

Exhibit J

**City of Fresno
Planning and Development Department**

**Conditions of Approval
March 6, 2024**

Conditional Use Permit Application No. P21-06064

Planner: Erik Young 559-621-8009

PROJECT DESCRIPTION

Conditional Use Permit Application No. P21-06064 was filed by Samer Sabbah of Omni Development Inc., and pertains to ±1.33 acres of vacant property. The applicant is requesting authorization to establish a State of California Alcoholic Beverage Control Type 20 alcohol license (Off-Sale beer and wine) within the proposed ±3,800 square-foot Arco AM/PM convenience retail store. The hours of operation will be 24 hours a day, 7 days a week, with the sale of alcohol proposed between 6:00am and 12:00am.

APN: 510-100-50

ADDRESS: 4390 West Ashlan Avenue

ZONING: CG/UGM

(Commercial-General/Urban Growth Management)

PART A - ITEMS TO BE COMPLETED

The following items are required prior to final approval and/or commencement of land activity:

Planner to check when completed

☐	Development shall take place in accordance with Exhibits A, E-1, E-2, and E-3 dated August 29, 2022 and F-1, F-2, F-3, and O dated November 3, 2023.
☐	The sale of single containers of beer, malt liquor, wine coolers, and similar alcoholic beverages, of any size, is not permitted as amended by the City Council at its November 5, 2020 hearing.
☐	Demonstrate compliance with FMC Section 15-2706-S (Cancel and Transfer) prior to issuance of a State of California Alcoholic Beverage Control Type 20 (beer, wine for consumption off premises where sold). Each ABC license that is canceled also includes surrender of the alcohol-sales portion of all related Conditional Use Permits and waiver of any legal non-conforming use rights related to the sale of alcohol for off-site consumption. • Provide a letter of acknowledgement from the store owner(s)/operator(s) that will be surrendering the alcohol-sales portion of all related Conditional Use Permits associated with their store/operation.
☐	The display and sale of grocery products, fresh produce, and alcoholic beverages shall occur in accordance with the operational statement dated November 3, 2023.

	• No less than 70% of the mercantile area shall be dedicated to grocery sales. • No less than 10% of the mercantile floor area shall be dedicated to the sale of fresh produce. • Should the area dedicated to fresh produce be reduced to less than 10%, the display and sale of alcoholic beverages shall cease until the area dedicated to fresh produce is restored to at least 10%.
--	--

PART B - OTHER AGENCY COMMENTS AND CONDITIONS

To be checked when completed where applicable		
☐	1.	Police Department: Comply with the attached Fresno Police Department memo dated September 13, 2022.

PART C – PLANNING DEVELOPMENT CODE STANDARDS

Alcohol Use Requirements

1. Sale and consumption of alcoholic beverages shall be subordinate to on-site food service.
2. This special permit approval is subject to compliance with all applicable provisions of [Section 15-2706](#) of the Fresno Municipal Code (FMC) for alcohol sales for the responsible neighborhood market act.
3. A valid Business License Tax Certificate for the establishment shall be maintained at all times.
4. Alcohol sales shall cease at 12:00 a.m.

PART D – OPERATIONAL REQUIREMENTS

- 1) Planning/Zoning/Environmental Compliance Requirements
 - a) Operation shall take place in accordance with the Fresno Municipal Code, West Area Community Plan, CG (*Commercial-General*) zone district, and all other applicable sections of the Fresno Municipal Code.
 - b) Operations and development of the subject property shall occur in accordance with all requirements included within Section 15-2706 of the FMC pertaining to uses with Alcohol Sales, including but not limited to, the following:
 - i) Landscaping.
 - New Buildings. Landscaping shall be provided per the underlying District.
 - Existing Buildings. Perimeter landscaping and Parking Lot Shading shall be provided per the underlying district. The Review Authority, at their discretion, may make exceptions to the prescribed standards, however, in no case shall the reduction result in a net reduction of 35 percent or greater in the amount of landscaping provided. Landscaping may also be aggregated to minimize the impact on existing parking areas.

ii) Lighting. The exterior of the premise, including adjacent public sidewalks and all parking lots under the control of the establishment, shall be illuminated during all hours of darkness during which the premises are open for business in a manner so that persons standing in those areas at night are identifiable by law enforcement personnel. However, required illumination shall be placed and/or shielded in a way that minimizes interference with the neighboring residences.

iii) Litter and Graffiti.

- Trash and recycling receptacles shall be provided by public entrances and exits from the building.
- The owner or operator shall provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 20 feet of the premises.
- The owner or operator shall remove graffiti within 48 hours.

iv) Pay Phones and Vending Machines. External pay phones and snack vending machines are prohibited.

v) Video Surveillance.

- Establishments must equip a fully functional color digital video camera system.
- The system must continuously record, store, and 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.
- The system shall have the correct date and time stamped onto the image at all times.
- The camera storage capacity should be for at least two weeks (14 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.
- If utilizing a digital video recorder, it must be capable of storing at least 14 days of real-time activities.
- 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.
- 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 shall be four 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.
- All interior cameras shall record in color.

- 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.

vi) Signage.

- The provisions specified under Article 26, Signs and this subsection shall apply. Where conflict may occur between the provisions of Article 26 and this subsection, the more restrictive provisions shall govern.
- The following copy is required to be prominently posted in a readily visible manner on an interior wall or fixture and not on windows:

"California State Law Prohibits the Sale of Alcoholic Beverages to Persons Under 21 Years of Age."

"No Loitering is Allowed On or In Front of These Premises."

"No Open Alcoholic Beverage Containers are Allowed on These Premises."

- No more than 15 percent of the square footage of each window and clear door that is visible to the public from a public thoroughfare, sidewalk, or parking lot of an off-sale alcohol retail outlet shall bear advertising, signs, or other obstructions of any sort.

The area covered by signs or advertising includes all clear areas within signs or advertising, such as the clear area within neon signs.

Signage, advertising, or other obstructions inside or outside the establishment that are not physically attached to the windows or doors, but are visible from a public thoroughfare, sidewalk, or parking lot in the same manner as if they were physically attached is included in the 15 percent limitation.

Any signage required by law shall not count towards the 15 percent limitation, but shall nonetheless follow rules related to visual obstruction.

- Advertising and signage on windows and clear doors shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the outlets, including the area in which the cash registers are maintained, from exterior public sidewalks, parking lots, or entrance to the outlets.
- Any establishment located within 250 feet of a sensitive use may not advertise alcohol sales in a manner visible from the outside of the establishment, such as from a public thoroughfare, sidewalk, or parking lot.

vii) Loitering and Other Nuisance Activities. The operation of the establishment shall not result in repeated nuisance activities on the property, which may include, but are not limited to, repeated disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, alcoholic beverage and tobacco sales to minors, harassment of passerby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, loitering, excessive littering, graffiti, illegal parking, excessive loud noises (especially in the late night or early morning hours), traffic violations, curfew violations, lewd conduct, or other violations

of City, State, or federal laws, especially when contributing to a proportionally high rate of police reports and arrests to the area.

- viii) Training. The owners and all employees of the establishment who are involved in the sale of alcoholic beverages must complete approved course(s) in training of liquor sales and handling within sixty days after approval of the Conditional Use Permit becomes final, or for employees hired after the approval of the Conditional Use Permit, within sixty days from the date of hire. To satisfy this requirement, a certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service (CCC/RBS) or other certifying or licensing body designated by the State of California.
- ix) Compliance with Laws. The establishment must remain in compliance with all local, State, and federal laws, regulations, and orders, as well as all conditions of approval imposed on the use. This includes compliance with annual City business license fees.
- x) Posting of Conditions. A copy of all conditions of approval and training requirements shall either be posted in a conspicuous and unobstructed place near the entrance, cashier counter, or customer service area of the establishment or posted in an employee area and provided upon request (e.g. via flyer or brochure) to patrons and enforcement officials.
- xi) Prohibited Products. The sale or distribution of one or more of the following shall be prohibited.
- Wine in containers of less than 750 milliliters.
 - Single containers of beer, malt liquor, wine coolers, and similar alcoholic beverages not in original factory packages of four-packs or greater.
 - Distilled spirits in containers of less than 375 milliliters.
 - Paper or plastic cups in quantities less than their usual and customary packaging.
- xii) Cancel and Transfer.
- New establishments shall transfer and cancel ABC licenses in good standing as set forth in Table 15-2706 below, from within a Council District identified as having an overconcentration of ABC licenses for off-sale use, as determined by the Director following review of data prepared by the California Department of Alcoholic Beverage Control. The ABC license will be submitted to the Alcoholic Beverage Control for permanent cancellation. A canceled ABC license cannot be reactivated or reinstated.
 - Each ABC license that is canceled also includes surrender of the alcohol-sales portion of all related Conditional Use Permits and waiver of any legal non-conforming use rights related to the sale of alcohol for off-site consumption.
 - Exemptions.
 - a. The Cancel and Transfer requirements shall not apply when an establishment is required to relocate as the result of a taking by eminent domain and a license transfer to a new establishment site is necessary due to such taking.

- b. Existing establishments that seek to expand their floor area or extend their operating hours.
- c. Existing establishments that seek to relocate if the proposed relocation meets the requirements of Section 15-2706.F.7.
- c) Operation shall take place in accordance with the attached “Notes and Requirements for Entitlement Applications” as applicable.
- d) Property development standards and operational conditions are contained in Articles 12, 20, 23, 24 and 25 of the FMC. Any project revisions, development, and operation must comply with these property development standards and operational conditions.

PART D – OPERATIONAL REQUIREMENTS

1. Miscellaneous Requirements

- a. Building plans and permits are required.
- b. Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development 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.
- c. Approval of this site plan 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 Development Permit process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this site plan or subsequent amendments or revisions.

BACKCHECK PROCESS

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

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 to set up an appointment to sign off 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 substituted for unstamped copies of the same in each of the sets of construction plans submitted for plan check prior to the issuance of building permits.

EXPIRATION

The exercise of rights granted by these special permits must be commenced by March 6, 2027, (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 prior to the operation of the proposed use.

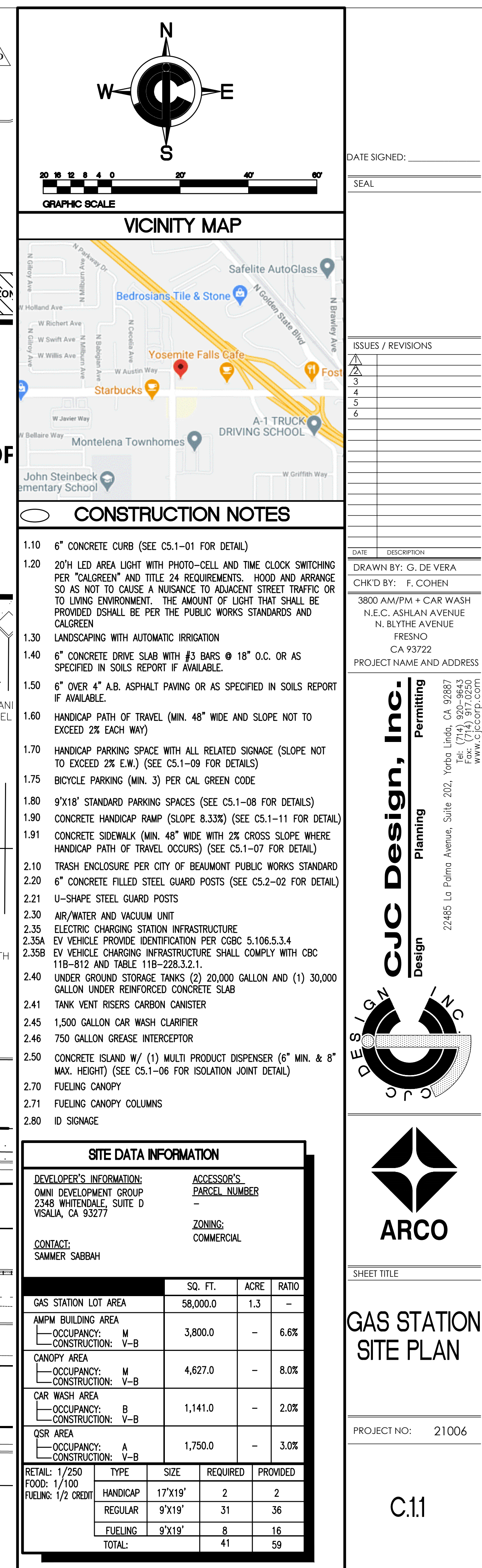
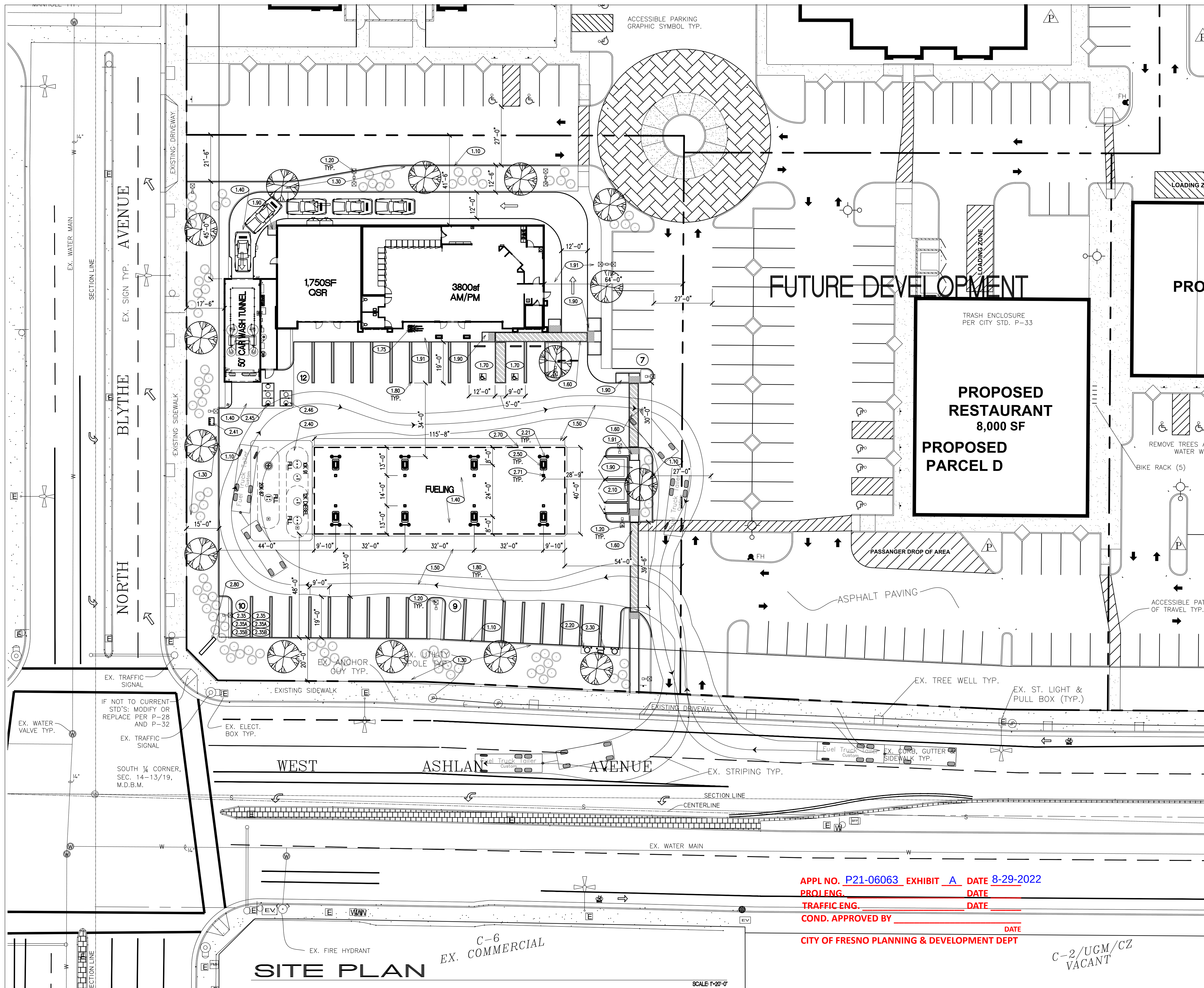
Pursuant to Section 15-5308 of the FMC an expiration date of seven years from the date of approval has been established for Conditional Use Permits. Therefore, the approval for P23-00593 shall expire on March 6, 2031 and a new conditional use permit must be obtained prior to that expiration date for the use only (not the physical structure(s)).

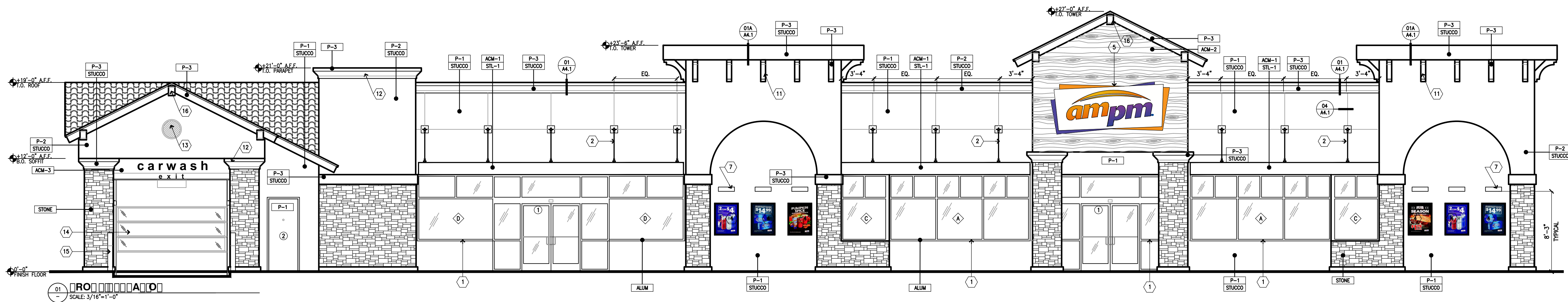
If you have any questions regarding this letter, feel free to give me a call at the number listed above.

Sincerely,

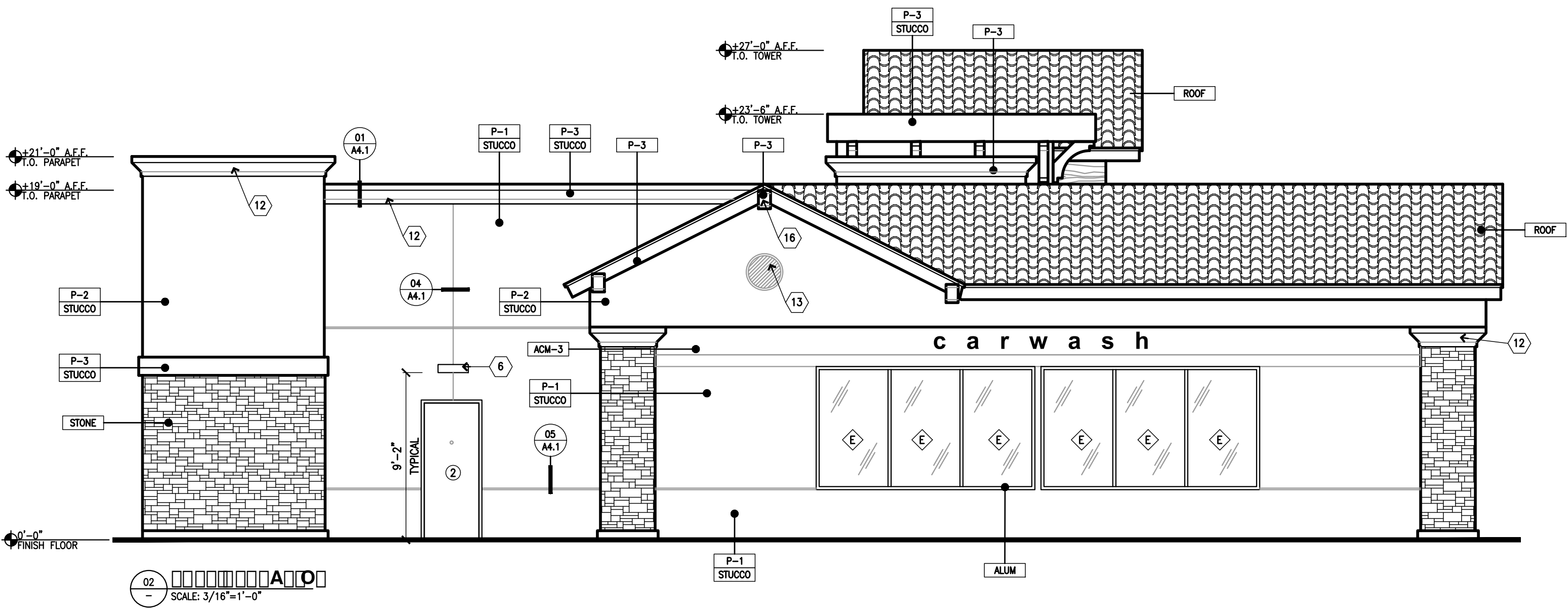
Erik Young, Supervising Planner
Development Services Division

Enclosures: Exhibits A, E-1, E-2, and E-3 dated August 29, 2022 and F-1, F-2, F-3, and O dated November 3, 2023.
Police Department Memo dated September 13, 2022.



[illegible]

APPL NO. P21-06063 EXHIBIT E-2 DATE 8-29-2022
PROJ ENG. _____ DATE _____
TRAFFIC ENG. _____ DATE _____
COND. APPROVED BY _____ DATE _____
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT



RA

A. REVEAL LOCATIONS IN FINISH SYSTEM SHOWN ARE TO ALIGN AS CLOSELY AS POSSIBLE TO ELEVATIONS.

D

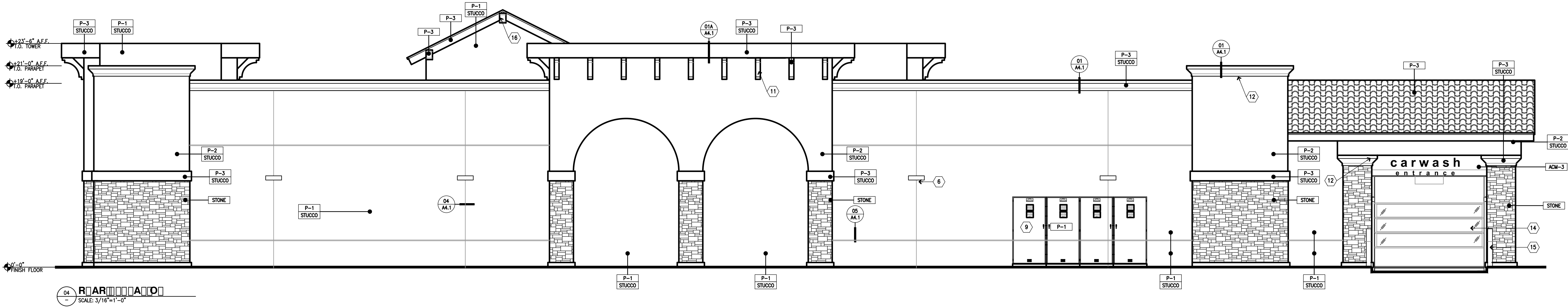
- 1 ALUMINUM ENTRANCE AND STOREFRONT SYSTEM, REFER TO SHEET A5.1 & SPECIFICATION.
- 2 STEEL AWNING ROD AND CLEVIS
- 3 OVERFLOW DRAIN
- 4 WALL POSTER
- 5 LARGE INTERNALLY ILLUMINATED SURFACE MOUNTED WALL SIGN
- 6 WALL MOUNTED LED FIXTURE
- 7 WALL MOUNTED SIGN LIGHTING
- 8 ROOFTOP EQUIPMENT BEYOND
- 9 MAIN SWITCHGEAR
- 10 CO2 FILL/VENT BOX, VERIFY LOCATION PRIOR TO INSTALLATION

COLOR

- P-1 BENJAMIN MOORE, 1077, "GREAT PLAINS GOLD" SATIN FINISH
P-2 BENJAMIN MOORE, 1030 "BRANDY CREAM", SATIN FINISH
P-3 BENJAMIN MOORE, 2121-30, "PEWTER", HIGH GLOSS

MA

- STUCCO 3/8" CEMENT PLASTER, INSTALLED PER MFG. SPECIFICATIONS;
TEXTURE: FINE SAND FINISH
ACM-1 ALUMINUM COMPOSITE MATERIAL, PANTONE PMS 166c, "ORANGE"
ACM-2 ALUMINUM COMPOSITE MATERIAL, ALUCOBOND, "RUSTIC WALNUT"
ALUM CLEAR ANODIZED ALUMINUM
STL-1 STEEL AWNING
STONE PANELIZED STONE VENEER (PROTOTYPE OPTION)
MFR: CORONADO, SERIES: PRO-LEDGE COLOR: "ALASKAN SUNSET"
ROOF US TILE 2 PIECE MISSION TILE ROOF (TERRA COTTA)



DATE SIGNED: _____

SEAL

ISSUES / REVISIONS

1	
2	
3	
4	
5	
6	

DATE DESCRIPTION

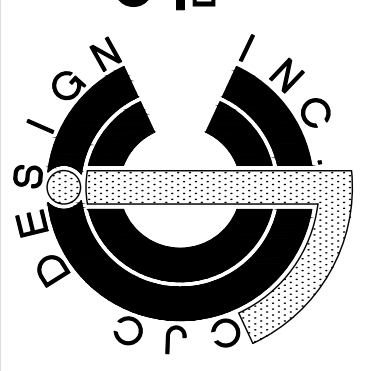
DRAWN BY: G. DE VERA

CHK'D BY: F. COHEN

3800 AM/PM + CAR WASH
N.E.C. ASHLAN AVENUE
N. BLYTHE AVENUE
FRESNO
CA 93722

PROJECT NAME AND ADDRESS

CJC Design, Inc.
Permitting
Planning
Design
22485 La Palma Avenue, Suite 202, Yorba Linda, CA 92657
Tel: (714) 920-9643
Fax: (714) 917-0250
www.cjcorp.com

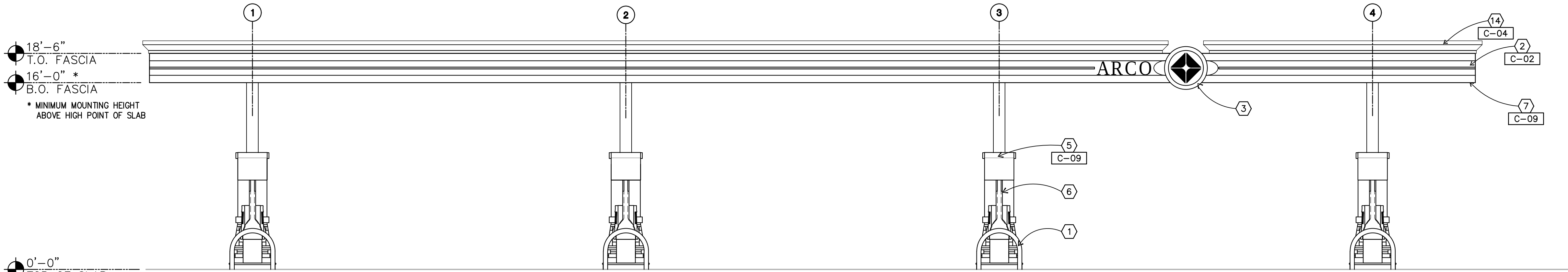


SHEET TITLE

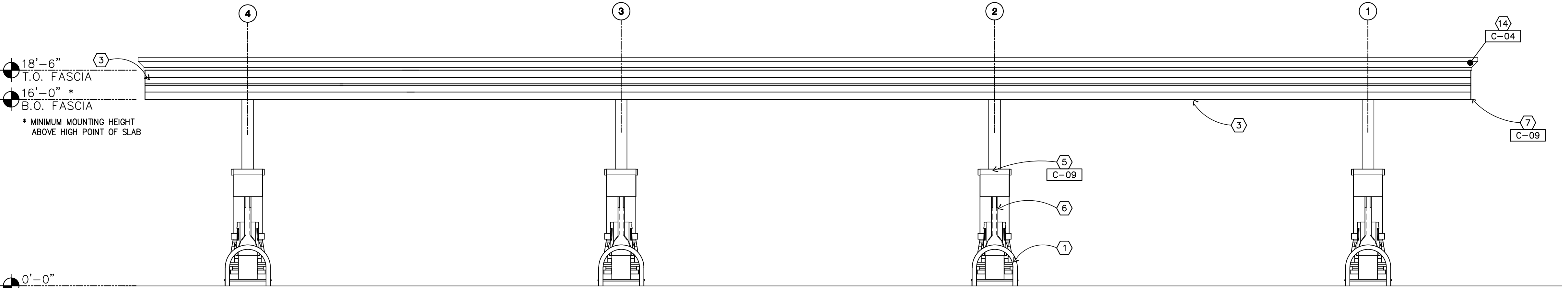
D
A

PROJECT NO: 21006

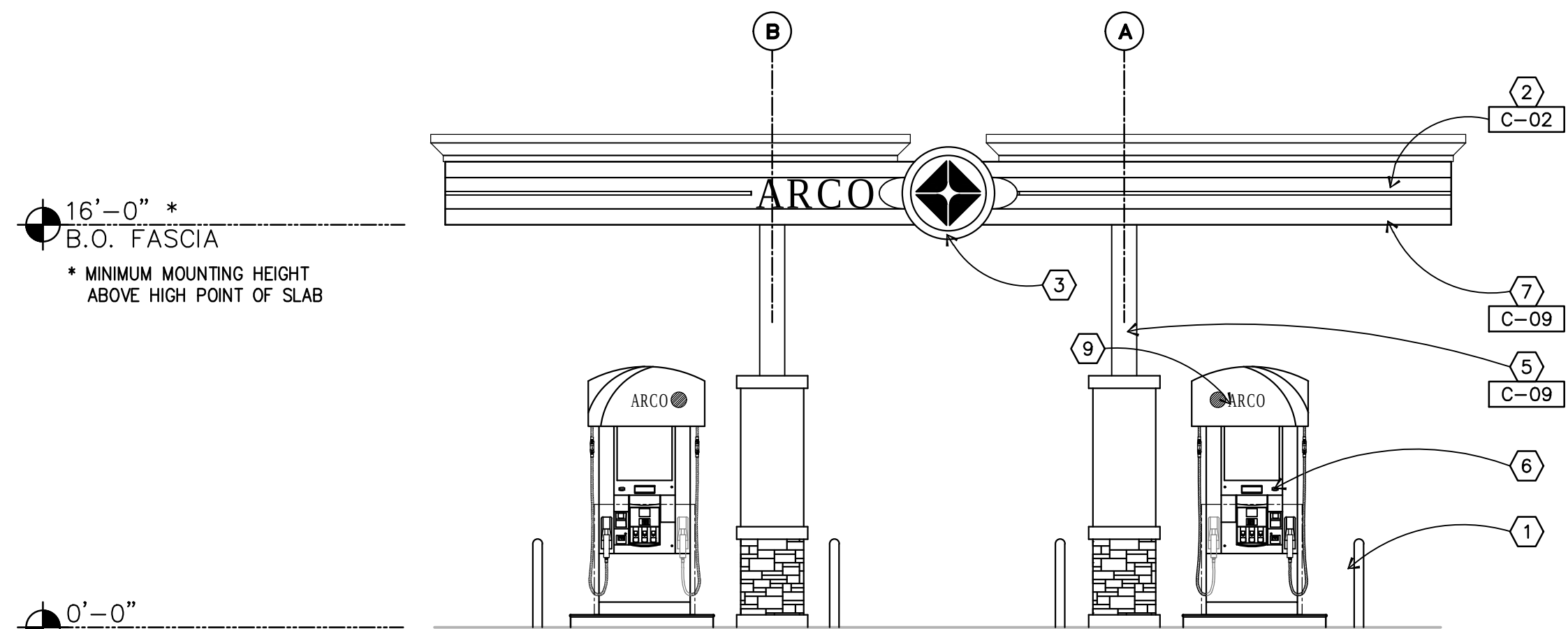
A



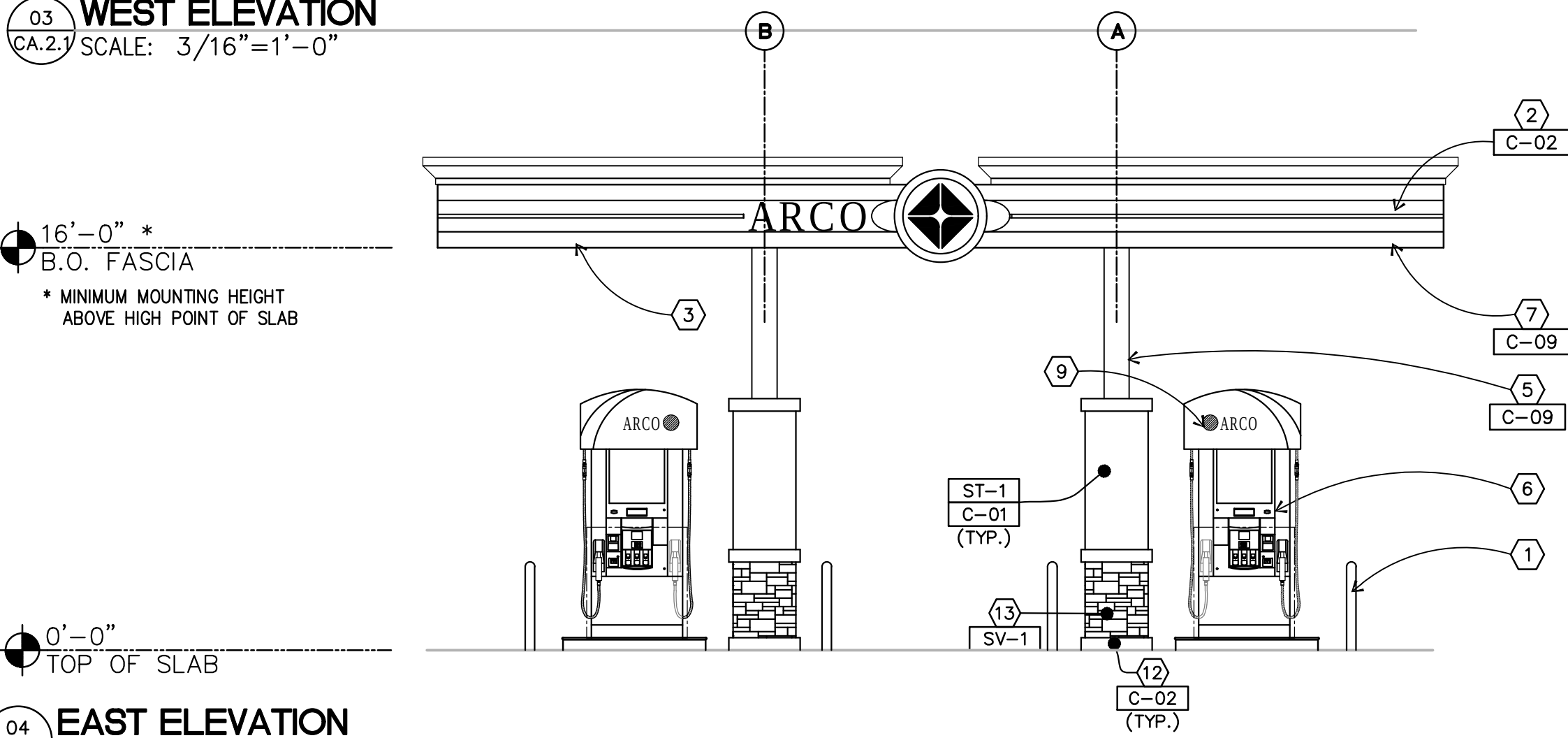
01 SOUTH ELEVATION
SCALE: 3/16"=1'-0"



02 NORTH ELEVATION
SCALE: 3/16"=1'-0"



03 WEST ELEVATION
SCALE: 3/16"=1'-0"



04 EAST ELEVATION
SCALE: 3/16"=1'-0"

KEYED NOTES

- 1) ARCHED BOLLARD
- 2) 3D BLUE GRAPHIC (BY OTHERS)
- 3) ILLUMINATED SIGN BOX (BY OTHERS) FIELD VERIFY LOCATION
- 4) STEEL BEAM, REFER TO STRUCTURAL
- 5) STEEL COLUMN, REFER TO STRUCTURAL
- 6) FUEL DISPENSER AND CURB (BY OTHERS)
- 7) ALUMINUM COMPOSITE MATERIAL FASCIA PANELS (BY OTHER)
- 8) NOT USED
- 9) 4" x 6" HANDHOLE WITH COVERPLATE ON INSIDE FACE OF COLUMN (TYP.)
- 10) NOT USED
- 11) VINYL DECAL APPLIED TO ACM PANEL
- 12) CONCRETE CURB
- 13) SIMULATED STONE VENEER
- 14) PREFABRICATED CORNICE

EXTERIOR PAINTS

- C-01 COLOR: GREAT PLAINS GOLD
BENJAMIN MOORE, 1077, "GREAT PLAINS GOLD" SATIN FINISH
- C-02 COLOR: ARCO BLUE
PMS 288C - SATIN FINISH
- C-09 COLOR: QUILTED CALICO
ICI MASTER PALETTE # 81/123 - SEMI GLOSS
- C-04 COLOR: PEWTER
BENJAMIN MOORE, 2121-30, "PEWTER", SEMI GLOSS
- C-11 COLOR: ARCO LIGHT BLUE
PMS 2935C - SATIN FINISH

EXTERIOR FINISHES

- PL-1 ALUMINUM ACM PANEL FOR L.E.D. LIGHT
- ST-1 SAND FINISH STUCCO
- SV-1 STACKING STONE VENEER

APPL NO. P21-06063 EXHIBIT E-3 DATE 8-29-2022
PROJ ENG. _____ DATE _____
TRAFFIC ENG. _____ DATE _____
COND. APPROVED BY _____ DATE _____
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

DATE SIGNED: _____

SEAL

ISSUES / REVISIONS

NO.	DESCRIPTION
1	
2	
3	
4	
5	
6	

DATE DESCRIPTION

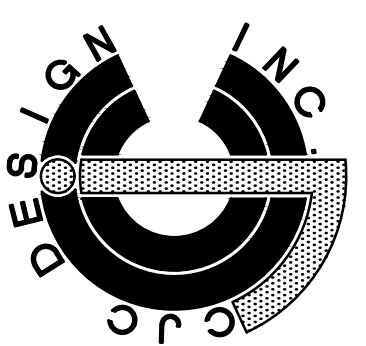
DRAWN BY: G. DE VERA

CHK'D BY: F. COHEN

3800 AM/PM + CAR WASH
N.E.C. ASHLAN AVENUE
N. BLYTHE AVENUE
FRESNO
CA 93722

PROJECT NAME AND ADDRESS

CJC Design, Inc.
Permitting
Design
Planning
22485 La Palma Avenue, Suite 202, Yuba Linda, CA 92887
Tel: (714) 920-9643
Fax: (714) 917-0250
www.cjccorp.com



SHEET TITLE

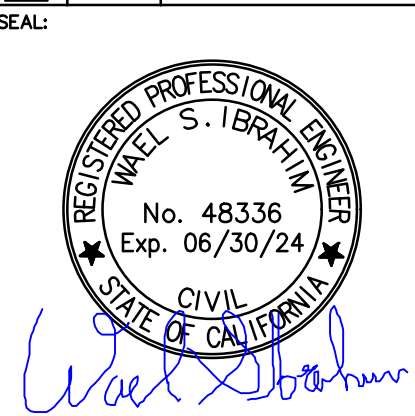
CANOPY
ELEVATIONS

PROJECT NO: 21006

CA2.1



NO.	DATE	REVISION DESCRIPTION
1	05/15/23	ADDED GROCERY/PRODUCE
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		



DEVELOPMENT INFORMATION:

ARCO AMPM AND CAR WASH

SITE ADDRESS:

**N.E. COR. ASHLAN AVE.
• BLYTHE AVE.
FRESNO, CA. 93722**

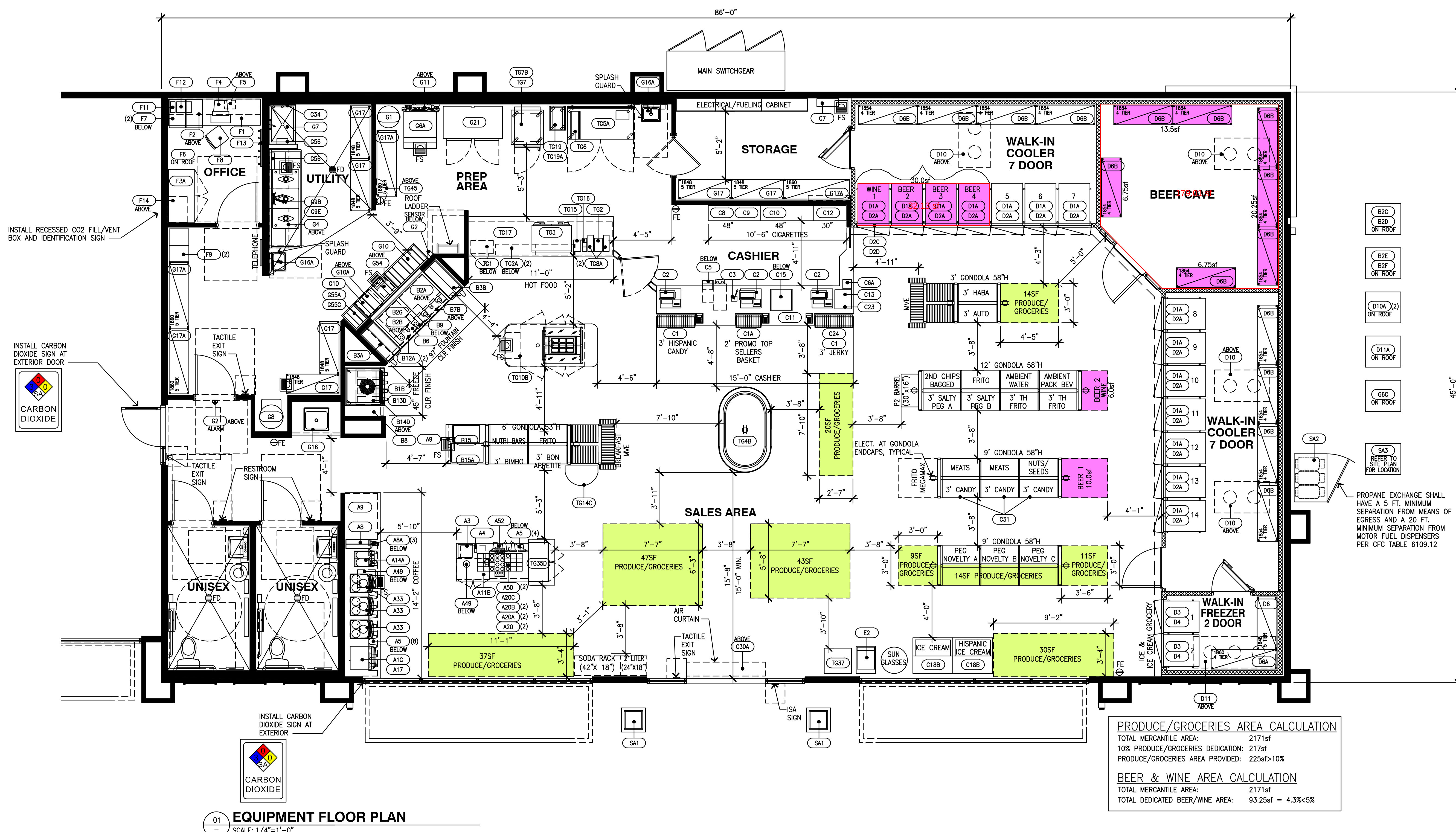
DESIGNED BY:	C.R.
CHECKED BY:	C.R.
DRAWN BY:	F.C.
SCALE:	PROJECT NO: 21006

DRAWING TITLE:

EQUIPMENT FLOOR PLAN

SHEET NO:

Q1.1



APPL NO. **P21-06064** EXHIBIT **F-1** DATE **8/14/2023**

PROJ ENG. _____ DATE _____

TRAFFIC ENG. _____ DATE _____

COND. APPROVED BY _____ DATE _____

CITY OF FRESNO PLANNING & DEVELOPMENT DEPT



ROOM	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	C ☐ ☐ D ☐ ☐
☐ ☐ ☐ R ☐ O ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	
☐ ☐ OOR	CLEAR CONCRETE SEALER REFER TO FINISH CALLOUT ON A1.2.	
☐ A ☐ ☐	NONE	
☐ A ☐ ☐ ☐	PAINTED SMOOTH FINISH 5/8" GYPSUM BOARD. REFER TO CALLOUT ON SHEET A2.3 – A2.6.	
☐ A ☐ C ☐ A ☐ ☐ O ☐ ☐ ☐	NOT APPLICABLE	
C ☐ ☐ ☐ ☐ ☐	PAINTED PLYWOOD AND OPEN WEB TRUSSES. REFER TO CALLOUT ON A1.3.	

- D** **O**

- 1 ALUMINUM ENTRANCE AND STOREFRONT SYSTEM, REFER TO SHEET A5.1 & SPECIFICATION.
- 2 INSTALL 6" PVC CHASE FOR FOUNTAIN SYRUP LINES.
- 3 FLOOR RECEPTACLES, REFER TO ELECTRICAL PLANS.
- 4 ROOF LADDER PER DETAIL 7/A4.1
- 5 1" MINIMUM AIR GAP AT PREFABRICATED COOLER/FREEZER
- 6 DEPRESSED SLAB, REFER TO SLAB PLAN.
- 7 LINE OF CANOPY ABOVE
- 8 DOUBLE SWING METAL GATE PROVIDED BY SHOPCO
- 9 THRESHOLD, REFER TO DOOR SCHEDULE ON SHEET A5.1
- 10 LINE OF SOFFIT ABOVE
- 11 LINE OF CLERESTORY CEILING OPENING, REFER TO WINDOW SCHEDULE ON SHEET A5.1
- 12 WALL SIGNS
- 13 TRANSITION STRIP
- 14 STEEL COLUMNS UNDER WINDOW SILL FOR STOREFRONT PROTECTION, REFER TO STRUCTURAL PLANS FOR SIZE AND LOCATION.
- 15 ROOF DRAIN AND OVERFLOW, REFER TO CIVIL PLANS FOR CONTINUATION
- 16 CANOPY DOWNSPOUT, REFER TO CIVIL PLANS FOR CONTINUATION
- 17 FUTURE SOLAR EQUIPMENT
- 18 CO2 SAFETY MONITORING EQUIPMENT, REFER TO SHEETS Q1.1 AND Q2.1 FOR LOCATION AND SPECIFICATION
- 19 RECESSED STAINLESS STEEL FILL BOX WITH QUICK-DISCONNECT MALE FILL AND VENT HOSE CONNECTION FOR CO2 TANK

□ □ □ □ □ D

 WOOD FRAMED WALL

 PREFABRICATED COOLER/FREEZER WALL

- | | |
|-----|--|
| 1 | 2x6 STUDS @ 16"o.c. |
| 1A | 2x6 STUDS @ 16"o.c. W/ THERMAL INSULATION |
| 2 | 2x4 STUDS @ 16"o.c. |
| 2A | 2x4 STUDS @ 16"o.c. W/ SOUND BATT INSULATION |
| (X) | DOOR SYMBOL, REFER TO SHEET A5.1 FOR DETAILS |
| (X) | WINDOW SYMBOL, REFER TO SHEET A5.1 FOR DETAILS |

DATE SIGNED: _____

SEAL

[illegible]

DRAWN BY: G. DE VERA

CHK'D BY: F. COHEN

3800 AM/PM + CAR V

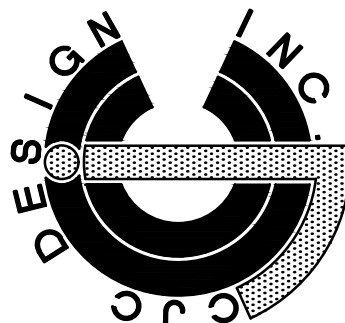
N.E.C. ASHLAN AVENUE
N. BLYTHE AVENUE
FRESNO
CA 93722

PROJECT NAME AND ADDRESS

CJC Design, Inc.

Design	Planning	Permitting
---------------	-----------------	-------------------

22485 La Palma Avenue, Suite 202, Yorba Linda, CA 92887
Tel: (714) 920-3843
Fax: (714) 920-3843
www.cjcdesign.com



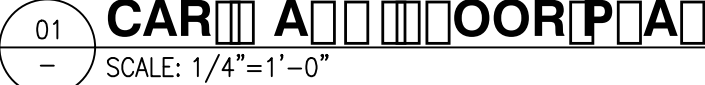
SHEET TITLE

□ □ R
□ □ OORP□ A□

PROJECT NO: 21006

A

--	--	--	--



CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

**Ashlan and Blythe Commercial Center
Operations and Management Plan
Dated November 3, 2023**

Intent and Scope

This Management Plan is intended to provide an initial description of the various uses and operational characteristics within the approximate 1.3-acre commercial parcel 1, located on the northeast corner of the Ashlan and Blythe intersection. Although tenants have been preliminarily identified for the project, this Management Plan may be revised after project entitlement based on finalization of tenants and subsequent requirements. A revised Management Plan shall be subject to review and of approval by the Planning Director.

Uses

Generally, the site will support the 2 commercial uses identified: A) 24-hour Convenience Store with sale of Beer and Wine, with 8-pump Gas Station, and QSR, B) Drive-thru Car Wash. All development regulations for this zone are applicable. Any deviation from the types of uses proposed will require a revision to the specific Conditional Use Permit, or a new Conditional Use Permit as determined by the Planning Director.

The commercial center includes three parcels. The proposed uses include:

<u>Parcel</u>	<u>Size</u>	<u>Use</u>
Parcel A	56,628 sq ft	24-hour Convenience Store with sale of Beer and Wine liquor license type 20, with 8-pump Gas Station, QSR and Drive thru Car Wash

As shown on the Project site plan, the Convenience Store will dedicate greater than seventy percent (70%) of the floor area to grocery sales, with more than ten percent (10%) dedicated to the sale of fresh produce and grocery products, and less than five percent (5%) of the floor area devoted to alcohol sales. The Convenience Store will also meet all of the required definitional and design elements for a "Specialty Food Grocer", including with respect to floor area, ceiling/shelving height, lighting, window signage, fresh food display and architecture. The Convenience Store therefore qualifies for classification as a "Specialty Food Grocer."

Hours of Operation

Occupants' public hours of operation may vary; however, all three uses have the option for 24-hour operations as set forth below:

<u>Use</u>	<u>Hours (may vary)</u>
Gas Station & C-store	24 hours
QSR	To be determined
Drive thru Car Wash	To be determined

Employees

The projected number of employees for each identified use are set forth below. These figures are estimates only and subject to change based on tenant needs. Fluctuations in the number of employees from those set forth below are not subject to a revised Management Plan or the review and approval of the Planning Director.

Use	Number of Employees
Gas Station & C-Store	15 Approximately
Car Wash	10 Approximately
QSR	To be determined

Employee Parking

Employee parking shall be directed to perimeter areas in an effort to preserve, as much as possible, parking options closest to the business entrances for clients.

Carwash

A state-of-the-art roll over or similar non-obtrusive car wash system will be built and operated at the site. All buzzers and loud speakers have also been deleted from the car wash plan, and only visual and/or digital prompts will be used. To mitigate sound from vehicles waiting in line at the car wash, we propose to post signs, such as 20x30 Styrofoam backed signs noting – Quite Please – Please Be Kind To Our Neighbors Be Considerate of Noise Levels – Please Reduce Music Sound Levels – Your Neighbors Appreciate Your Keeping Your Engine Noise to Minimum, or similar “be considerate” signs.

The proposed car wash system is a well liked device within the industry, regularly used in designs such as the proposed, which requires little maintenance ensuring little down time inconvenience to patrons.

Security

On-site security will be the responsibility of the property owners. It is not anticipated that exclusive, on-site security personnel will be necessary, given the site size, nature of uses, and development intensity. However, such measures will be taken by individual property owners to the extent necessary to address specific problems as they occur. Additionally, parking lot lighting and the high visibility of the site will reduce the likelihood of security problems. Signage prohibiting loitering will be placed in conspicuous locations to further deter potential problems.

Further, we employ an array of digital video cameras that run and record 24 hours a day – 7 days per week – 365 days per year. We can rerun any period of time for any given day. That will hold recordings for 30 days.

Additionally, we will install a camera at the rear of the facility adjacent to the car wash bay for added security and, the queue for the car wash will be chained off

during non-operable hours and, the “garage doors” will remain in the “down” position also during non-operational hours for said car wash.

Lighting

Parking-lot and exterior wall lighting shall be as necessary for public safety purposes. These lights will be necessary during all “nighttime” hours of operation. Exterior Lighting shall be on a timer and seasonally adjusted to insure adequate lighting for public safety purposes throughout the year. Loading shall take place in front of the convent store.

Lighting for business signs shall remain on during each tenant’s hours of operation, up to and including 24-hour operations. If a tenant’s operations are not 24-hour, lighting for that tenants business signs shall be turned off at close of business with the exception of required security lighting.

Noise Abatement

Noise levels for the commercial center are not expected to exceed typical decibels, therefore no management action other than the noise abatement items noted above and the restricted hours for deliveries (no fuel deliveries between midnight and 6am) have been proposed at this time. In the event that a particular use or activity becomes a nuisance, appropriate measures to control volume will be taken at the discretion of the Planning Director through a revised Operations and Management Plan.

Storage and Display

Outdoor storage or display of merchandise or material, as well as parking lot sales, are prohibited throughout the project.

Signage

Sign permits are required for all signage and are subject to the Comprehensive Sign Program for the Center. No temporary or portable signs shall be permitted after 30 days from the date occupancy begins.

Access

The site has been designed to enhance access to circulation within the center. There will be one access point along Ashland & Blyth and two access points along Shannon parkway.

Deliveries

Delivery of fuel, as noted above, shall be accepted 24 hours a day. All delivery trucks shall turn off their engines during loading and unloading activities and will not utilize horns to announce their arrival. Signs listing delivery procedures shall be posted at the loading bay of each building.

Landscaping and Site Maintenance

Maintenance of on-site landscaping, fences, walls and landscaping in the adjoining public parkways will be the responsibility of the property owners. The maintenance program, as will be described in the CC&R’s for the property,

includes normal care and irrigation of the landscaping; repair and replacement of plant materials; irrigation systems as necessary; and general cleanup of landscaped and open areas, parking lots, walkways, walls and fences.

Trash Abatement: Property owners shall be responsible for trash abatement on the site, and shall keep the site free of litter, trash and other nuisances.

Street Sweeping: During the summer (dry) months, the parking lots and drives shall be swept on a regular basis to prevent buildup of deposited materials.

Graffiti Removal: Any graffiti placed on the subject property shall be removed by the center management or its designated representative within 24 hours of occurrence. Any new paint used to cover graffiti shall match the existing.

Bus Stop: Facilities including benches and shelters shall be maintained by the property owners.

**CITY OF FRESNO - DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
REQUEST FOR COMMENTS, CONDITIONS, ENVIRONMENTAL ASSESSMENT,
AND ENTITLEMENT APPLICATION REVIEW OF
CONDITIONAL USE PERMIT APPLICATION P21-06064**

Return Completed Form to:

Erik Young, Development Services/Planning
Email: Erik.Young@fresno.gov Development
and Resource Management 2600 Fresno
Street, Third Floor
Fresno, CA 93721-3604

PROJECT DESCRIPTION AND LOCATION:

Conditional Use Permit Application No. P21-06064 was filed by Samer Sabbah of West Gate Construction and pertains to the property located at 4390 W Shaw. The applicant requests authorization to establish an ABC type 20 (Sale of Beer and Wine off the Premises where sold) Property is zoned CG/UGM.

APN: 51010050 ZONING: CG/UGM ADDRESS: 4390 W Ashlan

DATE ROUTED: September 1, 2022

COMMENT DEADLINE: September 23,

WILL THIS PROJECT AFFECT YOUR AGENCY/JURISDICTION? (If yes, specify.)

Yes, the propensity for the location to generate calls for police service.

SUGGESTION(S) TO REDUCE IMPACTS/ADDRESS CONCERNS:

See attached.

REQUIRED CONDITIONS OF APPROVAL:

See attached

IS ANY ADDITIONAL INFORMATION NEEDED FOR YOU TO COMPLETE YOUR REVIEW? (Be specific):

None

REVIEWED BY:	<u>Detective Chris Hodge</u>	<u>(559) 621-5629</u>	<u>09/13/2022</u>
	Name and Title	Telephone Number	Date



September 13, 2022

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

Attn. Erik Young, Planning & Development

Re: SPECIAL PERMIT NO. P-21-06064
AMPM
4390 W Ashlan Ave
Fresno, Ca 93722
A.P.N. 51010050

Dear Mr. Erik Young,

Pursuant to your Department's request, the Fresno Police Department has reviewed the special permit application for property located at **4390 W Ashlan Ave**. The property has been zoned [CG/UGM](#). 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 15-2705** of the Fresno Municipal Code (Regulating Adult Businesses).

The conditions are established to ensure public safety, and to minimize any impact to the surrounding area. If approved, this Conditional Use Permit would allow for establishment of a Type 20 Alcoholic Beverage Control License - Off Sale Beer and Wine. (Package Store) Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.

We request the following conditions be included as Conditions of Approval for **Conditional Use Permit Application No. P-21-06064**. These conditions will help to insure and maintain an environment that is least likely to generate criminal activity, public complaints and police calls for service.

The Fresno Police Department is not in opposition of this Conditional Use Permit, providing the applicant agrees to the listed conditions. If the following conditions are not included as conditions of approval of CUP No., **P-21-06064** 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 Danny Kim #1049 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. 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. **P-21-06064** 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 **fourteen (14)** 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.

3.7 There shall be four (4) exterior cameras placed so as to record activities in the primary customer parking areas of their business. These cameras should be of sufficient quality to be able to identify persons and or vehicles utilizing the business parking lot.

3.8 All interior cameras shall record in color.

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

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

4. ABC Education

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

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

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. Revocation of Conditional Use Permit

The City is permitted to revoke a Conditional Use Permit for “good cause” pursuant to the procedures set forth in FMC, sections 12-326-H and 12-405-E. Applicant is strongly encouraged to review these FMC sections to understand the circumstances that constitute “good cause.”

11. 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



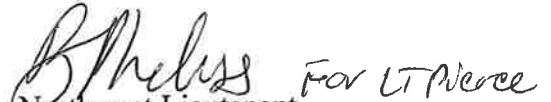
Northwest POP Detective
Chris Hodge



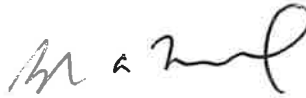
Northwest Detective SGT
Brandi Phebus



Northwest Commander
Anthony Martinez



Northwest Lieutenant
Lieutenant Brian Pierce



Deputy Chief
Burke Farrah