



# County of Fresno

**DEPARTMENT OF PUBLIC HEALTH**  
**DAVID POMAVILLE, DIRECTOR**  
**DR. KEN BIRD, HEALTH OFFICER**

September 26, 2016

FA0275219  
LU0018694  
2602

Jarred Olsen  
Development and Resource Management  
2600 Fresno Street, Third Floor  
Fresno, CA 93721-3604

Dear Mr. Olsen:

PROJECT NUMBER: C-16-077-ABCUP

**Conditional Use Permit Application No. C-16-077-ABCUP** was filed by Steve Rawlings of Alcoholic Beverage Consulting, on behalf of Gregory Hinds, and pertains to ±2.12 acres of property located on the north side of East Bullard Avenue east of North First Street. The applicant requests authorization to establish a State of California Alcoholic Beverage Control Type 20 alcohol license (*Package Store- sale of beer and wine for consumption off the premises were sold*) for the existing "99 Cents Only" Store #154. The property is zoned CC (*Commercial-Community*).

**APN: 409-040-64**

**ZONING: CC**

**ADDRESS: 6036 North First Street**

Recommended Conditions of Approval:

- Should the facility undergo remodel to accommodate the sale of alcohol, then 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 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.

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=ksuda@co.fresno.ca.us, c=US  
Date: 2016.09.26 13:19:22 -0700

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

(559) 600-3271

cc: Tolzmann, Rogers & Easley- Environmental Health Division (CT 45.05)  
Steve Rawlings- Applicant ([ser@rawlingspm.com](mailto:ser@rawlingspm.com))  
Gregory Hinds- Owner ([gregory@daytom.com](mailto:gregory@daytom.com))

***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



**POLICE DEPARTMENT**  
***Northeast Problem Oriented Policing***  
1450 E. Teague  
Fresno, California 93720  
(559) 621-6400 Fax: (559) 436-6245



Jerry Dyer  
Chief of Police

October 7, 2016

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

**Attn. Jarred Olsen**

**Re: SPECIAL PERMIT NO. C-16-077**  
**99 Cent Only Store #154**  
**6036 N. Fresno St.**  
**Fresno, CA 93726**  
**A.P.N. 409-040-64**

Dear Mr. Olsen,

Pursuant to your Department's request, the Fresno Police Department has reviewed the special permit application for property located at **6036 N. First St.** The property has been zoned **CC (Commercial-Community)**. The Fresno Police Department's primary concern with the application is the propensity of the operations on the premises to generate calls for police service, and therefore, be detrimental to the public welfare.

We understand from the Operational Statement that the applicant intends to operate this location between the hours of:

Monday - Sunday, 8:00 a.m. to 11:00 p.m.

The Fresno Police Department's primary concern with the application is the propensity of the premises to generate calls for police service which indicates potential activities on the premises that are detrimental to the public welfare or injurious to property or improvements.

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

1. 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. If approved, this Conditional Use Permit would allow for an **off-sale Type 20 ABC license** (*package store – sale of beer and wine for consumption off the premises where sold*). We request the following conditions be included as Conditions of Approval for Conditional Use Permit Application No. **C-16-077**. 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-16-077**, 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 Lee #524 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-16-077 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 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**.

3.5 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.

3.6 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.

3.7 All interior cameras shall record in color.

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

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

#### 4. 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. 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

 #524 Date: 10/11/16  
Detective Chris Lee #P524  
Northeast District - POP

 Date: 10-11-16  
Sergeant Eric Hodge #S76  
Northeast District- Det./POP

 Date: 10-11-16  
Captain Dennis Bridges #C20  
Northeast District - Commander

CITY OF FRESNO - DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT  
REQUEST FOR COMMENTS, CONDITIONS, ENVIRONMENTAL ASSESSMENT,  
AND ENTITLEMENT APPLICATION REVIEW OF  
CONDITIONAL USE PERMIT APPLICATION NO. C-16-077 - ABCUP

Fresno Police – Northeast Commander

Return Completed Form to:

Jarred Olsen, Development Services/Planning

Email: [Jarred.Olsen@fresno.gov](mailto:Jarred.Olsen@fresno.gov) and

[Joann.Zuniga@fresno.gov](mailto:Joann.Zuniga@fresno.gov)

Development and Resource Management

2600 Fresno Street, Third Floor

Fresno CA 93721-3604

PROJECT DESCRIPTION AND LOCATION:

Conditional Use Permit Application No. C-16-077-ABCUP was filed by Steve Rawlings of Alcoholic Beverage Consulting, on behalf of Gregory Hinds, and pertains to ±2.12 acres of property located on the north side of East Bullard Avenue east of North First Street. The applicant requests authorization to establish a State of California Alcoholic Beverage Control Type 20 alcohol license (Package Store – sale of beer and wine for consumption off the premises were sold) for the existing “99 Cents Only” Store #154. The property is zoned CC (Commercial-Community).

APN: 409-040-64

ZONING: CC

ADDRESS: 6036 North First Street

DATE ROUTED: September 23, 2016

COMMENT DEADLINE: October 7, 2016

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

YES. THE PROPENSITY OF THE LOCATION TO GENERATED CALLS FOR POLICE SERVICE.

SUGGESTION(S) TO REDUCE IMPACTS/ADDRESS CONCERNS:

SEE ATTACHED CONDITIONS.

REQUIRED CONDITIONS OF APPROVAL:

SEE ATTACHED CONDITIONS.

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

NO.

REVIEWED BY:

C. LEE / POULS

621-6435

10-11-16

Name and Title

Telephone Number

Date



*Preparing Career Ready Graduates*

September 27, 2016

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

**SUBJECT: CONDITIONAL USE PERMIT NO. C-16-077-ABCUP  
6036 N. FIRST ST.**

Dear Mr. Olsen,

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 existing '99 Cents Only' store located at 6036 North First Street is requesting authorization to establish a State of California Alcoholic Beverage Control Type 20 (*Package Store – sale of beer and wine for consumption off the premises where sold*) alcohol license. It is located within approximately 450 feet from Ahwahnee Middle 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 **does not support** this project and continues to have 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 and the current rate is \$0.56 per square foot. However since no new square footage will be constructed no development fee would be charged.

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

*DVC*

AB:hl  
c: Jose Guzman, Principal, Ahwahnee Middle School

**BOARD OF EDUCATION**

Luis A. Chavez, President  
Christopher De La Cerda, Clerk  
Brooke Ashjian  
Valerie F. Davis  
Lindsay Cal Johnson  
Carol Mills, J.D.  
Janet Ryan

**SUPERINTENDENT**

Michael E. Hanson