

**Exhibit L – Draft Conditions of Approval for P19-04757/
P23-02136**



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

Planning and Development Department
Jennifer K. Clark, AICP, Director

~~October 23, 2023~~ **December 6, 2023,**

Please reply to:
Thomas Veatch

Thomas.veatch@fresno.gov

Surjit Singh
Optimum Properties LLC
hirdeys@gmail.com

(Sent via email only)

SUBJECT: CONDITIONAL USE PERMIT APPLICATION NO. P23-02136 AND P19-04757 FOR PROPERTY LOCATED AT 3977 AND 3722 NORTH GOLDEN STATE BOULEVARD (APN's: 433-040-54, 511-240-26)

On October 20, 2023, the Planning and Development Director approved Conditional Use Permit Application No. P23-02136, which authorizes the construction of a ±9,580 square-foot commercial retail building comprised of a food court (±4,538 square-feet) with a drive-through and a grocery market(±4,468 square-feet); a ±3,696 square-foot service station/fuel canopy; and a ±3,600 square-foot car wash building. New on- and off-site improvements are proposed including but not limited to; drive approaches, 91 parking stalls, car wash vacuum stalls, sidewalks, and landscaping. The project includes the vacation of portions of West Buckingham Way and North Brawley Avenue as well as dedications of right of way along Golden State Boulevard. A future lot line adjustment will also be included with the project. The subject property is zoned IL (*Light Industrial*). This application (P23-02136) is a revision to Conditional Use Permit Application No. P21-0102.

On December 6, 2023, the Planning Commission approved Conditional Use Permit Application No. P19-04757, which authorizes the request to obtain a State of California Alcoholic Beverage Control Type 21 (Off-Sale General - beer, wine, and distilled spirits for consumption off the premises where sold) License for the proposed general market and service station use.

The proposed project was determined to be exempt from the State of California Environmental Quality Act (CEQA) by the Planning and Development Department on October 20, 2023, through a Section 15332 Class 32 (Infill) Categorical Exemption. No further environmental assessment is needed. None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project and no adverse environmental impacts will occur as a result of the proposed project.

The approval of this project is subject to compliance with the following Conditions of Approval:

CONDITIONS OF APPROVAL

PART A – ITEMS TO BE COMPLETED

The following items are required before issuance of building permits or final inspection:

Planner to check when completed		
<input type="checkbox"/>	1.	Development shall take place in accordance with Exhibits A-1, A-2, E, F, L, and O dated April 18, 2023. Transfer all comments and conditions on Exhibits to the corrected exhibit(s) and submit to planner at least 15 days prior to issuance of building permits.
<input type="checkbox"/>	2.	Provide an Elevation Plan for the fuel island canopy that includes a substantial roof structure with materials, colors, and design elements that reflect the architecture of the main building to comply with FMC Section 15-2755-C.
<input type="checkbox"/>	3.	All exterior mechanical and electrical equipment (including roof top HVAC equipment) shall be screened or incorporated into the design of buildings so as not to be visible from major streets, highways, passenger railways, or abutting Residential Districts. Demonstrate compliance and add note on plans.
<input type="checkbox"/>	4.	Show location of on-site lighting (e.g. parking lot lighting) to demonstrate light and glare is not directed onto residential use areas or adjacent public rights-of-way and to prevent adverse interference with the normal operation or enjoyment of surrounding properties. Lights shall be placed to deflect light away from adjacent properties and public streets, and to prevent adverse interference with the normal operation or enjoyment of surrounding properties. Please revise plans consistent with Article 25, Performance Standards.
<input type="checkbox"/>	5.	All exterior doors, during the hours of darkness, shall be illuminated with a minimum of 0.5 foot-candle of light. Provide note on plans.
<input type="checkbox"/>	6.	Landscaping must be in place before issuance of the certificate of occupancy. A Hold on Occupancy shall be placed on the proposed development until such time that landscaping has been approved and verified for proper installation by the Development Services Division.
<input type="checkbox"/>	7.	Trash and recycling receptacles shall be available. The premises shall be kept in an orderly condition at all times. Litter shall be collected daily.
<input type="checkbox"/>	8.	Drive-through lanes and pick-up windows shall be designed in such a way as to be screened from view from the street through incorporation of additional landscaping (e.g. combination decorative walls and landscape greater than 30 inches in height), and/or incorporation of arbors, trellises, canopies, wall and/or other architectural features to reduce the visual presence of the drive through operations oriented to the street. Refer to Section 15-2728-D and Policy and Procedure No. C-001 (attached). Revised plans shall be submitted to the Planning and Development for review and approval as part of the compliance record prior to the issuance of building permits.
<input type="checkbox"/>	9.	Revise Site Plan and Landscape Plan so that propane tanks, vapor recovery systems, air compressors, utility boxes, garbage, recycling containers/enclosures, and other similar mechanical equipment are screened from public view. Propane tanks, vapor recovery tanks, etc., shall be laid horizontally and shall be screened with a hedge and/or wall to comply with FMC Section 15-2755-A-5.
<input type="checkbox"/>	10.	Menu boards shall be reviewed under a separate Sign Review Application to ensure compliance with FMC Section 15-2728-E.

<input type="checkbox"/>	11.	All signage will be reviewed under separate permits. A master sign program may be required.
<input type="checkbox"/>	12.	Provide a circulation control plan to ensure queuing for the establishment will not adversely affect the private roadway.
<input type="checkbox"/>	13.	Site design shall incorporate landscaping and half screen walls to screen vehicles while allowing eye level visibility into the site per Section 15-2755-A-2.
<input type="checkbox"/>	14.	Signage to encourage customers not to idle shall be placed either before or at the entrance of a drive-through aisle.
<input type="checkbox"/>	15.	Revise operational statement to include hours of operation of each component of use, as well as specific hours for sales of alcohol.

PART B – OTHER AGENCY COMMENTS AND CONDITIONS REQUIREMENTS

To be checked when completed where applicable	
<input type="checkbox"/>	<p>1. Department of Public Utilities (Planning and Engineering (Sewer), Water Division, and Solid Waste Management):</p> <p>Comply with the requirements and conditions related to sewer, water, and solid waste services in the attached memorandum from the Department of Public Utilities dated July 24, 2023.</p>
<input type="checkbox"/>	<p>3. Fire Review:</p> <p>All back checks are performed electronically through the Accela Program (FAASTER portal). You must submit the following documentation to the Building Department: 1) Provide copy of the original submittals (drawings, calculations, and supporting documents) including mark-ups from the plan reviewers who worked on your documents. 2) Provide a complete set of revised drawings, calculations, and supporting documents addressing plan check comments (all changes shall be clouded). 3) Provide a detailed typed response to each item listed in the plan check correction comments document. If you have additional questions regarding back check submittals, please contact the Building Department.</p> <p>All revisions to plans shall be called out with a cloud or delta.</p> <p>If you have questions and would like more information regarding FFD Development Policies please see the following: https://www.fresno.gov/fire-training/manuals-and-forms/</p> <p>Fire Department back check items require a sign-off from Fire Department staff. Back check items signed by any person other than sworn Fire Department staff are invalid.</p> <p>This project was reviewed by the Fire Department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building and Safety Section of DARM when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for</p>

the building.

1) Note on plan: Required fire apparatus access lanes shall be provided year round and maintained with an approved all-weather surface, capable of supporting 80,000-pound vehicles. The fire apparatus access lanes shall be a minimum of 4-inch base rock over compacted or undisturbed native soil or per approved engineering plans with a minimum of 24 feet of clear width or other approved method, which would prevent shoulder degradation. (FFD Development Policy 403.002)

2) Note on plan: All weather access roads shall be installed and maintained in a serviceable condition prior to and during construction. (FFD Development Policy 403.002)

3) Note on plan: Provide note on site plan: Provide sign(s) (17"x22" minimum) at all public entrance drives to the property which state "Warning – Vehicles stopped, parked or left standing in fire lanes will be immediately removed at owner's expense – 22658(a) California Vehicle Code – Fresno Police Department 621-7000."

4) Show the location of the fire department connection and note the following on the plan: Fire department connections shall not be installed within five (5) feet of any building opening, excluding a fire department riser access door. (FFD Development Policy 405.025)

5) Note on plan: Fire department connections shall be located within forty (40) feet of a fire apparatus access lane. (FFD Development Policy 405.025)

6) Note on plan: The minimum size of all fire department connections shall be based upon the system type. No connection shall be less than 2½ inch in size. (FFD Development Policy 405.025)

7) Note on plan: Fire department connections shall be located on the street side of buildings or facing approved fire apparatus access roads, fully visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise approved by the fire chief. 2022 CFC, Section 912.2.1.

8) Note and provide sample of signage on plan: Address Identification. For new and existing buildings, the fire code official is authorized to require approved address or building area identification signage as needed to readily determine the building or area of a building protected by fire department connections. 2022 FMC, Section 10-50912.4.4

9) Show the nearest hydrant(s) and note the following on the plan: Access roadways shall be constructed within 10 feet of the fire hydrant.

10) Show the fire sprinkler riser on the plan.

11) Note on plan: Submit plans (three sets) to and obtain permit from the Fire Prevention Division for the installation of the above ground fuel tanks.

		12) Note and show distances on plan: Above ground tanks located outside, above grade shall comply with 2022 CFC, Table 2306.2.3.
<input type="checkbox"/>	4.	Flood Control District: See attached FMFCD Notice of Requirements (NOR) dated August 8, 2023. NOR and Grading Plan Review fees due.
<input type="checkbox"/>	5.	Public Works Traffic Planning: Comply Public Works Traffic Planning conditions of approval memo dated August 22, 2023 and redlined exhibit, CP1, in the record attachments. For questions, please contact Jairo Mata at Jairo.Mata@fresno.gov or at 559-621-8714.
<input type="checkbox"/>	7.	Land Division Impact Fees Comply with the attached Land Division fee estimate dated July 24, 2023
<input type="checkbox"/>	8.	DPW ROW Landscaping Comply with the attached DPW conditions memo dated May 8, 2023
<input type="checkbox"/>	9.	Public Works TIS Review Comply with the attached DPW conditions memo dated March 10, 2023
<input type="checkbox"/>	10.	Public Works CFD Comply with the attached DPW conditions memo dated July 21, 2023
COMMENTS PROVIDED UNDER P21-00102		
<input type="checkbox"/>	11.	School District Comply with the attached school district comment letter dated November 18, 2020
<input type="checkbox"/>	12.	Fresno Irrigation District Comply with the attached FID comment letter dated March 24, 2021
<input type="checkbox"/>	13.	County Environmental Health Recommended Conditions of Approval: <ul style="list-style-type: none"> • Prior to issuance of building permits, the applicants will be required to submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Consumer Food Protection Program at (559) 600-3357 for more information. • Prior to operation, the applicants shall apply for and obtain permits 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. • The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to conformance with the Noise Element of the City's municipal code.

		<ul style="list-style-type: none"> • Prior to the issuance of building permits, the applicant shall submit three (3) sets of complete plans and specifications regarding the installation of any underground storage tanks to the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information. • Prior to operations, the fuel facility applicant shall apply for and secure a Permit to Operate an Underground Storage Tank System from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 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. • Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information. • As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
<input type="checkbox"/>	14. Long Range Planning	This project falls within the boundary of the Specific Plan of the West Area, which is currently being developed. For more information, please visit: https://www.fresno.gov/westareaplan
<input type="checkbox"/>	15. Caltrans	Comply with the attached Caltrans comment letter dated February 22, 2022
Comments Provided under P19-04757		
<input type="checkbox"/>	16. Police Department	Comply with condition letter provided October 5, 2020 Submit a Security Plan for approval by PD
<input type="checkbox"/>	17. County Environmental Health	<ul style="list-style-type: none"> • Prior to issuance of building permits, the applicants will be required to 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.

	<ul style="list-style-type: none">• Prior to operation, the applicants shall apply for and obtain permits 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.• Prior to the issuance of building permits, the applicant shall submit three (3) sets of complete plans and specifications regarding the installation of any underground storage tanks to the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency (CUPA), at (559) 600-3271 for more information.• Prior to operations, the fuel facility applicant shall apply for and secure a Permit to Operate an Underground Storage Tank System from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 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 conformance with the Noise Element of the City's municipal code.• As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.• Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
<input type="checkbox"/>	<p>18. Fire Department All back checks are preformed electronically through the Accela Program (FAASTER portal). You must submit the following documentation to the Building Department: 1) Provide copy of the original submittals (drawings, calculations, and supporting documents) including mark-ups from the plan reviewers who worked on your documents. 2) Provide a complete set of revised drawings, calculations, and</p>

	<p>supporting documents addressing plan check comments (all changes shall be clouded). 3) Provide a detailed typed response to each item listed in the plan check correction comments document. If you have additional questions regarding back check submittals, please contact the Building Department.</p> <p>If there are questions regarding FFD Development Policies, you may access them at: https://www.fresno.gov/fire-training/manuals-and-forms/.</p> <p>All revisions to plans shall be called out with a cloud or delta.</p> <p>This plan is addressed to N Golden State Blvd, but the submittal is addressed to N Brawley. Accordance to Fire DRC notes, this project shall be addressed to N Golden State Blvd. Change all addresses to match.</p> <p>Be advised: This review is for the ABC CUP only. Official site and building plan submittals are required.</p>
<input type="checkbox"/>	<p>19. School District Comply with attached comment memo dated November 18, 2020</p>

PART C – PLANNING DEVELOPMENT CODE STANDARDS

1. Density and Intensity Standards: Compliance with the conditions of approval included in Parts A and B above will result in modifications to the proposed site plan. Should corrections or revisions result in changes to the overall site plan configuration, development shall take place in accordance with FMC Tables 15-1303 (Intensity and Massing Development Standards-Employment Districts)

2. General Site Regulations: Compliance with the conditions of approval included in Parts A and B above will result in modifications to the proposed site plan. Should corrections or revisions result in changes to the overall site plan configuration, development shall take place in accordance with FMC Chapter 15 Article 20 (General Site Regulations)

3. Site Design: Compliance with the conditions of approval included in Parts A and B above will result in a modification to the proposed site plan. Should corrections or revisions result in changes to the site plan configuration, development shall follow FMC Section 15-1304 (Site Development Standards).

4. Parking and Loading: All parking shall be provided in accordance with the City of Fresno Parking Manual and per Article 24 of the FMC.

5. Landscaping: All landscaping shall be provided and maintained in accordance with Article 23 of the FMC.

6. Façade: Development shall comply with the façade design development standard under FMC Sections 15-1305.

7. Fencing: All Fencing, Walls, and Hedges shall be provided and installed per FMC Section 15-2006.

8. Special use Requirements: Development shall comply with FMC Sections 15-2728 (Drive-In and Drive-Through Facilities), Section 15-2744 (Outdoor Dining and Patio Areas), Section 15-2755 (Service Stations), ~~and~~ Section 15-2711 (Automobile/Vehicle Washing) ~~and~~ Section 15-2706 (Alcohol Sales).

Alcohol Sales

Landscaping.

1. **New Buildings.** Landscaping shall be provided per the underlying District.
2. **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.

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.

Litter and Graffiti.

1. Trash and recycling receptacles shall be provided by public entrances and exits from the building.
2. 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.
3. The owner or operator shall remove graffiti within 48 hours.

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

1. Video Surveillance.
2. Establishments must equip a fully functional color digital video camera system.
3. 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.
4. The system shall have the correct date and time stamped onto the image at all times.
5. 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.
6. If utilizing a digital video recorder, it must be capable of storing at least 14 days of real-time activities.
7. 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.
8. 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.
9. 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.
10. All interior cameras shall record in color.

11. 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.

Signage.

1. 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.
2. The following copy is required to be prominently posted in a readily visible manner on an interior wall or fixture and not on windows:
 - a. "California State Law Prohibits the Sale of Alcoholic Beverages to Persons Under 21 Years of Age."
 - b. "No Loitering is Allowed On or In Front of These Premises."
 - c. "No Open Alcoholic Beverage Containers are Allowed on These Premises."
3. 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.
 - a. The area covered by signs or advertising includes all clear areas within signs or advertising, such as the clear area within neon signs.
 - b. 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.
 - c. Any signage required by law shall not count towards the 15 percent limitation, but shall nonetheless follow rules related to visual obstruction.
4. 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.
5. Any establishment located within 250 feet of a sensitive use, as listed in Subsection E.1, 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.

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.

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.

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.

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.

Prohibited Products. The sale or distribution of one or more of the following shall be prohibited.

1. Wine in containers of less than 750 milliliters.
2. Single containers of beer, malt liquor, wine coolers, and similar alcoholic beverages not in original factory packages of four-packs or greater.
3. Distilled spirits in containers of less than 375 milliliters.
4. Paper or plastic cups in quantities less than their usual and customary packaging.

Additional Requirements.

1. The Director may require the applicant to submit additional information, of such type and in such form as the Director may specify, as the Director may deem relevant to the application, including, but not limited to, an operational statement, floor plans, architectural renderings, and technical studies, as appropriate.
2. The Director may refer the application to other City departments to determine whether the establishment's location will comply with building, health, zoning, and fire ordinances or other applicable ordinances or laws. City departments may conduct an inspection of the premises to determine compliance with the ordinances and other laws they administer, and may subsequently prepare reports summarizing their inspections and recommend whether to approve or deny the application based on their inspections.
3. Additional and/or security measures such as reduced hours of operation, security guards, door monitors, and burglar alarm systems may be required if harm, nuisance, or related problems are demonstrated to occur as a result of business practices or operations. This will be determined on a case-by-case basis upon review by the Police Department.

PART D – PLANNING – OTHER REQUIREMENTS

1. The development shall follow the policies of the Fresno General plan, West Area Community Plan, and the Employment-Light Industrial planned land use designation.
2. The development shall follow the IL (*Light Industrial*) zone district and all other applicable sections of the Citywide Development Code, Chapter 15 of the Fresno Municipal Code (FMC).
3. Comply with the operational statement submitted for the proposed project dated April 18, 2023.
4. The development shall comply with the City of Fresno Parking Manual, California Building Code, and American Disabilities Act requirements.

5. The development shall take place in accordance with the "General Notes and Requirements for Entitlement Applications" listed below if applicable Property development standards and operational conditions are contained in Articles 13 (Employment Districts), 20 (General Site Requirements), 23 (Landscape), 24 (Parking and Loading), and 25 (Performance Standards). Any project revisions, development, and operation must comply with these property development standards and operational conditions.

PART E - MISCELLANEOUS AND GENERAL NOTES AND REQUIREMENTS

Not all notes and requirements listed below are applicable to all projects.

1. Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. This special permit is granted, and the conditions imposed, based upon the Operation Statement provided by the applicant. The Operation Statement is material to the issuance of this special permit. Unless the conditions of approval specifically require operation inconsistent with the Operation Statement, a new or revised special permit is required if the operation of this establishment changes or becomes inconsistent with the Operation Statement. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the special permit or any other enforcement remedy available under the law. The Planning and Development Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.
2. 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:
 - a. 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;
 - b. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
 - c. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.
3. No land shall be used, and no structure shall be constructed, occupied, enlarged, altered, demolished, or moved in any zoning district, except in accordance with the provisions of this Code. Specific uses of land, buildings, and structures listed as prohibited in any zoning district are hereby declared to be detrimental to the public health, safety, and welfare.
4. Development shall take place in accordance with the Standards, Specifications, and Standard Drawings of the City of Fresno Public Works Department.

5. Development shall take place in accordance with all city, county, state and federal laws and regulations.
6. Owners and persons having ownership interest in businesses operating in the City of Fresno (including leasing out any commercial or industrial property, or renting out four or more dwelling units) are required by the Fresno Municipal Code to obtain a Business Tax Certificate. Contact the City of Fresno Finance Department's Business Tax Division at (559) 621-6880 for more information. Information and an application form is available at the following website: [Click Here](#)
7. All proposed building(s) or structure(s) constructed on the property must comply with the prevailing California Building Code Standards.
8. Any building modifications and/or additions not included with this application are not approved with this special permit and would be subject to a new special permit.
9. A permit granted under the Fresno Municipal Code shall automatically expire if it is not exercised or extended within three years of its issuance. Refer to section 15-5013, Expiration of Planning Entitlements, for more information about the exercise of rights.

FENCES/WALLS, LANDSCAPING, PARKING

10. Nothing in the Development Code shall be deemed to prohibit the erection of temporary fencing around construction sites in compliance with the Building Code and other applicable provisions of the Fresno Municipal Code.
11. Future fences shall be reviewed and approved by the Planning and Development Department prior to installation.
12. Fences, hedges, and walls shall be maintained in good repair, including painting, if required, and shall be kept free of litter or advertising. Where hedges are used as screening, trimming or pruning shall be employed as necessary to maintain the maximum allowed height. Fences shall be maintained and shall stand upright and shall not lean.
13. All planting and other landscape elements shall be permanently maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Wherever necessary, plantings shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements. Yards shall be maintained free of refuse, debris, rubbish, or other accumulated matter and/or materials, and shall be maintained clean. Grass shall not exceed six inches in height.
14. New landscaping shall have an automatic irrigation system designed to provide adequate and efficient coverage of all plant material. Irrigation systems shall comply with the requirements of the California Green Building Standards Code and/or the California Model Water Efficient Landscape Ordinance and/or the California Plumbing Code as may be amended.

15. Trees shall be maintained by property owners to be free from physical damage or injury arising from lack of water, chemical damage, accidents, vandalism, insects, and disease. Any tree showing such damage shall be replaced with another tree.
16. No tree for which a Tree Removal Permit is required shall be removed until all conditions of the permit have been satisfied and the decision has become final. In addition, tree(s) approved for removal in conjunction with a development application shall not be removed before the issuance of a Building Permit or unless all of the conditions of approval of the development applications are satisfied.
17. The review authority shall issue a Tree Removal Permit if any of the following general criteria is met:
 - a) The tree(s) is irreparably diseased or presents a danger of falling that cannot be controlled or remedied through reasonable preservation and/or preventative procedures and practices so that the public health or safety requires its removal.
 - b) The tree(s) can potentially cause substantial damage to existing or proposed main structure(s) (e.g. dwellings, other main structures, or public infrastructure) or interfere with utility services and cannot be controlled or remedied through reasonable relocation or modification of the structure or utility services.
 - c) The retention of the tree(s) restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly zoned and situated properties, and the applicant has demonstrated to the satisfaction of the Review Authority that there are no reasonable alternatives to preserve the tree(s).
18. Landscaping must be in place before issuance of the certificate of occupancy. A Hold on Occupancy shall be placed on the proposed development until such time that landscaping has been approved and verified for proper installation by the Current Planning Division. (Include this note on the landscape plan.)
19. Future tenant improvements shall be reviewed and approved by the Planning and Development Department to ensure that adequate off-street parking is provided.
20. Trees required for parking lots are in addition to trees required elsewhere on the site as prescribed in other sections of the Fresno Municipal Code.
21. Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.
22. Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.

23. All accessible stalls shall be marked with the international symbol of spaces and a warning that vehicles in violation of Section 10-1017 of the Fresno Municipal Code shall be towed away. The international symbol and tow-away warning shall be posted conspicuously on seven-foot poles. (Include this note on the site plan.)
24. Applicants are encouraged to provide shared vehicle and pedestrian access between adjacent properties for convenience, safety, and efficient circulation. A joint access covenant shall be required. (Include this note on the site plan.)
25. All general standards of Section 15-2015 of the Fresno Municipal Code shall apply when lighting is provided to illuminate parking, sales or display areas. Depict all proposed lights on the site plan.
26. Bicycle parking spaces shall be supplied according to Table 15-2429-D: Required On-Site Bicycle Parking Spaces of the Fresno Municipal Code. Each bicycle parking space shall be a minimum of 30 inches in width and eight feet in length and shall be accessible without moving another bicycle. At least 30 inches of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways and at least five feet from vehicle parking spaces to allow for the maneuvering of bikes. Overhead clearance shall be a minimum of seven feet. A minimum five-foot aisle between each row of bicycle parking shall be provided for bicycle maneuvering beside or between each row, when multiple rows are proposed. Bicycle parking spaces shall not encroach into pedestrian ways, landscaped areas, or other required open spaces, and shall be located proximal to structures.
27. All general provisions of Section 15-2403 of the Fresno Municipal Code shall apply to all parking areas.
28. The parking lot is required to meet the City of Fresno's Parking Manual, Public Works Standards (P-21, P-22, and P-23) and Specifications. Parking must also comply with the California Building Code's accessibility requirements and the Fire and Solid Waste Department's minimum turning templates. Contact the Planning and Development Department for Parking Manual questions.

SIGNAGE

29. All future signs shall be architecturally compatible with the proposed building(s). Provide a set of drawings, with descriptive information, including materials, design, and colors to allow for a preliminary assessment of the future signage. It is recommended that you provide a copy of the signage early in the project process to allow for staff comment.
30. Signs, other than directional signs, if applicable, are not approved for installation as part of this special permit. (Include this note on the site plan.)
31. All proposed signs shall conform to the current sign ordinance. The submittal checklist for signs is available online at: [Click Here](#)
32. Window signs limited to the hours of operation, address, occupancy, and emergency information, subject to the following standards:

- a) Operational windows signs shall not be mounted or placed on windows higher than the second story.
 - b) The maximum area of exempt window signage shall not exceed three square feet in area.
33. Banners, streamers, moving signs, and inflatables (including air dancers, balloons, and similar objects) are allowed subject to Temporary Use Permit approval for establishments within Non-Residential Districts. Signs of this type do not count toward total maximum sign area. No sign per this section shall be displayed for more than 30 days, and a period of 30 must lapse before displaying another sign. Signs shall not be displayed for more than 60 total days during a calendar year.
34. Every sign displayed within the City, including exempt signs, shall be maintained in good physical condition and shall comply with adopted regulations. All defective or broken parts shall be replaced. Exposed surfaces shall be kept clean, in good repair, and painted where paint is required.

MISCELLANEOUS

35. Noise levels shall not exceed the decibel levels described in Section 15-2506 of the Fresno Municipal Code at any time, measured at the nearest subject property line.
36. No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the lot lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.
37. Lights shall be placed to deflect light away from adjacent properties and public streets, and to prevent adverse interference with the normal operation or enjoyment of surrounding properties. Direct or sky-reflected glare from floodlights shall not be directed into any other property or street. Except for public streetlights and stadium lights, no light, combination of lights, or activity shall cast light onto a residentially zoned property, or any property containing residential uses, exceeding one-half foot-candle.
38. No use shall be operated such that significant, direct glare, incidental to the operation of the use is visible beyond the boundaries of the lot where the use is located. Windows shall not cause glare that may disrupt adjoining properties, traffic on adjacent streets, etc. Glare or heat reflected from building materials shall be mitigated so as to not disrupt surrounding properties.
39. The address listed in the conditions of approval is the 'Official Address' given to the building. If you would like separate suite or unit numbers for a building, provide a floor plan and contact the City of Fresno Planning and Development Department for 'Official Addresses'. Only those addresses assigned by the City of Fresno will be recognized as 'Official Addresses'. The United States Post Office will only recognize addresses assigned by the City of Fresno. If a non-official address is given to a building and or/separate suites, the City of Fresno has the authority to charge a fee and have those addresses corrected. In addition, the United States Post Office will cease mail delivery to those addresses that are not 'Official Addresses'.

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

When a project involves one acre or more of construction activity (including, but not limited to, grading) the developer is required to obtain a stormwater discharge permit for construction, with a Notice of Intent (NOI) filed **prior to** commencement of any grading construction activity. Contact the Fresno office of the California Regional Water Quality Control Board at (559) 445-6281 regarding the required NOI and stormwater discharge permit. Additional information on California's construction stormwater regulation may be obtained from the Water Board via the internet:

www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml

Helpful information for preparing and implementing stormwater pollution prevention plans may also be obtained from the California Stormwater Quality Association via its website, www.casqa.org

When a project involves specified nonresidential activities (certain commercial and industrial activities), an ongoing industrial stormwater discharge permit is also required. Contact the Fresno office of the California Regional Water Quality Control Board at (559) 445-6281 to find out whether your project/business requires an industrial stormwater discharge permit, and to obtain details on securing this permit. Additional information on industrial stormwater regulations may be obtained from the following website: www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml,

The California Stormwater Quality Association has additional information on preparing stormwater pollution prevention plans for industrial activities (www.casqa.org).

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

45. Connection to a municipal water system is required unless approved measures are included in the project conditions of approval for an alternative water supply.
46. Connection to a municipal City of Fresno sewer system is required unless approved measures are included in the project conditions for alternative wastewater treatment facilities.
47. City of Fresno water and sewer connection charge obligations applicable to this project will be computed during the building construction plan check process and shall be payable at the time of issuance of building permit unless other arrangements have been approved to defer such payments to a later date. For information relating to water and sewer service requirements and connection charges, contact Frank Saburit at (559) 621-8797.
48. Open street cuts are not permitted; all utility connections must be bored.
49. CROSS-CONNECTION CONTROL. A backflow prevention device may be required on the water service. Contact the Department of Public Utilities, Water Division (559) 621-5300 for requirements relating to approved devices, locations, testing and acceptance. This requirement must be satisfied prior to final occupancy.
50. This project was reviewed by the Fire Department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on-site. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building and Safety Section of the Planning and Development when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building.
51. Open storage (outside an enclosed building) shall be limited to vehicles, boats, recreational vehicles, and trailers. Outdoor storage areas shall be screened from public view by building façades or solid fences. At the discretion of the Review Authority, the treatment of the ground surface of the open storage area may be gravel or other materials as prescribed by the San Joaquin Valley Air Pollution Control District, the Public Works Department, the Fire Department, and the Fresno Metropolitan Flood Control District. All open storage must be depicted on the site plan and described in operational statement. If it is not, it is not allowed on the site.
52. If video surveillance cameras are required or installed, provide signs under the surveillance cameras which notify the public that the subject property is monitored by video surveillance.

FEES

(Not all fees will be applicable to all projects.
Please reach out to Frank Saburit at (559) 621-8797 for fee questions.)

53. NOTICE TO PROJECT APPLICANT: In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

54. CITYWIDE DEVELOPMENT IMPACT FEES

- a) Traffic Signal Charge (Fresno Municipal Code Section 12-4.1101 to 12-4.1103) This project shall pay its Traffic Signal Mitigation Impact Fee at the time of building permit based on the trip generation rate(s) as set forth in the latest Master Fee Schedule. Refer to the adopted Master Fee Schedule for fee rate. This fee shall be paid at the time of building permit.
- b) Fire Facilities Fee (Fresno Municipal Code Section 12-4.901 to 12-4.906) (based on building square footage, or residential units)
- c) Police Facilities Fee (Fresno Municipal Code Section 12-4.801 to 12-4.806) (based on building square footage, or residential units).
- d) Parks Facilities Fee (Fresno Municipal Code Section 12-4.701 to 12-4.706) (based on the number of residential units)

55. CITYWIDE REGIONAL AND NEW GROWTH MAJOR STREET IMPACT FEES (Fresno Municipal Code Section 12-4.1006).

- a) Street Impact Fees shall be due and payable at the time of building permit issuance unless otherwise required by State law.
- b) Street Impact Fees will be a condition on all development entitlements granted.

56. FRESNO COUNTY FACILITY IMPACT FEE

Fresno County adopted a Facilities Impact Fee, but the requirement to pay this fee was subsequently suspended by Fresno County. If the fee has been reinstated at the time of issuance of building permits for this project, or an alternative fee system has been adopted by Fresno County, proof of payment or payment of this fee will be required for issuance of building permits.

57. REGIONAL TRANSPORTATION MITIGATION FEE (RTMF)

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

58. SCHOOL FEES

School fees must be paid, if required, prior to the issuance of building permits. Contact the applicable school district to obtain fee amount. Provide proof of payment (or no fee required) prior to the issuance of building permits.

59. FRESNO METROPOLITAN FLOOD CONTROL DISTRICT (FMFCD) FEES

- a) A FMFCD Development Fee is required for the review of proposed development projects, including applications for plan amendments, rezones, special permits, subdivisions, and grading plans. This fee is based on project acreage and must be paid directly to FMFCD in order for that agency to review projects and provide a Notice of Requirements. For more information, contact the FMFCD at (559) 456-3292.
- b) FMFCD drainage fees are due, if required, prior to issuance of building permits and are payable at the rate in place at the time of building permit issuance. Unpaid drainage fee obligations that were unpaid for a prior project at the site of a new project must be satisfied by the developer of the new project. Drainage fees may be paid at the Planning and Development Department prior to, or at the time of building permit issuance. They may also be paid directly to FMFCD, and proof of payment provided to the City, in order to obtain construction permits.

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

- a) Lateral Sewer Charge (based on property frontage to a depth of 100')
- b) Oversize Sewer Charge (based on property frontage to a depth of 100')
- c) Wastewater Facilities Charge
- d) Trunk Sewer Charge

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

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

- a) Frontage Charge (based on property frontage)
- b) Service Charges (based on service size required by applicant)
- c) Meter Charges (based on service need)
- d) Water Capacity fee (based on size of meter)

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

63. Any survey monuments within the area of construction shall be preserved or reset by a person licensed to practice land surveying in the State of California.
64. Repair all damaged and/or off-grade concrete street improvements as determined by the Construction Management Engineer, prior to occupancy.
65. Two working days before commencing excavation operations within the street right-of-way and/or utility easements, all existing underground facilities shall have been located by underground services.
66. The performance of any work within the public street right-of-way requires a street work permit prior to commencement of work. All required street improvements must be completed and accepted by the City prior to occupancy.
67. Contact the Public Works Department, Traffic Engineering at (559) 621-8800, 10 working days prior to any off-site concrete construction.
68. For Standard Drawings [Click Here](#)
69. For Traffic Planning's website with useful links, additional notes, a sample of legend, Parking Manual and Traffic Study Checklist [Click Here](#).
70. Traffic Planning Checklist [Click Here](#).
71. For Traffic Study questions please contact Jill Gormley at (559) 621-8792 or via email at Jill.Gormley@fresno.gov.

Draft - Not valid unless approved by PC



October 5, 2020

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 Division

Re: SPECIAL PERMIT NO. ABCUP P19-04757
The Yard
3722 N. Brawley Ave
Fresno, CA 93722
A.P.N. 4330454

Dear Mr. Young,

The City of Fresno has requested that the Fresno Police Department review the application of the property development at **3722 N. Brawley Ave.** The property has been zoned IL (Light Industrial). The Fresno Police Department's primary concern with the application is the propensity of the premises to generate calls for police service, and therefore, be detrimental to the public welfare. We understand that the applicant requests authorization to upgrade to a **Type 21 Alcoholic Beverage Control license (sale of beer, wine and distilled spirits for consumption off the premises were sold).**

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. We request the following conditions be included as Conditions of Approval for Conditional Use Permit Application No. P19-04757. 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**. If the Planning Commission approves the Conditional Use Permit, the Fresno Police Department has included the listed conditions. As such, we request that you provide Detective S. Calvert #P1624 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. P19-04757 the applicant must install a fully functional color digital video camera system ("System") that meets the following requirements:

3.1 The System must continuously record, store, be capable of playing back images and be fully functional at all times, including during any hours the business is closed. The System must be maintained in a secured location inside of the business.

3.2 The System shall have the correct date and time stamped onto the image at all times.

3.3 The camera storage capacity should be for at least one week (seven calendar days). Such cameras must be capable of producing a retrievable and identifiable image than can be made a permanent record and that can be enlarged through projection or other means.

3.4 Digital video recorder must be capable of storing at least seven days of real-time activities.

3.5 The System shall be capable of producing a CD or digital playback feature and may be provided to an authorized representative of the Fresno Police Department within 24 hours of the initial request relating to a **criminal investigation only**.

3.6 The interior of the business must have at least one camera placed to focus on each cash register transaction to include the clerk as well as the customer waiting area. There should be at least one camera focused on the entrance and the camera view should clearly show an image of the color coded height tape installed on the inside of the door jamb.

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

3.8 All interior cameras shall record in color.

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

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

4. ABC Education

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

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

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

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

5. Sale of Malt and Wine-Cooler Alcoholic Beverages

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

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

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

6. Wine Alcohol Per Volume

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

7. Spirits:

Spirits shall only be kept behind the counter and not in arms' length of customers. No spirits will be allowed where wine and beer is displayed at any time.

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.

To prevent the unwanted loitering, camping, or trespassing of unwanted person or people, this establishment shall ensure that all exterior power outlets and water spigots are locked or turned off and install motion-activated exterior lighting for after hours. Canopies of mature trees are maintained at least 8 feet above the ground and bushes trimmed to eliminate hiding places. Landscapes around lighting fixtures shall be trimmed, maintained, or removed to prevent blocking the light output of its designated area. The dumpster enclosure shall be locked and secured after business hours and properly maintained.

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. **Security Plan:**

The establishment will develop and maintain a written security plan for the licensed location which is acceptable to the Fresno Police Department’s Area Commander or designee. This plan may be amended as circumstances warrant from time to time by obtaining the agreement of such Fresno Police Department representative.

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

FRESNO POLICE DEPARTMENT

 Date: 10/7/20

Captain Burke Farrah
Northwest District Commander

 Date: 10/6/2020

Sergeant Brian Pierce
Northwest District Supervisor

 Date: 10.5.20

Detective Sean Calvert
Northwest POP



**CENTRAL UNIFIED SCHOOL DISTRICT
FACILITY PLANNING**

4605 N. Polk Avenue · Fresno, CA 93722
Phone: (559) 274-4700 · Fax: (559) 275-0394

Joseph Martinez, Director, Facility Planning/Const. Mgmt.
Tatum Toste, Facilities Planning Manager
John Rodriguez, Construction Projects Coordinator

November 18, 2020

Thomas Veatch
City of Fresno Planning and Development
2600 Fresno Street
Fresno CA 93721-3604

Subject: P19-04757 Conditional Use Permit

This letter is in response to the proposed conditional use permit and transfer of a Type-21 alcohol license. The District has confirmed the proposed establishment to be outside of the ABC distance limits for schools.

The current developer fee rate for commercial developments within the Central Unified School District boundary is \$0.66 per square foot. Developer fee rates are reviewed and assessed annually, therefore, making them subject to change.

Should you need further information or have any questions, please contact me at (559) 274-4700 ext. 63102 or via email at tatumtoste@centralusd.k12.ca.us.

Sincerely,

Tatum Toste
Central Unified School District
Facilities Planning Manager