

Exhibit J

Comments from Fire Department:

Approved as submitted. No appointment or initial required. Approval of this plan does not authorize or approve any omission or deviation from applicable adopted codes and adopted standards. Final approval is subject to field inspection. ***Approval based on reviewed and approved Addendum AD22-01847. This CUP was not the approved document provided for the original Building Plan approval. Compliance granted with the condition all notes and corrections are complied with on the approved addendum.

This project was reviewed by the Fresno Fire Department only for requirements related to Alcohol Beverage Control Licensing. Any proposed changes to the approved site plan and/or the approved building plans (including floor plan and seating layouts) will be reviewed by the Fresno Fire Department when a submittal for site and/or building plan review is made by the architect or engineer of record for the building, as required by the California Building Code.

Comments from Fresno County Environmental Health:

Recommended Conditions of Approval:

- The applicant shall obtain final construction inspection approval from the Fresno County Department of Public Health, Environmental Health Division. 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 first obtain their license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.
- Facilities that use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Your proposed business will handle hazardous materials and/or hazardous waste and will be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 (<http://cers.calepa.ca.gov/>). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
- The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.



COUNCIL DISTRICT 2 PROJECT REVIEW COMMITTEE

Fresno City Hall, 2600 Fresno Street, Fresno, CA 93721

MINUTES

Monday, April 10, 2023 – 5:30 p.m.

1. CALL TO ORDER & ROLL CALL

Committee Members:

David Rodriguez (Chairperson)

Amy Fuentes

Austin Ferreria

Meeting called to order at 5:34 PM.

Present: Chair Rodriguez, Fuentes, Ferreria

Absent: None

2. ADMINISTRATIVE MATTERS

A. Nomination of Chair for 2023

Committee member Fuentes moved to nominate Chair Rodriguez for Chair for 2023, seconded by Committee Member Ferreria. The motion carried, 3 votes to 0.

B. Nomination of Vice-Chair for 2023

Chair Rodriguez moved to nominate Fuentes for Vice Chair for 2023, seconded by Committee Member Ferreria. The motion carried, 3 votes to 0.

3. APPROVAL OF AGENDA

A. April 10, 2023 Meeting Agenda

Committee member Fuentes moved to approve the agenda, seconded by Committee Member Ferreria. The motion carried, 3 votes to 0.

Agenda date typo corrected

4. APPROVAL OF THE MINUTES

A. Minutes for January 9, 2023 meeting

Committee member Fuentes moved to approve the minutes, seconded by Chair Rodriguez. The motion carried, 3 votes to 0.

B. Minutes for January 23, 2023 meeting

Committee member Fuentes moved to approve the minutes, seconded by Chair Rodriguez. The motion carried, 3 votes to 0.

C. Minutes for March 13, 2023 meeting

Committee member Ferreria moved to approve the minutes, seconded by Committee Member Fuentes. The motion carried, 3 votes to 0.

5. PROJECT REVIEW – NEW MATTERS

A. *Conditional Use Permit No. P23-00635 was submitted by Jeffrey Baker on behalf of Kali Hospitality Inc pertaining to a tenant space generally located at the northwest corner of West Shaw and North Marks Avenues, at 3050 West Shaw Ave Suite 116 (APN 415-045-23S). The application requests authorization to apply for a new State of California Alcoholic Beverage Control Type 47 license (On Sale General – Eating Place – Beer, wine, distilled spirits) for a new restaurant (Cheba Hut) in an existing tenant space. The restaurant will operate from 10 AM – 10 PM Sunday to Thursday, and 10 AM – 12 AM Friday - Saturday. The parcel is zoned RMX/UGM/cz (Regional Mixed Use/Urban Growth Management Area/conditions of zoning).*

Attachments: Operational Statement, Site Plan, Elevations, and Floor Plan, (linked above)

Relative Link(s): Fresno Municipal Code (FMC) Section 15-2751 – Restaurants with alcohol sales, bars, nightclubs, and lounges.

Project Contact: Brittany Martin, Planner, (559) 621-8059, Brittany.Martin@fresno.gov

Applicant presented the project.

The committee inquired about if the Development Code had any restrictions on the total amount of active ABC CUP's for restaurants and the closing time of the restaurant.

Chair Rodriguez moved to approve the item on the recommendation that the restaurant close at 10PM on all days, instead of remaining open until 12AM on Fridays and Saturdays, seconded by Committee member Ferreria. The motion carried, 3 votes to 0.

B. *Conditional Use Permit Application No. P23-00593 was filed by Ken Vang of VICE, on behalf of Beal Development LLC, and pertains to the 1.07 acres located at the northeast corner of West Barstow and North Grantland Avenues at 6940 West Barstow Avenue (APN 505-281-23). The application requests authorization to upgrade the existing State of California Alcoholic Beverage Control Type 20 (Off-sale beer and wine) license to a Type 21 (Off-sale beer, wine, and distilled spirits) for an existing Johnny Quik convenience store and service station. The parcel is zoned CC/UGM/cz (Community Commercial/Urban Growth Management Area/conditions of zoning).*

Attachments: Operational Statement, Site Plan, Elevations, and Floor Plan, (linked above)

Relative Link(s): Fresno Municipal Code (FMC) Section 15-2706 Alcohol Sales – The Responsible Neighborhood Market Act

Project Contact: Erik Young, Planner, (559) 621-8009, erik.young@fresno.gov

Applicant presented the project.

Committee Member Ferreria moved to approve the item, seconded by Committee member Fuentes. The motion carried, 3 votes to 0.

C. *Text Amendment Application No. P23-01018 proposes a mechanism to provide additional security measures to businesses within areas where security fencing is permitted throughout the City of Fresno, many of which already included razor wire fencing, the City of Fresno (Applicant) is proposing Text Amendment P23-01018 which would amend*

Section 15-2009 Security Fencing of the Fresno Municipal Code to permit razor wire in the following situations: (1) where such fencing is required by any law or regulation of the City, the State of California, the federal government, or other public agency; (2) where used to contain livestock; (3) in Commercial Districts where not visible from any street, highway, public open space, recreation area, or Residential District; (4) in Industrial Districts unless it abuts a Residential District, is located within 100 feet of a Residential District or is located within 100 feet of a park or other public open space, where it is prohibited; (5) Construction Sites as a temporary measure. This update would not only codify the ability for businesses to install razor wire fencing, but would grandfather in those businesses which already included razor wire fencing on their properties into compliance. Prior to installation, property owners are required to apply for a permit with the City.

Attachments: Summary, Presentation, Resolution

Relative Link(s): Fresno Municipal Code (FMC) Section 15-2009 – Security Fencing

Project Contact: Adrienne Asadoorian, Planner, (559) 621-8339, adrienne.asadoorian@fresno.gov

Staff presented the proposed text amendment.

The committee inquired about the fee for a security fence permit; background on why the proposed amendment was not part of the existing development code; the ramifications on the owner and city of any potential injury; and if there are signage requirements for security fences.

Committee Member Fuentes moved to approve the item, seconded by Chair Rodriguez. The motion carried, 3 votes to 0.

D. Update on Multi-Jurisdictional Housing Element. California housing element law requires every jurisdiction to prepare and adopt a housing element every 8 years as part of their required general plans. The purpose of the Housing Element is to ensure planning for safe, decent and affordable housing for all city residents. The City of Fresno prepared its own housing element for the current housing element in 2016. At the same time, 13 of Fresno County's 16 jurisdictions, with help from the Fresno Council of Governments (FCOG), prepared a multi-jurisdictional housing element that was very well received by the California Department of Housing and Community Development, the state agency responsible for certifying housing elements.

The City's Housing Element will need to be updated by December of 2023. FCOG jurisdictions have come together to embark on another multijurisdictional effort, and this time, the City Council directed that the City of Fresno participate in that effort due to cost, time and resource savings, and for the opportunity to collaborate regionally on housing.

The Multi-jurisdictional Housing Element update is now underway, and the goal of the presentation is to provide information about the update and prepare the committee to consider the updated Housing Element when it is available for public review/adoption later this year.

Action Requested: Informational

Attachments: Presentation

Relative Link(s): <http://www.fresno.gov/housingelement>

Project Contact: Adrienne Asadoorian, Planner, (559) 621-8339, adrienne.asadoorian@fresno.gov

Staff provided an update on the Housing Element.

The committee inquired about the deadline for the HE to be submitted to HCD; why Clovis did not participate; clarifying if an action from the committee or if it was an informational presentation; what portion of the report has already been prepared; and the timeframe for when the draft HE will be available for review by the committee.

No action needed.

6. COMMITTEE CONSULTATION AND UNSCHEDULED MATTERS

Unscheduled matters are items added to the agenda without the 72-hour legal notice requirement. These items may be discussed, but official action may not be taken until legal notices are given as required by law.

Open Discussion

This is an open discussion between the Committee to discuss any matters they feel necessary regarding Council District 2, such as project inquiries, updates, upcoming events, etc.

Inquiry of nameplates for committee members.

7. ADJOURNMENT

The next meeting is scheduled for May 8, 2023, at 5:30 p.m.

Meeting adjourned at 6:34 PM

*City of Fresno Planning and Development Department
2600 Fresno Street – Third Floor
Fresno, California 93721-3604*

*Staff Contact: Thomas Veatch, Planner at (559) 621-8076 or
thomas.veatch@fresno.gov*

**CITY OF FRESNO - DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
REQUEST FOR COMMENTS, CONDITIONS, ENVIRONMENTAL ASSESSMENT,
AND ENTITLEMENT APPLICATION REVIEW OF
CONDITIONAL USE PERMIT APPLICATION NO. P23-00593**

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. P23-00593 was filed by Ken Vang of Johnny Quick Fresno and pertains to the property located at 6940 W Barstow. The applicant requests authorization to establish an ABC type 21 License. The parcel is zoned CC/UGM/cz.

APN: 50528123

ZONING: CC/UGM/cz.

ADDRESS: 6940 W Barstow

DATE ROUTED: March 23, 2023

COMMENT DEADLINE: April 13, 2023

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>04/06/2023</u>
	Name and Title	Telephone Number	Date



May 6, 2023

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. P23-00593
Johnny Quick
6940 W Barstow Ave.
Fresno, Ca 93723
A.P.N. 50528123

Dear Mr. Young,

Pursuant to your Department's request, the Fresno Police Department has reviewed the special permit application for property located at **6940 W Barstow Ave.** The property has been zoned **CC/UGM/cz**. 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 21 Alcoholic Beverage Control License - Off Sale General (Package Store – authorized the sale of beer, wine and distilled spirits for consumption off the premises where sold)

We request the following conditions be included as Conditions of Approval for **Conditional Use Permit Application No. P23-00593**. 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., **P23-00593** 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 Chris Hodge #1673 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. **P23-00593** 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 TWO weeks (fourteen calendar days). Such cameras must be capable of producing a retrievable and identifiable image and 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 and include a camera that faces the customer portion of the store.

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. Non-refrigerated Alcoholic Beverages

Non-refrigerated “hard” liquor or “distilled spirits,” shall be placed within the cashier’s area or, shall be located either in a locked cabinet, or other locked shelving system, with access controlled with either manual, remote control locking devices or other appropriate and acceptable locking systems approved in writing by the Fresno Police Department. During the hours of midnight and 2:00 a.m. the cabinet or shelving system shall be locked and opened only after an authorized employee has verified that the customer seeking to purchase items within the cabinet or shelving system is of “legal age.” Anti-theft security devices *shall* be utilized on **ALL** non-refrigerated “hard” liquor or “distilled spirits” (*regardless of size*) in lieu of being in a locked cabinet or other locked shelving system.

8. 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.

9. Consumption of Alcoholic Beverages and Loitering.

- 9.1 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.
- 9.2 The establishment shall not allow any loitering on building premises or any adjacent property under its ownership or control.
- 9.3 The establishment shall not allow any gambling on building premises or any adjacent property under its control.

10. 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.

11. 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.”

12. Establishment Responsibility

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.

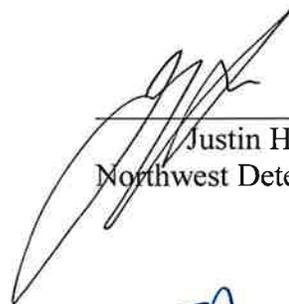
13. Hours of Operation

Food Store Sunday -Thursday 5:00am to 12:00am
Friday – Saturday 5:00am to 1:00am

Gas Pumps 24 hours (Automated point of sales at pumps)

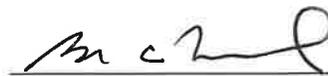
FRESNO POLICE DEPARTMENT


Chris Hodge
Northwest POP Detective

 5231
Justin Hardy
Northwest Detective SGT


Anthony Martinez
Northwest Commander

 #1070
Brian Pierce
Northwest Lieutenant


Burke Farrah
Deputy Chief