: Noticing Map (350-foot radius)
- Exhibit F: Approval Letter/Conditions of Approval dated March 10, 2016.
- Exhibit G: Operation Statement
- Exhibit H: Site Plan, Elevations. Floor Plan & Landscape Plan (Exhibits A, A-2, E-1, E-2, E-3, F and L within conditions of approval)
- Exhibit I: Comments from Responsible Agencies
- Exhibit J: Environmental Assessment No. C-15-182, dated March 10, 2016



Exhibit A





Exhibit B

March 21, 2016

Israel Trejo

Development and Resource Management Department

2600 Fresno Street Room 3043

Fresno, CA 93721

RECEIVED

MAR 23 2016

DARM - DEVELOPMENT SERVICES  
CITY OF FRESNO

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

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

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

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

Respectfully Submitted,

Neo Mallory  
5256 E. Olive  
Fresno, CA 93727

Miguel Gomez

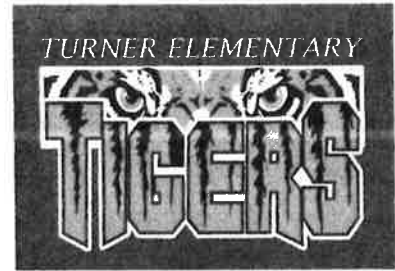
5226 E. Olive 244# 93727

## TURNER ELEMENTARY SCHOOL

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

**Steve Gettman**  
Principal

**Noemi Parayno**  
Vice Principal



RECEIVED

March 23, 2016

To Whom It May Concern,

MAR 23 2016

DARM - DEVELOPMENT SERVICES  
CITY OF FRESNO

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Tianna Gonzales". The signature is fluid and cursive, with the first name "Tianna" being more prominent than the last name "Gonzales".

Tianna Gonzales  
Turner Elementary School

We the undersigned believe that a Circle K 24-Hour Market would cause a negative impact in our community. We believe that the property/land could be better utilized as a community park to support community revitalization and create safer neighborhoods and promote community engagement.

~~Marina Morales~~

Carme Alvarez

Sylvia Valles

Carol Gonzales

Rafaela Velazquez

Jim Appelli

Greg Ramirez

Debra Ray

Frank

Debra Christensen

~~John Doe~~

John Doe

Terrell Hernandez

Joel L. Garcia

Robert Lopez

Carolyn Fisher

Kevin Sue

Kristie Hem

Andre

Chris

~~John Doe~~

John Doe

John Doe

Juanita Pagan

April Ochoa

Melissa Castro

May Co

John Vazquez

John Vazquez

Melinda Jarama

March 14, 2016

RECEIVED

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

MAR 23 2016

DARM - DEVELOPMENT SERVICES  
CITY OF FRESNO

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

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

We are formally requesting a challenge hearing to that decision.

Respectfully submitted,

SignatureAddress

<u>Ka Phongsavath</u>	5246 E Hammond Ave.
<u>Toua Yang</u>	5240 E. Hammond Ave.
<u>Vixay Sakimale</u>	5244 E. HEDGES AVE
<u>Ann Hoke Perry</u>	5243 E. Hedges Ave.
<u>John Ray</u>	5252 E. Hedges Ave.
<u>Wendy</u>	5281 E. Hedges Ave.
<u>Dorothy Ark</u>	1240 N Holsby Ave
<u>Ann Hoke</u>	1240 N Holsby Ave.
<u>Ann Hoke</u>	5275 E. Hedges Ave.

March 14, 2016

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

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Respectfully submitted,

Signature

Address

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



March 14, 2016

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Respectfully submitted,

Signature

Address

Rene Wilson	5288 E. HAMMOND Fresno CA 93727
Cecilia Iwan	5284 E. Hammond Ave Fresno CA 93727
Ronn-Khe V	5273 E. Hammond Ave. Fresno CA 93727
Kim San Ma	5276 E. Hammond Ave Fresno CA 93727
Tom Lee	5272 E. HAMMOND AVE, Fresno, CA 93727
Cheng Yang	5267 E. Hammond Ave Fresno, CA 93727
Phuanto H-	5281 E Hammond Ave Fresno CA 93727
Chang Man	5259 E Hammond Ave
Bonnie Chen	5253 E. Hammond Ave Fresno, CA 93727

March 14, 2016

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Development and Resource Management Dept.  
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Fresno, CA 93721

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Respectfully submitted,

Signature

Address

Walter Smith

5171 E. Hedges #103 Fresno, CA 93727

Sophia San

5226 E. Olive Ave #232 Fresno CA 93727

Mark

807 N Orange wood Fresno 93727

[Signature]

5226 E Olive Fresno CA 93727

STEVEN BERNARD

~~5272 E~~ 815 N Peach #111 Fresno CA 93727

Darryl B. [Signature]

5272 E. CHAY #105 Fresno CA 93727

[Signature]

1491 N. Peach Ave #112

[Signature]

Fresno, CA 93727

John B. [Signature]

1448 N. Helen Fresno CA,

Mark [Signature]

5226 E olive Ave 93727

**March 14, 2016**

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

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- **We have plenty in reality an abundance of beer and liquor licenses in South East Fresno, specifically compared with North East Fresno.**
- **There are six active liquor licenses in half mile radius of Peach and Olive.**
- **There are two schools in 500 feet of the subject location.**

We are formally requesting a challenge hearing to that decision.

Respectfully submitted,

Signature

Address

Antonio PLATA	5226 E OLIVE APT #136
Jana Stafinsky	5226 E. Olive Ave #238
Haykanush Simonian	5226 E. Olive Ave. #137
Charles Chir	5226 E. Olive Ave #139
Leah R.	5226 E. Olive Ave #216
Kimly Olm	5226 E Olive Ave #215
Julie Dooley	5226 E. Olive Ave #214
Andrew M	5226 E Olive Ave #213

March 14, 2016

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

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

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- It is very tough neighborhood for the police.
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- There are six active liquor licenses in half mile radius of Peach and Olive.
- There are two schools in 500 feet of the subject location.

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Respectfully submitted,

Signature

Address



5226 E Olive Ave Apt 146



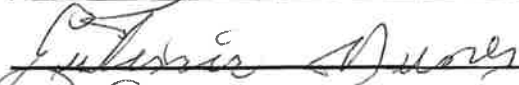
5226 E Olive Ave 131



5226 E Olive #215



5226 E Olive #221



5226 E Olive Ave, 211



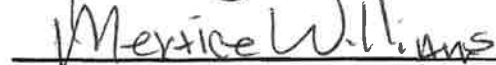
5226 E Olive #111



5226 E Olive 128



5226 E Olive 119



5226 E Olive #236

March 14, 2016




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

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We are formally requesting a challenge hearing to that decision.

Respectfully submitted,

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

March 14, 2016

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

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

We are formally requesting a challenge hearing to that decision.

Respectfully submitted,

<u>Signature</u>	<u>Address</u>
James Felix	1003 N. Peach Apt C165
Stephanoff	1003 N. Peach Apt C165
Chris Lopez	265 N. Peach. Apt. C165
Yasmin Martinez	1003 N Peach Apt 121
Gina McColley	1003 N Peach Apt #268
Michael Davies	1019 N Peach Ave # D204
Alfonso Juarez	1003 N Peach Ave 161
Rob Lewis	1003 N Peach Ave APT 261
Chad	5254 E. Hammond 93727

March 14, 2016

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

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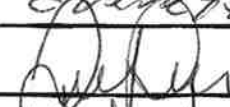

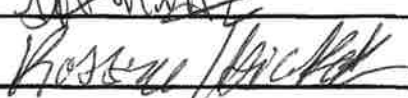
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Respectfully submitted,

Signature

Address

	1603 N. Peach #112 Fresno CA 93727
Angelica Cruz	1003 N. Peach Ave #253 Fresno CA 93727
Jody Morrison	1003 N. Peach Ave #154
Shirley F. Felt	1003 N. Peach Ave #154
Sharon Skidmore	PO Box 193 Dunlap Ca 93621
Gregory H. Ruiz	1003 N. Peach Ave #151
	1003 N. Peach Ave #149
	1003 N. Peach Ave #214
	1003 N. Peach Ave #115

March 14, 2016

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

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Respectfully submitted,

Signature

Address

Elena Peralta

1003 N Peach #116  
93727

Renee Garry

1003 N Peach #245

Jose Torres

1003 N Peach #148

John Cal

1003 N Peach #119

Bobby Hernandez

1003 N Peach ave #217

Johnny

1003 N Peach ave 218

Wesley

1003 N Peach Ave 215

Barbara

1003 N Peach 144

Amy Brown

1003 N Peach Ave APT 244



March 14, 2016

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

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Respectfully submitted,

Signature

Address

Ashua B. W.

1003 N. Peach Ave.

Monique May

1003 N. Peach Ave 203

Alma Castro

1003 N. Peach C-275

T. S. C.

1003 N. Peach Apt. 175

Sophia Goya

1003 N. Peach Apt 175

Pauline Ruiz

5122 E Olive Fresno CA.

Cibola

1003 N. Peach Ave #273

Monisha Jilder

1003 N. Peach Ave #232

Joe Martinez

1003 N. Peach Ave #164

March 14, 2016

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

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

We are formally requesting a challenge hearing to that decision.

Respectfully submitted,

Signature

Address

Eugen Muroch

1352 N BUSH

Edel Valdez

921 N. Peach Ave Apt. 126

Julia Robles

921 N. Peach #121

Judy Rogers

921 N Peach #117

Abster Rogers

921 N Peach # 120

Emil Muroch

593 E El Paso

Rebekah Wright

921 N Peach # 120

Israel Trejo

42108 N peach

Israel Trejo

937 N Peach #121

March 14, 2016

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

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Respectfully submitted,

<u>Signature</u>	<u>Address</u>
Angie Lynn	937 N. Peach Ave Apt 3203
Savanna Pacheco	937 N. Peach Ave Apt 104
Isabel	937 N. Peach Ave Apt 103
Wally	937 N. Peach Ave apt 102
Ben	937 N. Peach Ave apt 101
Javier Quiroz	937 N. Peach Ave apt 140
Joe M...	937 N. Peach Ave apt 137
Manila	937 N. Peach Apt 135
Eber Calderon	1003 N. Peach Apt 201

March 14, 2016

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

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Respectfully submitted,

Signature

Address

Angel Branson

921 N. Peach Ave Apt #112

Angel Branson

921 N. Peach #112

Byron L. Branson

921 N. Peach 921 #112

CLIFF BROOKS

921 N. PEACH #245

Domingo Puente

921 N. Peach #145

Gustavo Zuniga

921 N. Peach #143

Walter

921 N. Peach #239

B. D. Q.

921 N. Peach #240

Kenneth Hogan

921 N. Peach #139

March 14, 2016

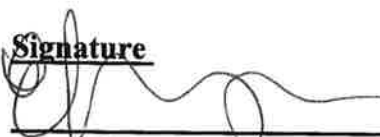

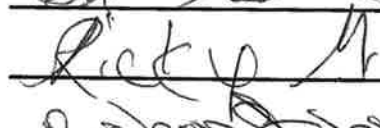
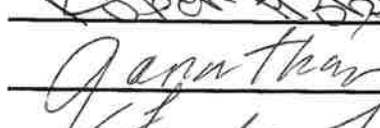
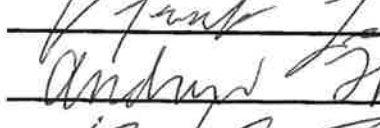


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Respectfully submitted,

<u>Signature</u>	<u>Address</u>
	921 N Peach Ave, APT A140
	921 N Peach Ave, APT A234
	1083 N Peach Ave. Apt 30
	921 N. Peach Ave 135
	921 N. Peach Ave 135
	921 N peach ave #132
	921 N. Peach Ave #229
	921 n Peach Ave 129
	921 N. PEACH AVE. 228

**March 14, 2016**

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

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Respectfully submitted,

Signature

Address

	921 N Peach ave #108
Raul Gutierrez	921 N. Peach #104
	921 N. Peach #150
Daniel Gutierrez	921 N Peach #249
	921 N. Peach Apt #216
Patricia Lopez	921 n. Peach #113
Brian Graham	921 N Peach #108
Gracie Chavez	921 n Peach #109
Pam Newman	1490 S. Chestnut #132
U. Martinez	

**March 14, 2016**

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

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Respectfully submitted,

Signature

Address

Dennette Galdney

1221 N. Peach Ave Apt #129

Will Bailey

1221 N Peach #233

Stephanu Guevara

1221 N peach #227

Shirley Mathis

1221 N. Peach #224

Darford Penleton Jr

John C

1221 N peach #125

Thy Mue

7154 E Belmont

John

1221 N peach #181

**March 14, 2016**

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

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Signature

Address

<u>Kyngth Lee</u>	<u>1221 N Peach #105 93727</u>
<u>Sam De -</u>	<u>1221 N. Peach #104 93727</u>
<u>Antonio A</u>	<u>1221 N. Peach #1170 93727</u>
<u>MARC BOWMAN</u>	<u>1221 N PEACH 146 93727</u>
<u>Garry Macklin</u>	<u>1221 N. Peach Ave #168</u>
<u>Joseph Brown</u>	<u>1221 N. Peach Ave #162 93727</u>
<u>Lessie Lightfoot</u>	<u>1221 N. Peach Apt #62 93727</u>
<u>Humana L Brown</u>	<u>1221 N. Peach Ave Apt 159 Fresno 93727</u>
<u>Nicole Handerman</u>	<u>1221 N Peach 223 93727</u>



March 14, 2016

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2600 Fresno Street Room 3043  
Fresno, CA 93721

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Respectfully submitted,

Signature

Address

Joe R

5265 E. HEDGES AVE Fresno CA

C. Miranfa Ol.

5181 E. OLIVE APT #113

~~Joe R~~

5181 E. OLIVE APT #123

~~Joe R~~

5181 E. OLIVE APT unit 110

Jen Wad

1221 N. Peach #105 Fresno CA

Petunia S. King

1221 N. Peach APT #164 Fresno

Ramon Monzon

1221 N. Peach APT #110 Fresno CA 93727

Darlene Smith

1221 N. Peach #106 Fresno CA 93727

Sylvester Wardard

1221 N. Peach APT 101

March 14, 2016

Israel Trejo  
Development and Resource Management Dept.  
2600 Fresno Street Room 3043  
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Signature

Address

<u>Sammy</u>	<u>5234 E. Hedges Ave.</u>
<u>Bryce Lee</u>	<u>5231 E Hedges Ave. 93727</u>
<u>[Signature]</u>	<u>5285 E. Hedges Ave 93727</u>
<u>Felipe Orampio</u>	<u>5287 E. Hammond Ave. 93727</u>
<u>[Signature]</u>	<u>5226 E Olive 93727</u>
<u>Liz Carter</u>	<u>5226 E. Olive #249 93727</u>
<u>Betty Sanchez</u>	<u>5226 E. Olive #250 93727</u>
<u>Vanessa Young</u>	<u>5226 E. Olive Ave #213 93727</u>
<u>Kim Pittman H</u>	<u>2329 N. Garden road Fresno, CA 93727</u>

March 14, 2016

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

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Respectfully submitted,

Signature

Address

Yusef Herz	5241 E Lamona Ave.
Chang Yang	5233 E. Lamona Ave.
Sally De La Cruz	1423 W. Bush Ave.
Chun Yu	1387 N. Bush Ave
Ernesto	5277 E. Hammond Ave
Monisha Lopez	5254 E. Hammond Ave 93727
Jose Silva	5250 E Hammond
Bernita Rios	5236 E Hammond 93727
Platino Gonzalez	5236 E Hammond Ave Fresno CA 93727

March 14, 2016






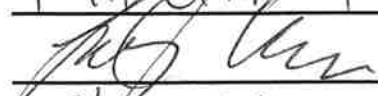
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<u>Signature</u>	<u>Address</u>
	1404 N. HOLMSY AVE.
	1420 N. HOLMSY AVE
	5389 E. LAMONA AVE
	5385 E. LAMONA AVE
	5351 E. LAMONA AVE
CHUCK	5352 E. LAMONA AVE
TOM CHANDLER	1204 N. BAYLEY AVE
	1337 N SYLMAR AVE
Steven Vang	5385 E. LAMONA AVE

March 14, 2016

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Fresno, CA 93721

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Signature

Address

Jane Jany	5280 E Hedges Ave.
Klarity Vongkothas	5292 E. Hammond, NE
Chong Hae	5230 E Huffman Ave
Anthony Ranc	5278 E HUFFMAN AVE
S. J. D.	5354 E. HUFFMAN AVE.
Stacie K	SAME AS ABOVE
ERNESTO <del>XXXXXXXXXX</del>	5366 E. Huffman Ave Fresno, CA 93727
Luz Caraca	5386 E. Huffman
Andy Cher Mouch	5388 E. Huffman Ave, Fresno 93727

Buffered at:350 Feet, Legal Notices, Owners



180 FWY

180 FWY

WILLOW AVE

PEACH AVE

CAESAR AVE

HUFFMAN AVE

HEDGES AVE

HEDGES AVE

HAMMOND AVE

OLIVE AVE

PEACH AVE

BUSH AVE

45512512

45512522

HEDGES AVE

45516321 45516315

45528410S

45528406S

45528402S

45528312S

45528313S

45528304S

45528403S

45528409S

45528407S

45528408S

45528404S

45527101S

45528315S

45528302S

45528316S

45528301S

45528150S

45528148S

45528147S

45528149S

45528146S

45528145S

45527303S

45527301S

45527302S

45527305S

45527304S

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45527423S

45527424S

45527422S

45527421S

45527420S

45527401S

45527402S

45527403S

45527404S

45527405S

HAMMOND AVE

45527506S

45527505S

45527503S

45527502S

45527504S

45627026

45607132S

45607102

45627031

45627032

45607133

Exhibit F



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

Development and Resource Management Department  
Jennifer K. Clark, Director

March 10, 2016

Please reply to:

Israel Trejo  
(559) 621-8044

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

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

Dear Mr. Scarbrough:

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

**CONDITIONS OF APPROVAL**

**PART A – ITEMS TO BE COMPLETED**

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

Planner to check  
when completed

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

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

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

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

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

## PART B – OTHER REQUIREMENTS

### Planning/Zoning/Environmental Compliance Requirements

Property development standards for this project are noted below:

#### 1) Proposed Use

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

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

#### Sound Study

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



2) Building Setback, Open Spaces and Landscaping

Provide the following minimum building setbacks:

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

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

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

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

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

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

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

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

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

3) Fences, Hedges and Walls

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

4) Building Height/Elevations

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

5) Off-Street Parking

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

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

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

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

6) Access

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

7) Outdoor Advertising

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

8) Addressing

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

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

9) Other Requirements

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

10) City and Other Services

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

11) Miscellaneous Requirements

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

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

## APPEALS

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

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

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

## BACKCHECK PROCESS

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

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

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

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

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

Sincerely,



Israel Trejo, Planner  
Development Services Division

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

## **General Notes and Requirements for Entitlement Applications**

### **GENERAL**

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

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

### **FENCES/WALLS, LANDSCAPING, PARKING**

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

backflow prevention device), etc., are allowed to be located in the landscape areas or setbacks or on the street frontages of the buildings. All transformers, etc., shall be shown on the site plan. The backflow device shall be screened by landscaping or such other means as may be approved.

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



22. Bicycle parking spaces shall be supplied at a rate of 10% of the automobile spaces provided pursuant to Section 12-306-I-2.1c of the Fresno Municipal Code (FMC). Bicycle parking spaces shall each consist of one slot in a bike rack. They shall be grouped in racks which allow four feet of clearance on all sides. There shall be adequate space between rack slots to park, lock, and remove bicycles. Bicycle parking spaces and the required four-foot clearance shall be protected from motor vehicle encroachment by means of fixed barriers not less than six inches or more than three in height. Bicycle parking spaces shall not encroach into pedestrian ways, landscaped areas, or other required open spaces, and shall be located proximal to structures.
23. All general provisions of Section 12-306-I of the FMC shall apply to all parking areas.  
[http://library.municode.com/HTML/14478/level3/MUCOFR\\_CH12LAUSPLZO\\_ART3GECOAPZO.htm](http://library.municode.com/HTML/14478/level3/MUCOFR_CH12LAUSPLZO_ART3GECOAPZO.htm)  
[I#MUCOFR\\_CH12LAUSPLZO\\_ART3GECOAPZO\\_S12-306PRDEST](#)

### **SIGNAGE**

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

### **MISCELLANEOUS**

29. Noise levels shall not exceed the decibel levels described in Section 10-102.b of the FMC at anytime, measured at the nearest subject property line.  
[http://library.municode.com/HTML/14478/level3/MUCOFR\\_CH10REREPUNUREPRCOUS\\_ART1NORE.html#MUCOFR\\_CH10REREPUNUREPRCOUS\\_ART1NORE\\_S10-102DE](http://library.municode.com/HTML/14478/level3/MUCOFR_CH10REREPUNUREPRCOUS_ART1NORE.html#MUCOFR_CH10REREPUNUREPRCOUS_ART1NORE_S10-102DE)
30. There shall be adequate vehicular access from a dedicated and improved street or alley to off-street parking and loading facilities on the property requiring off-street parking and loading. Vehicular and/or pedestrian access shall be provided and shall remain clear at all times.
31. The address listed in the conditions of approval is the 'Official Address' given to the building. If you would like separate suite or unit numbers for a building, provide a floor plan and contact the City of Fresno Development and Resource Management Department for 'Official Addresses'. **Only those**

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

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

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

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

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

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

### **FEES**

(Not all fees will be applicable to all projects)

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

units)

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

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

47. FRESNO COUNTY FACILITY IMPACT FEE

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

48. REGIONAL TRANSPORTATION MITIGATION FEE (RTMF)

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

49. SCHOOL FEES

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

50. FLOOD CONTROL FEES

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

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

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

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

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

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

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

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



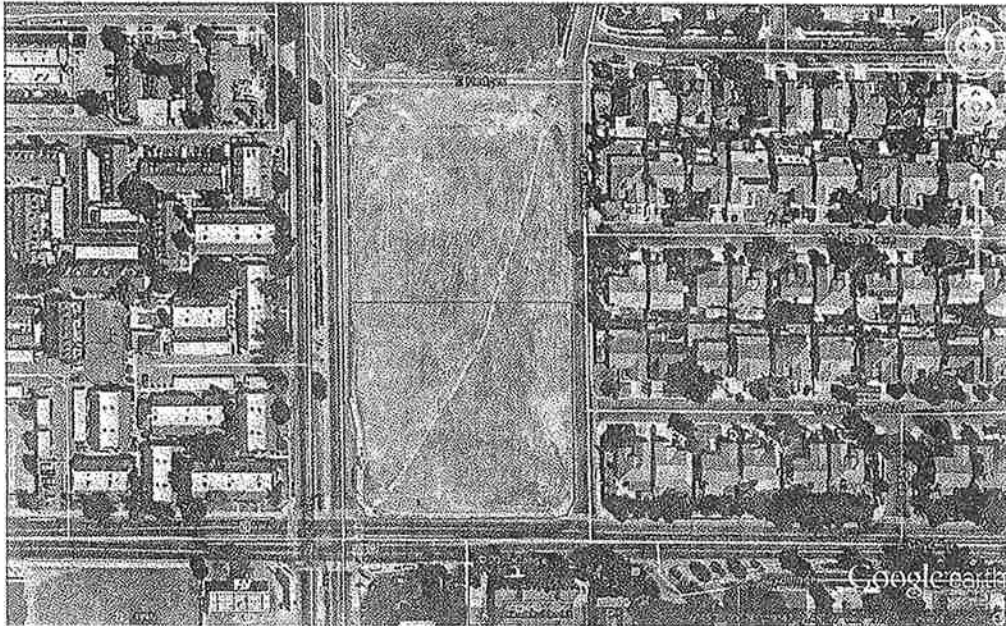
## Operational Statement

11/25/2015

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

A. General Site & Project Description

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



B. Operational Narrative

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

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

NEC PEACH AVENUE & OLIVE AVENUE, FRESNO, CA

**CIRCLE K STORE  
SITE PLAN**



**OWNER:**  
CIRCLE K STORE, INC.  
1801 N. VANALYSTA ST.  
FRESNO, CALIFORNIA 93703  
FAX: (559) 435-1100  
E-MAIL: CIRCLEK@CIRCLEK.COM

**DESIGN CONSULTANT:**  
GREENBERGFARROW  
19800 MACARTHUR BLVD., SUITE 250  
IRVINE, CA 92612  
PHONE: (949) 261-9900  
E-MAIL: GFG@GFG.COM

**PROJECT NAME:**  
CIRCLE K CONVENIENCE STORE  
NEC PEACH AVENUE & OLIVE AVENUE, FRESNO, CA

**PROJECT ADDRESS:**  
19800 MACARTHUR BLVD., SUITE 250  
IRVINE, CA 92612

**PROJECT DESCRIPTION:**  
PROPOSAL FOR A NEW CONVENIENCE STORE WITH ASSOCIATED FUEL CANOPY AND LANDSCAPING IMPROVEMENTS.

**PROJECT INFORMATION**

**PROJECT NAME:**  
CIRCLE K CONVENIENCE STORE  
NEC PEACH AVENUE & OLIVE AVENUE, FRESNO, CA

**PROJECT ADDRESS:**  
19800 MACARTHUR BLVD., SUITE 250  
IRVINE, CA 92612

**PROJECT DESCRIPTION:**  
PROPOSAL FOR A NEW CONVENIENCE STORE WITH ASSOCIATED FUEL CANOPY AND LANDSCAPING IMPROVEMENTS.

**ZONING INFORMATION**

**ZONING:**  
C-1 (COMMERCIAL GENERAL)

**EXISTING ZONING:**  
C-1 (COMMERCIAL GENERAL)

**PROPOSED ZONING:**  
C-1 (COMMERCIAL GENERAL)

**APPROVED ZONING:**  
C-1 (COMMERCIAL GENERAL)

**SITE DATA**

**APPROXIMATE AREA:**  
1.2 AC (103,000 S.F.)

**EXISTING AREA:**  
1.2 AC (103,000 S.F.)

**PROPOSED AREA:**  
1.2 AC (103,000 S.F.)

**APPROVED AREA:**  
1.2 AC (103,000 S.F.)

**PARKING REQUIREMENTS**

**MINIMUM PARKING:**  
10 SPACES

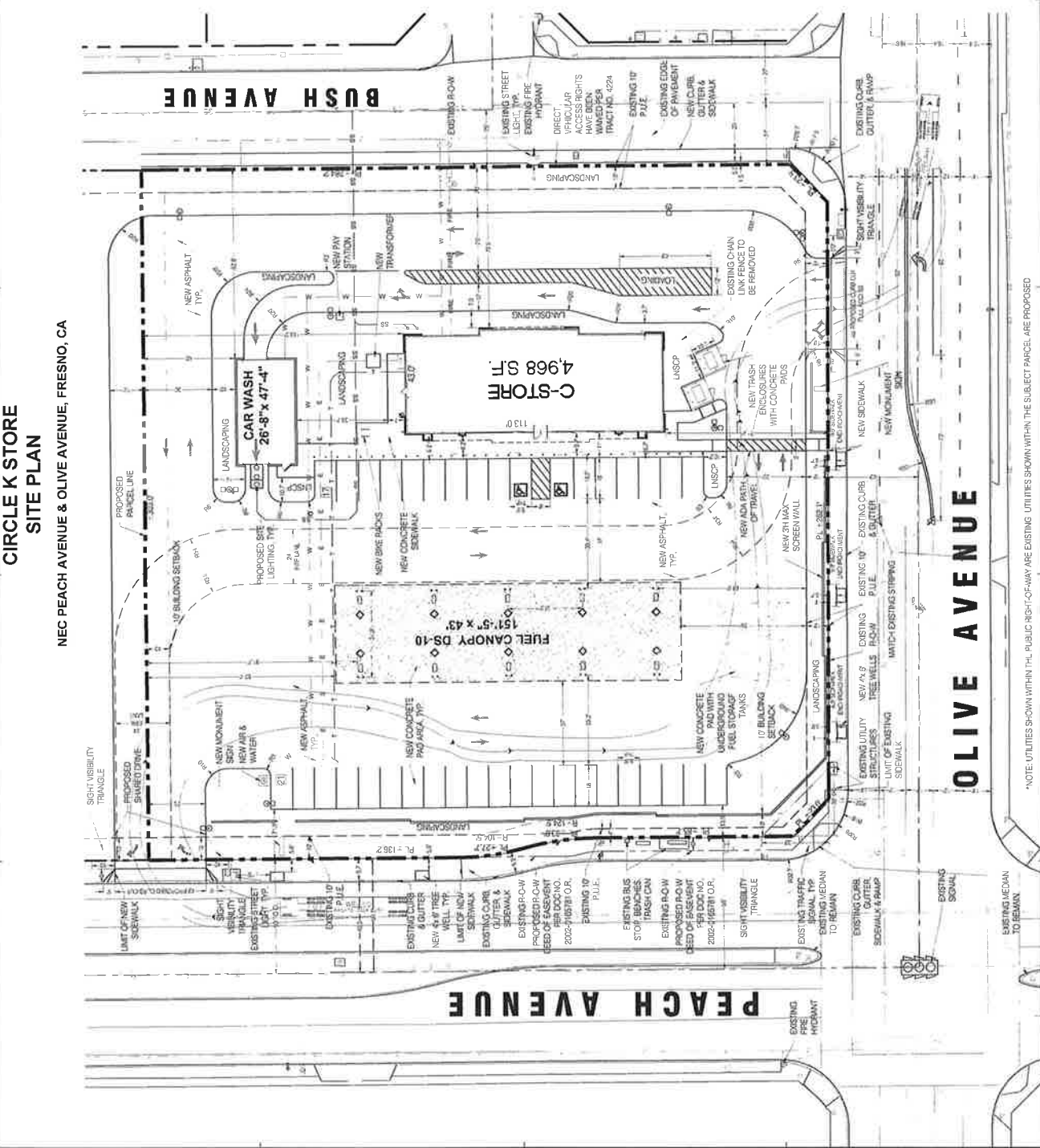
**PROPOSED PARKING:**  
10 SPACES

**APPROVED PARKING:**  
10 SPACES

**GENERAL NOTES**

1. THIS SITE PLAN IS BASED ON A CAD FILE OF THE SURVEY PREPARED BY BASE CONSULTING GROUP, INC. DATED 11-09-2015.

**SCALE:**  
1" = 20'



\*NOTE: UTILITIES SHOWN WITHIN THE PUBLIC RIGHT-OF-WAY ARE EXISTING UTILITIES SHOWN WITHIN THE SUBJECT PARCEL. ARE PROPOSED

A 11-25-15

Exhibit H





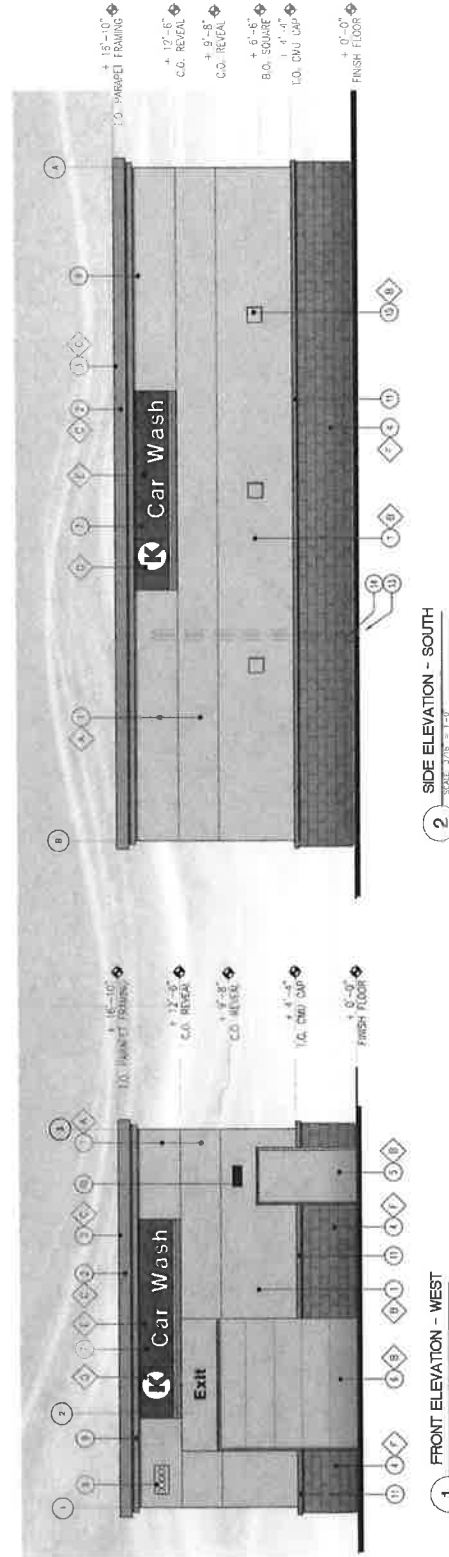
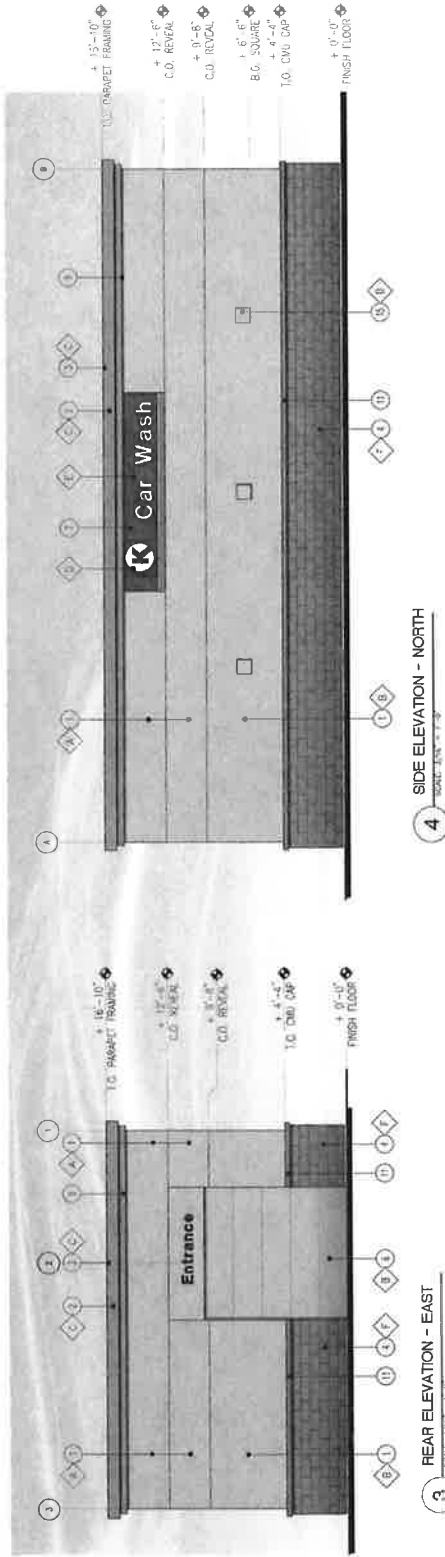


- [illegible]

**FINISH SCHEDULE**

- |   |   |
|---|---|
| 4 | <ul style="list-style-type: none"> <li>• system exams: <i>PA 600</i></li> <li>• <i>700</i></li> </ul> |
| 3 | <ul style="list-style-type: none"> <li>• system exams: <i>PA 610</i></li> <li>• <i>700</i></li> </ul> |
| 3 | <ul style="list-style-type: none"> <li>• system exams: <i>PA 620</i></li> <li>• <i>700</i></li> </ul> |
| 3 | <ul style="list-style-type: none"> <li>• system exams: <i>PA 630</i></li> <li>• <i>700</i></li> </ul> |
| 1 | <ul style="list-style-type: none"> <li>• system exams: <i>PA 700</i></li> <li>• <i>600</i></li> </ul> |
| 1 | <ul style="list-style-type: none"> <li>• system exams: <i>PA 700</i></li> <li>• <i>600</i></li> </ul> |
| 1 | <ul style="list-style-type: none"> <li>• system exams: <i>PA 700</i></li> <li>• <i>600</i></li> </ul> |

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**GreenbergFarrow**

19000 MacArthur Blvd., Suite 250  
Irvine, CA 92612  
t: 949 296 0450 f 949 296 0437



**CIRCLE K STORES INC.**  
255 E. Rincon St. Ste 100  
Corona, California 92579  
Phone: (866) 371-2205

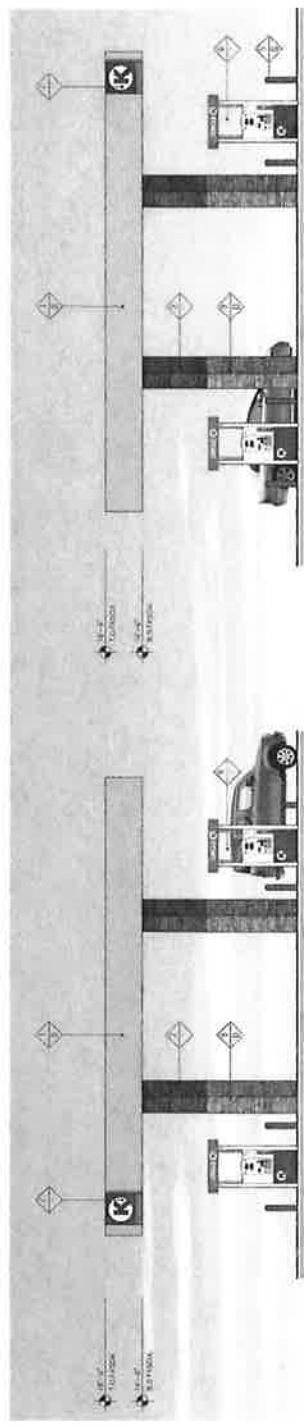
LAND DEVELOPMENT CONSULTANTS, LLC  
11811 N. Tatum Blvd., Ste. 1051  
Phoenix, Arizona 85028  
Phone: (602) 850-8101; Fax: (602) 957-9807

**CIRCLE K**  
NEC PEACH AVE. & OLIVE AVE.  
FRESNO, CALIFORNIA  
20150971.0

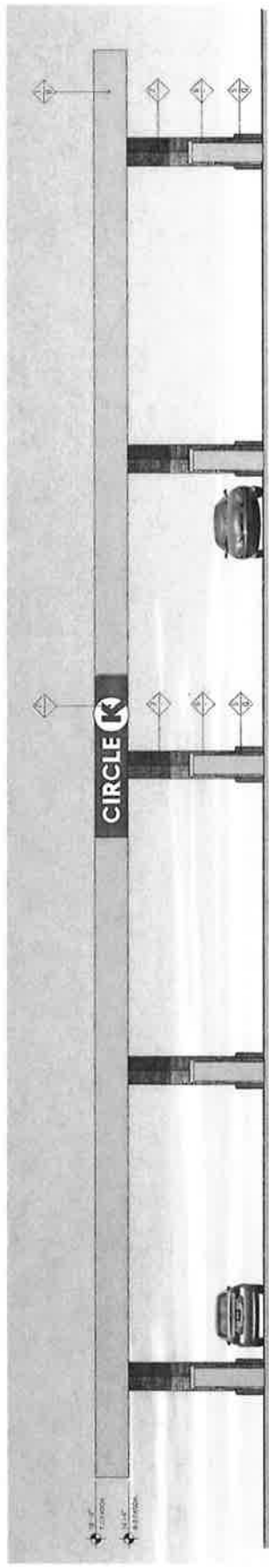
11/06/15

FINISH SCHEDULE	
1	CONCRETE
2	ACRYLIC
3	PAINT
4	GLASS
5	STEEL
6	WOOD
7	BRICK
8	STONE
9	ROOFING
10	LANDSCAPE
11	MECHANICAL
12	ELECTRICAL
13	PLUMBING
14	HEATING
15	Cooling
16	Lighting
17	Acoustic
18	Security
19	Fire
20	Life
21	Medical
22	Religious
23	Government
24	Industrial
25	Commercial
26	Residential
27	Marine
28	Agriculture
29	Aviation
30	Transportation
31	Energy
32	Manufacturing
33	Healthcare
34	Education
35	Research
36	Development
37	Construction
38	Maintenance
39	Operations
40	Administration
41	Finance
42	Marketing
43	Human Resources
44	Information Technology
45	Legal
46	Public Relations
47	Media
48	Advertising
49	Consulting
50	Engineering
51	Architecture
52	Interior Design
53	Exterior Design
54	Urban Planning
55	Environmental
56	Geography
57	History
58	Art
59	Music
60	Dance
61	Theater
62	Film
63	Television
64	Radio
65	Internet
66	Mobile
67	Cloud
68	Big Data
69	Artificial Intelligence
70	Blockchain
71	Cybersecurity
72	Quantum
73	Nanotechnology
74	Biotechnology
75	Space
76	Deep Sea
77	Antarctica
78	Arctic
79	Tropical
80	Desert
81	Mountain
82	Forest
83	Field
84	Wildlife
85	Conservation
86	Recreation
87	Adventure
88	Travel
89	Transportation
90	Infrastructure
91	Utilities
92	Energy
93	Water
94	Waste
95	Recycling
96	Renewable
97	Fossil
98	Nuclear
99	Coal
100	Oil

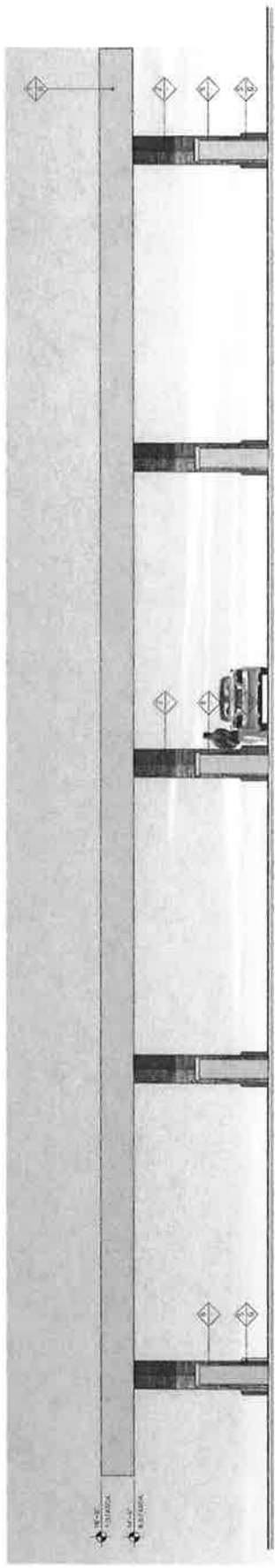
Notes:  
 1. Colors shown are for reference purposes only. For actual colors, refer to manufacturer's color chart.  
 2. The color palette is for reference purposes only. For actual colors, refer to manufacturer's color chart.  
 3. All signs require a separate submittal.



3 SIDE ELEVATION (NORTH)



2 FRONT ELEVATION (WEST)



1 REAR ELEVATION (EAST)

**GreenbergFarrow**  
 18000 MacArthur Blvd., Suite 250  
 Irvine, CA 92612  
 T 949 256 0450 F 949 256 0437

**E-3 11-25-15**

**CIRCLE K STORES, INC.**  
 250 E. Brown St., Ste. 100  
 Corona, California 92718  
 Phone: (951) 371-2205

**LAND DEVELOPMENT CONSULTANTS, LLC**  
 11811 N. Tatum Blvd., Ste. 1001  
 Phoenix, Arizona 85028  
 Phone: (602) 859-5101, Fax: (602) 987-5807

**CIRCLE K FUEL CANOPY EXTERIOR ELEVATIONS - DS10**  
 SCALE: AS NOTED  
**A-4**  
 NEC PEACH AVE. & OLIVE AVE.  
 FRESNO, CALIFORNIA  
 201-90971.0





**APPLICANT:**  
 GREENBERG FARROW  
 11000 N. Main Street, Suite 200  
 Fresno, CA 93721  
 PHONE: (559) 299-0450  
 FAX: (559) 299-0450  
 CONTACT: WILLIAM SCARBROUGH

**DESIGN CONSULTANT:**  
 GREENBERG FARROW  
 11000 N. Main Street, Suite 200  
 Fresno, CA 93721  
 PHONE: (559) 299-0450  
 FAX: (559) 299-0450  
 CONTACT: WILLIAM SCARBROUGH

**PROJECT INFORMATION**  
 PROJECT NAME: CIRCLE K CONVENIENCE STORE  
 PROJECT ADDRESS: 1301 N. MAIN AVE., SUITE 200  
 PROJECT DESCRIPTION: PROPOSED FOR ANY CONVENIENCE STORE WITH ASSOCIATED PARKING LOT, 1.5% OF GARAGE AND FUEL CANTOPY WITH 8 CAR PUMPS.

**ZONING INFORMATION**  
 JURISDICTION: FRESNO, CALIFORNIA  
 EXISTING ZONING: C-1 (COMMERCIAL NEIGHBORHOOD)  
 PROPOSED ZONING: C-1 (COMMERCIAL NEIGHBORHOOD)  
 MAP: 600-NEIGHBORHOOD 1B  
 SETBACK: 10'  
 SIDE SETBACK: 5'  
 REAR SETBACK: 10'

**SITE DATA**  
 ADDRESS: 1301 N. MAIN AVE., SUITE 200  
 TOTAL LOT AREA: 1.38 AC (59,314 sq. ft.)  
 TOTAL BUILDING AREA: 1.38 AC (59,314 sq. ft.)  
 TOTAL PARKING SPACES: 1.38 AC (59,314 sq. ft.)  
 TOTAL FUEL CANTOPY: 1.38 AC (59,314 sq. ft.)

**BUILDING AREA**  
 CONVENIENCE STORE: 8,000 sq. ft.  
 FUEL CANTOPY AREA: 1,000 sq. ft.  
 TOTAL BUILDING AREA: 9,000 sq. ft.

**PARKING REQUIREMENTS**  
 STANDARD PARKING SPACES: 25 SPACES  
 ACCESSIBLE PARKING: 2 SPACES  
 TOTAL PARKING SPACES: 27 SPACES

**GENERAL NOTES**  
 1. THIS SITE PLAN IS BASED ON A CAD FILE OF THE SURVEY  
 2. THIS SITE PLAN IS BASED ON A CAD FILE OF THE SURVEY  
 11-08-2015

**PLANT SCHEDULE**

QUANTITY	SCIENTIFIC NAME	COMMON NAME	COLOR	REMARKS
4	<i>Quercus laevis</i>	White Oak	24" Dia.	M
5	<i>Corylus americana</i>	Shagbark Hickory	24" Dia.	M
10	<i>Platanus occidentalis</i>	Kelly Dorey Chinese Platanus	24" Dia.	L
8	<i>Quercus agrifolia</i>	Cost Live Oak	24" Dia.	M
7	<i>Zelkova serrata</i>	Winged Zelkova	24" Dia.	M

**NOTES:**  
 1. Planting schedule is based on a CAD file of the survey.  
 2. Planting schedule is based on a CAD file of the survey.  
 3. Planting schedule is based on a CAD file of the survey.

C- 11-25-15



**DATE:** January 22, 2016

**TO:** Israel Trejo  
Development and Resource Management Department

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

**SUBJECT:** Conditions of Approval for **C-15-182-ABCUP**  
**ADDRESS:** **1234 North Peach Avenue**  
**APN:** **455-272-01S**

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

### **PUBLIC IMPROVEMENT REQUIREMENTS**

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

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



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

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

#### **North Peach Avenue: Arterial**

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

#### **East Olive Avenue: Collector**

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



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

#### **North Bush Avenue: Local**

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

#### **East Hedges Avenue: Local**

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

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

Two working days before commencing excavation operations within the street right of way and/or utility easements, all existing underground facilities shall have been located by Underground Services Alert (USA) Call 811.

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

## PRIVATE IMPROVEMENT REQUIREMENTS

### Off-Street Parking Facilities and Geometrics

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

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

#### **A. General Requirements**

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

#### **B. Offsite Information:**

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

#### **C. Onsite Information:**

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

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



**PUBLIC WORKS DEPARTMENT**

City Hall  
2800 Fresno Street, 4<sup>th</sup> Floor  
Fresno, California 93721  
Ph. (559) 621-8800  
www.fresno.gov

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

January 7, 2016

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

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

**PROJECT OVERVIEW**

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

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

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

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

## **GENERAL COMMENTS and CONDITIONS**

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

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

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

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

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

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

Sincerely,



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

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

4

January 20, 2016

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

**Attn. Israel Trejo, Planning Division**

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

Dear Mr. Trejo,

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

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

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

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

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

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

**Requested Conditions of Approval:**

**1. Fresno Municipal Codes**

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

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

A current version of the Fresno Municipal Code may be viewed at the City of Fresno's website: [www.Fresno.gov](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 and ABC rules:

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

### 3. Video Camera

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

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



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

3.8 All interior cameras shall record in color.

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

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

4. **ABC Education**

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

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

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

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

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

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

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

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

6. **Wine Alcohol Per Volume**

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

7. **Posting Property**

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

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

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

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

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

9. **Property Responsibility**


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

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

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

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

**FRESNO POLICE DEPARTMENT**

  
Date: 1.20.16  
**Lieutenant Mark Salazar**  
**Southeast District Commander**

  
Date: 1-20-16  
**Sergeant Michael Manfredi**  
**Southeast District Supervisor**

  
Date: 1/20/2016  
**Detective Braden McFarland**  
**Southeast District POP**



## FIRE DEPARTMENT

DATE: DECEMBER 24, 2015

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

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

A handwritten signature in black ink, appearing to be "LS" or "L. Sawhill", written over the "FROM:" line.

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

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

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

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

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

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

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

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

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

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

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

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



**DEPARTMENT OF PUBLIC UTILITIES  
ADMINISTRATION DIVISION  
MEMORANDUM**



*Providing Life's Essential Services*

**Date:** December 30, 2015

**To:** ISRAEL TREJO, Planner III  
Planning and Development

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

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

**General**

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

**Sewer Requirements**

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

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

**Sewer Fees**

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

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



*A Nationally Accredited Public Utility Agency*

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



**Department of Public Utilities – Water Division**



*Providing Life's Essential Services*

**DATE:** December 22, 2015

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

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

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

*RAD*

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

**General**

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

**Water Requirements**

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

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



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9  
City of



**DEPARTMENT OF PUBLIC UTILITIES**

**Date:** December 21, 2015

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

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

A handwritten signature in black ink, appearing to be "MK" or similar, located to the right of the "From:" line.

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

**General**

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

**Does Project Affect Your Agency/Jurisdiction**

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

**Recommended Conditions of Approval**

2-cell trash enclosure required.

**Additional Information**

Location of enclosure is acceptable.



December 30, 2015

TO: ISRAEL TREJO, Planner III – DARM

FROM: JARRED GARZA, Senior Engineering Technician – Airports

SUBJECT: 1234 NORTH PEACH AVENUE (APN: 455-272-01S)

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

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

**NOISE COMPATIBILITY**

Located inside the 60-65 CNEL contour

- Compatible with proposed use

**OVERFLIGHT COMPATIBILITY**

Located outside the 65 CNEL

- No easement or covenant required

**SAFETY COMPATIBILITY**

Located inside Safety Compatibility Zone 6: Traffic Pattern Zone

- Compatible with proposed use

**AIRSPACE PROTECTION**

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

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



# County of Fresno

**DEPARTMENT OF PUBLIC HEALTH**  
**DAVID POMAVILLE, DIRECTOR**

December 22, 2015

LU0018306  
 2602

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

Dear Mr. Trejo:

PROJECT NUMBER: C-15-182

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

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

**ZONING: C-1**

**ADDRESS: 1234 North Peach Avenue**

Recommended Conditions of Approval:

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

***Promotion, preservation and protection of the community's health***

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

Email: [EnvironmentalHealth@co.fresno.ca.us](mailto:EnvironmentalHealth@co.fresno.ca.us) ♦ [www.co.fresno.ca.us](http://www.co.fresno.ca.us) ♦ [www.fcdph.org](http://www.fcdph.org)

Equal Employment Opportunity ♦ Affirmative Action ♦ Disabled Employer

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

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REVIEWED BY:

Kevin Tsuda

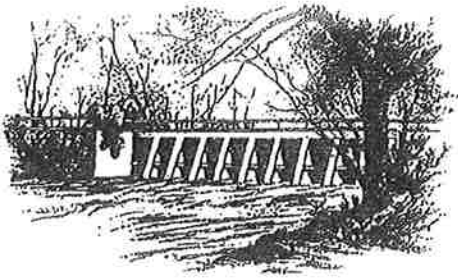
Digitally signed by Kevin Tsuda  
DN: cn=Kevin Tsuda, o=Fresno County  
Department of Public Health,  
ou=Environmental Health Division,  
email=ktsuda@co.fresno.ca.us, c=US  
Date: 2015.12.22 14:04:23 -08'00'

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

(559) 600-3271

---

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



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF  
**FRESNO  
IRRIGATION DISTRICT**

TELEPHONE (559) 233-7161  
FAX (559) 233-8227  
2907 S. MAPLE AVENUE  
FRESNO, CALIFORNIA 93726-2208

December 21, 2015

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

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

Dear Mr. Trejo and Ms. Zuniga:

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

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

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

**BOARD OF DIRECTORS** President RYAN JACOBSEN, Vice-President JERRY PRIETO, JR.  
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Mr. Israel Trejo  
Ms. Joann Zuniga  
RE: C-15-182-ABCUP  
December 21, 2015  
Page 2 of 2

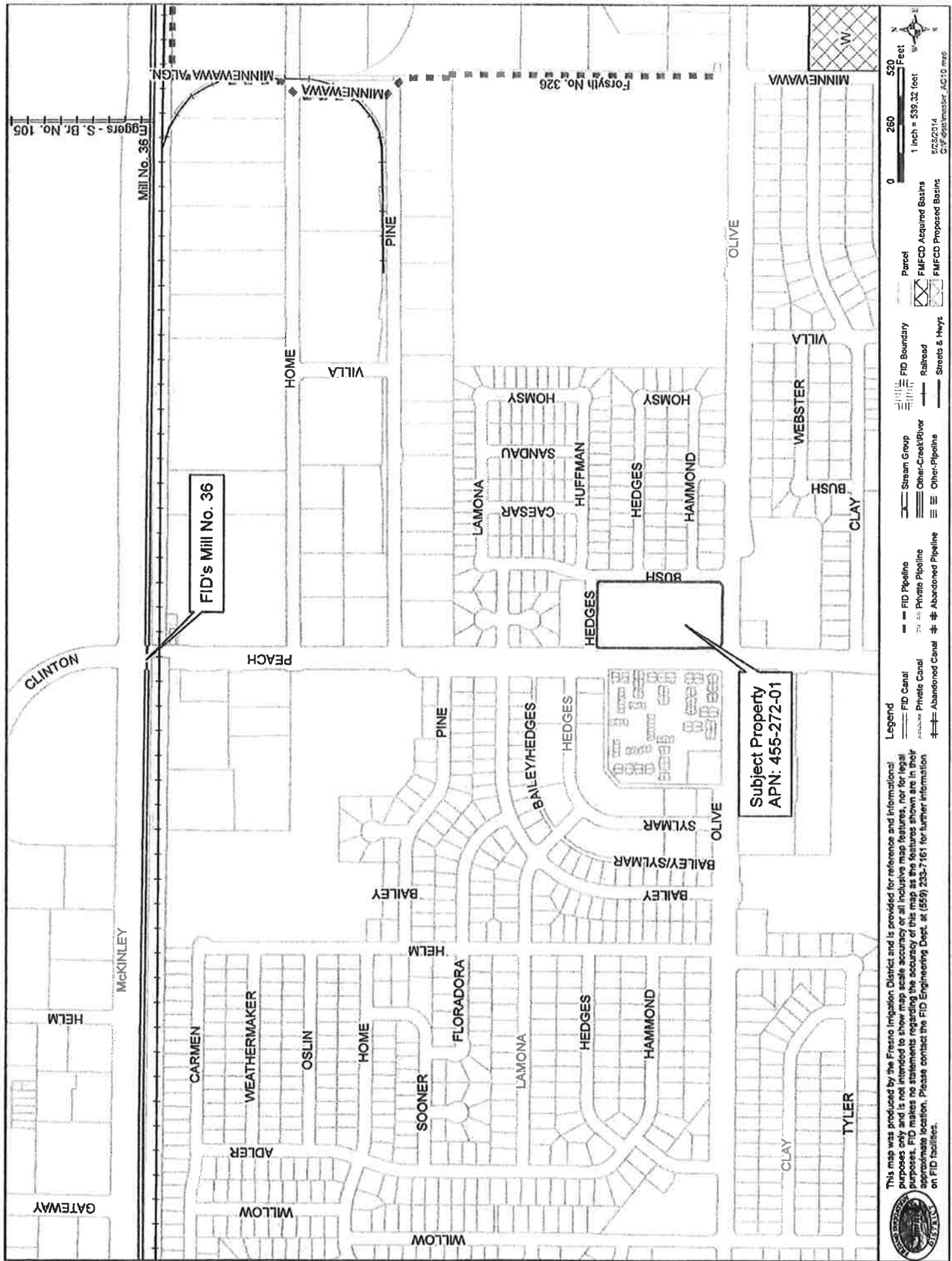
Thank you for submitting the proposed project for our review. We appreciate the opportunity to review and comment on the subject documents for this project. If you have any questions please feel free to contact Sen Saetern at (559) 233-7161 extension 7406 or [ssaetern@fresnoirrigation.com](mailto:ssaetern@fresnoirrigation.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'Laurence Kimura', written over a horizontal line.

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.



#### Legend

- FID Pipeline
- FID Canal
- Private Pipeline
- Private Canal
- Abandoned Pipeline
- Abandoned Canal

- Stream Group
- Other-Creek/River
- Other-Pipeline

- FID Boundary
- Railroad
- Streets & Hwys

- Parcel
- FMFCD Acquired Basins
- FMFCD Proposed Basins

0 250 520 Feet  
1 inch = 539.32 feet  
8/3/2014  
C:\FID\master AG10.mxd

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

File No. 210.413

Page 1 of 3

**PUBLIC AGENCY**

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

**DEVELOPER**

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

**FR  
CUP No. 2015-182**

PROJECT NO: **2015-182**

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

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

SENT: **12/24/15**

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

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

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

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

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

- Fees related to undeveloped or phased portions of the project may be deferrable.
- 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.
- Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.
- The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee obligation.
- When the actual costs incurred in constructing Master Plan facilities exceeds the drainage fee obligation, reimbursement will be made for the excess costs from future fees collected by the District from other development.
- 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.



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

Page 2 of 3

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

1. ☒ a. Drainage from the site shall BE DIRECTED TO PEACH AND/OR OLIVE AVENUES  
☐ b. Grading and drainage patterns shall be as identified on Exhibit No.  
☐ c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.
  
2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:  
☐ Developer shall construct facilities as shown on Exhibit No. 1 as "MASTER PLAN FACILITIES TO BE CONSTRUCTED BY DEVELOPER".  
☒ None required.
  
3. The following final improvement plans and information shall be submitted to the District for review prior to final development approval:  
☒ Grading Plan  
☐ Street Plan  
☐ Storm Drain Plan  
☐ Water & Sewer Plan  
☐ Final Map  
☐ Drainage Report (to be submitted with tentative map)  
☐ Other  
☐ None Required
  
4. Availability of drainage facilities:  
☒ a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s).  
☐ b. The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.  
☐ c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available.  
☐ d. See Exhibit No. 2.
  
5. The proposed development:  
☐ Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)  
☒ Does not appear to be located within a flood prone area.
  
6. ☐ The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

**FR CUP No. 2015-182**

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

Page 3 of 3

**FR  
CUP No. 2015-182**

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

  
Debbie Campbell  
Design Engineer

  
Gary W. Chapman  
Project Engineer

**OTHER REQUIREMENTS**  
**EXHIBIT NO. 2**

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

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

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

Development No. CUP 2015-182



*Preparing Career Ready Graduates*

December 18, 2015

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

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Janet Ryan

## SUPERINTENDENT

Michael E. Hanson

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

Dear Mr. Trejo,

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

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

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

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

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

Sincerely,



Alex Belanger, Assistant Superintendent  
Facilities Management and Planning

AB:hl

c: Steve Gettman, Principal, Turner Elementary School

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

THE PROJECT DESCRIBED HEREIN IS DETERMINED TO BE CATEGORICALLY  
EXEMPT FROM THE PREPARATION OF ENVIRONMENTAL DOCUMENTS  
PURSUANT TO ARTICLE 19 OF THE STATE CEQA GUIDELINES.

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

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

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

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

**EXPLANATION:**

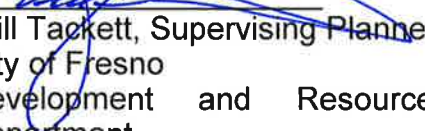
Section 15332/Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section. (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations, (b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses, (c) the project site has no value, as habitat for endangered, rare or threatened species, (d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, (e) the site can be adequately served by all required utilities and public services.

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

Date: March 10, 2016

Prepared By: Israel Trejo, Planner

Submitted By:



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