



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

Development and Resource Management Department
Jennifer K. Clark, AICP, Director

March 24, 2017

Please reply to:

Margo Lerwill
(559) 621-8153

Steve Rawlings
ser@rawlingspm.com
Sent via email only

SUBJECT: CONDITIONAL USE PERMIT APPLICATION NO. C-16-076 FOR PROPERTY LOCATED AT 1520 NORTH FIRST STREET (APN: 453-020-14)

Dear Mr. Rawlings:

The Development and Resource Management Director, on March 24, 2017, approved an environmental finding and Conditional Use Permit Application No. C-16-076, which pertains to a 20,828-square-foot grocery and household goods retail space within a ±6.83-acre shopping center located on the southeast corner of North First Street and East McKinley Avenue and which requests authorization to establish a State of California Alcoholic Beverage Type 20 alcohol license (*Package Store – sale of beer and wine for consumption off the premises where sold*) for 99 Cents Only Store #235. The proposed project was determined to be exempt from the California Environmental Quality Act by the Development and Resource Management Department on March 7, 2017 through a Class 1 Categorical Exemption. The approval of this project is subject to compliance with the following Conditions of Approval:

CONDITIONS OF APPROVAL

PART A – ITEMS TO BE COMPLETED

The following items are required prior to issuance of building permits and commencement of land use activity:

Planner to check when completed		
<input type="checkbox"/>	1.	Development shall take place in accordance with Exhibits A and F dated September 23, 2016. Transfer all comments and conditions on Exhibits to the corrected exhibit(s) and submit to planner at least 15 days prior to issuance of building permits.
<input type="checkbox"/>	2.	The applicant shall purchase an existing Type 20 alcohol license from within the limits of the city of Fresno.
<input type="checkbox"/>	3.	No chilled alcohol may be displayed or sold at this location. Storage, display, and sales shall be “warm storage” only. The Operational Statement shall be amended to include this requirement.

<input type="checkbox"/>	4.	Alcohol display on the sales floor shall be limited to 36 lineal feet of shelving units. The Operational Statement shall be amended to include this requirement.
<input type="checkbox"/>	5.	Beer and malt products shall be sold in manufacturer pre-packaged multi-unit quantities, never as sales of individual single servings. The Operational Statement shall be amended to include this requirement.
<input type="checkbox"/>	6.	The minimum size of bottle of wine offered for sale shall be 750 ml. The Operational Statement shall be amended to include this requirement.
<input type="checkbox"/>	7.	No beer or wine advertisements shall be displayed in store windows. The Operational Statement shall be amended to include this requirement.
<input type="checkbox"/>	8.	Add applicable notes from the attached document titled "Notes and Requirements for Entitlement Applications".

PART B – OTHER REQUIREMENTS

1) Planning/Zoning/Environmental Compliance Requirements

- a) Property development standards and operational conditions are contained in Articles 11, 20, 23, 24 and 25. Many of these requirements are contained in an attached document titled "Property Development Standards Checklist" dated March 6, 2017. Any project revisions, development, and operation must comply with these property development standards and operational conditions.
- b) Development and operation shall take place in accordance with the attached "Notes and Requirements for Entitlement Applications" as applicable.
- c) Development shall take place in accordance with the policies of the Fresno General Plan, Roosevelt Community Plan, and with the Commercial - Community planned land use designation.
- d) Development shall take place in accordance with the CC (Commercial - Community) zone district and all other applicable sections of the FMC.
- e) Comply with the Operational Statement submitted for the proposed project dated September 23, 2016, with the corrections noted in Part A of this letter.
- f) Development shall comply with all prior special permits on the property, unless specifically superseded by Conditional Use Permit Application No. C-16-076.

2) City and Other Services

- a) Development shall take place in accordance with the attached memoranda and letters from City of Fresno Departments and partner agencies, including:
 - Fresno County Department of Public Health dated September 26, 2016;

- Fresno Unified School District dated September 27, 2016;
- Fresno Police Department dated October 6, 2016.

3) Miscellaneous Requirements

- a) Contact the California Alcoholic Beverage Control Department for the license to sell alcoholic beverages.
- b) Exercise of the special permit shall take place in accordance with all city, county, state, and federal laws and regulations, including ABC licensing requirements.
- c) 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.
- d) 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

A notice indicating the Development and Resource Management Department Director's intended action on this project was mailed to nearby property owners on March 9, 2017, commencing a 15-day comment period. One comment letter and one telephone call critical of crime and alcohol use in the neighborhood were received in opposition to this application, but neither respondent decided to move forward at that time to address these concerns to the Planning Commission. Taking into account the nature of the criticism was not directed at the specific operation of this business location, the Director approved the project on March 24, 2017. This commences a 15-day appeal period. Should an appeal be received, it shall be scheduled to be heard before the Planning Commission.

Please be advised that this project may be subject to a variety of discretionary conditions of approval. These conditions based on adopted City plans, ordinances and policies; those determined to be required through the interdepartmental/interagency review process; and those determined through the environmental assessment process as necessary to mitigate adverse effects on the health, safety and welfare of the community. The conditions of approval may also include requirements for development and use that would, on the whole, enhance the project and its relationship to the neighborhood and environment.

All conditions of approval based on adopted plans, codes, and regulations are mandatory. Conditions based on the FMC may only be modified by variance, provided the findings required by FMC Section 15-5506 can be made. Discretionary conditions of approval may be appealed, but 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 by the Development and Resource Management Department by **April 8, 2017**. 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 and floor plan to Margo Lerwill 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 and floor plan, stamped by the Development Services Division, must be submitted for unstamped copies of the same in each of the sets of construction plans submitted for plan check prior to the issuance of building permits.

EXPIRATION DATES

The exercise of rights granted by this special permit must be commenced by March 24, 2020 (three years from the date of approval), pursuant to FMC Section 15-5013. An extension of up to one additional year may be granted, provided that the findings required under FMC Section 15-5013-A.1 are made by the Director. All required improvements must be installed

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prior to the operation of the proposed use.

Pursuant to Section 15-5308 of the FMC an expiration date of seven years from the date of approval has been established for Conditional Use Permits. Therefore, the approval for C-16-076 shall expire on March 24, 2024 and a new conditional use permit must be obtained prior to that expiration date for the use only (not the physical structure(s)).

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

Sincerely,

Margo Lerwill, Planner
Development Services Division

Enclosures: Exhibits
Comments from Partner Agencies & Departments
Notes and Requirements for Entitlement Applications
Property Development Standards Checklist dated March 6, 2017

C: JAF