

Exhibit J-1
Draft Conditions of Approval for
ABCUP P22-03906

City Council Hearing:

Consideration of Conditional Use Permit Application No. P22-03906

**City of Fresno
Planning and Development Department**

**DRAFT Conditions of Approval
June 6, 2024**

Conditional Use Permit Application No. P22-03906

Planner: Steven Martinez
Steven.Martinez@fresno.gov

PROJECT DESCRIPTION

Conditional Use Permit Application No. P23-00593 was filed by Felipe Ceballos, on behalf of Baldev Khela of Circle D gas station, and pertains to an existing to ± 2,939 square-foot gas station and convenience store located on a ±0.60-acre developed site located on the southeast corner of North Fresno Street and East Olive Avenue.

The establishment previously operated with a Type 21 alcohol license at this location. However, due to a fire in 2018, the use ceased operations and considered abandoned pursuant to Fresno Municipal Code Section 15-404(F)(3). Conditional Use Permit Application No. P23-03906 requests to reestablish a State of California ABC Type 21 (Off-Sale Beer, Wine, & Distilled Spirits) alcohol license for the Circle D gas station and convenience store.

The hours of operation will be 6:00 a.m. to 2:00 a.m., 7 days a week.

**APN: 452-081-17S
ADDRESS: 2520 E OLIVE AVE, FRESNO, CA 93701
ZONING: CG
(Commercial General)**

PART A - ITEMS TO BE COMPLETED

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

Planner to check when completed.	
<input type="checkbox"/>	Development shall take place in accordance with Exhibits O, A, E, F dated May 24, 2023.
<input type="checkbox"/>	This special permit approval shall comply with all applicable provisions of Section 15-2706 of the Fresno Municipal Code (FMC) for alcohol sales for the Responsible Neighborhood Market Act.
<input type="checkbox"/>	Daily alcohol sales shall not occur between the hours of 2 a.m. and 6 a.m.
<input type="checkbox"/>	Operator shall maintain site and facilities free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.
<input type="checkbox"/>	Demonstrate compliance with FMC Section 15-2706-S (Cancel and Transfer) prior to issuance of a State of California Alcoholic Beverage Control Type 21 (beer, wine, and distilled spirits for consumption off premises where sold).

	<p>Each ABC license that is canceled also includes surrender of the alcohol-sales portion of all related Conditional Use Permits and waiver of any legal non-conforming use rights related to the sale of alcohol for off-site consumption.</p> <ul style="list-style-type: none"> • Provide a letter of acknowledgement from the store owner(s)/operator(s) that will be surrendering the alcohol-sales portion of all related Conditional Use Permits associated with their store/operation.
<input type="checkbox"/>	<p>The display and sale of grocery products, fresh produce, and alcoholic beverages shall occur in accordance with the operational statement dated November 3, 2023.</p> <ul style="list-style-type: none"> • No less than 70% of the mercantile area shall be dedicated to grocery sales. • No less than 10% of the mercantile floor area shall be dedicated to the sale of fresh produce. • Should the area dedicated to fresh produce be reduced to less than 10%, the display and sale of alcoholic beverages shall cease until the area dedicated to fresh produce is restored to at least 10%.

PART B - OTHER AGENCY COMMENTS AND CONDITIONS

<p>To be checked when completed where applicable.</p>	
<input type="checkbox"/>	<p>1. Fresno County Environmental Health Department:</p> <ul style="list-style-type: none"> • Should the facility undergo remodel, 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. • The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the City of Fresno Municipal Code.
<input type="checkbox"/>	<p>2. Police Department: Comply with the attached Fresno Police Department Memorandum and Security Plan dated July 20, 2023.</p>

PART C – PLANNING DEVELOPMENT CODE STANDARDS

Alcohol Use Requirements

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

PART D – OPERATIONAL REQUIREMENTS

1) Planning/Zoning/Environmental Compliance Requirements

- a) Operation shall take place in accordance with the Fresno Municipal Code, Fresno High-Roeding Community Plan, CG (*Commercial General*) zone district, and all other applicable sections of the Fresno Municipal Code.
- b) Operations and development of the subject property shall occur in accordance with all requirements included within Section 15-2706 of the FMC pertaining to uses with Alcohol Sales, including but not limited to, the following:
 - i) Landscaping.
 - New Buildings. Landscaping shall be provided per the underlying District.
 - Existing Buildings. Perimeter landscaping and Parking Lot Shading shall be provided per the underlying district. The Review Authority, at their discretion, may make exceptions to the prescribed standards, however, in no case shall the reduction result in a net reduction of 35 percent or greater in the amount of landscaping provided. Landscaping may also be aggregated to minimize the impact on existing parking areas.
 - ii) Lighting. The exterior of the premise, including adjacent public sidewalks and all parking lots under the control of the establishment, shall be illuminated during all hours of darkness during which the premises are open for business in a manner so that persons standing in those areas at night are identifiable by law enforcement personnel. However, required illumination shall be placed and/or shielded in a way that minimizes interference with the neighboring residences.
 - iii) Litter and Graffiti.
 - Trash and recycling receptacles shall be provided by public entrances and exits from the building.
 - The owner or operator shall provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 20 feet of the premises.
 - The owner or operator shall remove graffiti within 48 hours.
 - iv) Pay Phones and Vending Machines. External pay phones and snack vending machines are prohibited.
 - v) Video Surveillance.
 - Establishments must equip a fully functional color digital video camera system.
 - The system must continuously record, store, and be capable of playing back images and be fully functional at all times, including during any hours the business

is closed. The system must be maintained in a secured location inside of the business.

- The system shall have the correct date and time stamped onto the image at all times.
- The camera storage capacity should be for at least two weeks (14 calendar days). Such cameras must be capable of producing a retrievable and identifiable image than can be made a permanent record and that can be enlarged through projection or other means.
- If utilizing a digital video recorder, it must be capable of storing at least 14 days of real-time activities.
- The system shall be capable of producing a CD or digital playback feature and may be provided to an authorized representative of the Fresno Police Department within 24 hours of the initial request relating to a criminal investigation only.
- The interior of the business must have at least one camera placed to focus on each cash register transaction to include the clerk as well as the customer waiting area.
- There shall be four exterior cameras placed so as to record activities in the primary customer parking areas of their business. These cameras should be of sufficient quality to be able to identify persons and or vehicles utilizing the business parking lot.
- All interior cameras shall record in color.
- All exterior cameras shall record in color and have automatic low light switching capabilities to black and white. Exterior cameras should be in weatherproof enclosures and located in a manner that will prevent or reduce the possibility of vandalism.

vi) Signage.

- The provisions specified under Article 26, Signs and this subsection shall apply. Where conflict may occur between the provisions of Article 26 and this subsection, the more restrictive provisions shall govern.
- The following copy is required to be prominently posted in a readily visible manner on an interior wall or fixture and not on windows:
"California State Law Prohibits the Sale of Alcoholic Beverages to Persons Under 21 Years of Age."
"No Loitering is Allowed On or In Front of These Premises."
"No Open Alcoholic Beverage Containers are Allowed on These Premises."
- No more than 15 percent of the square footage of each window and clear door that is visible to the public from a public thoroughfare, sidewalk, or parking lot of an off-sale alcohol retail outlet shall bear advertising, signs, or other obstructions of any sort.

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

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

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

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

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

viii) Training. The owners and all employees of the establishment who are involved in the sale of alcoholic beverages must complete approved course(s) in training of liquor sales and handling within sixty days after approval of the Conditional Use Permit becomes final, or for employees hired after the approval of the Conditional Use Permit, within sixty days from the date of hire. To satisfy this requirement, a certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service (CCC/RBS) or other certifying or licensing body designated by the State of California.

ix) Compliance with Laws. The establishment must remain in compliance with all local, State, and federal laws, regulations, and orders, as well as all conditions of approval imposed on the use. This includes compliance with annual City business license fees.

x) Posting of Conditions. A copy of all conditions of approval and training requirements shall either be posted in a conspicuous and unobstructed place near the entrance, cashier counter, or customer service area of the establishment or posted in an

employee area and provided upon request (e.g. via flyer or brochure) to patrons and enforcement officials.

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

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

xii) Cancel and Transfer.

- New establishments shall transfer and cancel ABC licenses in good standing as set forth in Table 15-2706 below, from within a Council District identified as having an overconcentration of ABC licenses for off-sale use, as determined by the Director following review of data prepared by the California Department of Alcoholic Beverage Control. The ABC license will be submitted to the Alcoholic Beverage Control for permanent cancellation. A canceled ABC license cannot be reactivated or reinstated.
 - Each ABC license that is canceled also includes surrender of the alcohol-sales portion of all related Conditional Use Permits and waiver of any legal non-conforming use rights related to the sale of alcohol for off-site consumption.
 - Exemptions.
 - a. The Cancel and Transfer requirements shall not apply when an establishment is required to relocate as the result of a taking by eminent domain and a license transfer to a new establishment site is necessary due to such taking.
 - b. Existing establishments that seek to expand their floor area or extend their operating hours.
 - c. Existing establishments that seek to relocate if the proposed relocation meets the requirements of Section 15-2706.F.7.
- c) Operation shall take place in accordance with the attached “Notes and Requirements for Entitlement Applications” as applicable.
- d) Property development standards and operational conditions are contained in Articles 12, 20, 23, 24 and 25 of the FMC. Any project revisions, development, and operation must comply with these property development standards and operational conditions.

PART D – OPERATIONAL REQUIREMENTS

1. Miscellaneous Requirements

- a. Building plans and permits are required.

- b. Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:
- i) All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;
 - ii) All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
 - iii) Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.
- c. Approval of this site plan may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The Planning and Development Department shall not assume responsibility for any deletions or omissions resulting from the Development Permit process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this site plan or subsequent amendments or revisions.

COMPLIANCE PROCESS

Please Note: To complete the compliance process, submit **an electronic copy** of the corrected site plan and corrected elevations to ***Steven Martinez*** in the Planning and Development Department for final review and approval at least 15 days prior to final sign off. These documents can be uploaded electronically to the citizen access portal at <https://aca-prod.accela.com/FRESNO/Default.aspx>. It may be necessary to resubmit these “corrected exhibits” a second time if not all the conditions have been complied with or are not shown on the exhibits.

EXPIRATION

The exercise of rights granted by these special permits must be commenced by **June 6, 2027**, (three years from the date of approval), pursuant to FMC Section 15-5013. An extension of up to one additional year may be granted, provided that the findings required under FMC Section 15-5013-A.1 are made by the Director. All required improvements must be installed prior to the operation of the proposed use.

Pursuant to Section 15-5308 of the FMC an expiration date of seven years from the date of approval has been established for Conditional Use Permits. Therefore, the approval for P22-03906 shall expire on **June 6, 2031** and a new conditional use permit must be obtained prior to that expiration date for the use only (not the physical structure(s)).

If you have any questions regarding this letter, feel free to contact me.

Sincerely,

Steven Martinez | Planner
Planning and Development Department

Enclosures:

- ❖ Exhibits O, A, E, F dated May 24, 2023
- ❖ Fresno Unified School District Memorandum dated May 24, 2023
- ❖ Fresno Police Department Memorandum dated July 20, 2023
- ❖ Security Plan dated July 20, 2023
- ❖ General Notes and Requirements for Entitlement Applications

Circle "D" Food & Liquor
2520 E. Olive Ave. Fresno CA 93701

APPL. NO. P22-03906	EXHIBIT O	DATE 05/24/2023
PLANNING REVIEW BY _____		DATE _____
TRAFFIC ENG. _____		DATE _____
APPROVED BY _____		DATE _____
CITY OF FRESNO DARM DEPT		

Operational Statement

P22-03906

The refurbished neighborhood convenience store building and gas station is located at 2025 E. Olive Ave., Fresno CA 93701 with an APN 452-081-17S. The current zoning for the area is "CC" with a planned land use of "CG" – Community General. The proposed improved facility consists of a 2932 SF community convenience store, 4 gasoline dispensing stations and 12 parking spaces.

The ABC department issue the original type 21 Off-Sale General license on July 5, 2012, which was surrendered back to the department on April 23, 2018, as a result of a structure fire. The owners at the time indicated their intent to renovate the facility and reactivate the license at a future time. Due to complications with the insurance claim the repair work could not be done until this year and finally the facility renovation is near completion.

The Owners are seeking to reactivate the original ABC type 21 Off-Sale General license to sell alcoholic beverages.

The store is tailored to the needs of the local community and provides a variety of essential products such as milk, bread, eggs, salads, fruits, sandwiches, chips, candy, soda, coffee, fountain drinks, juices, ice cream, canned food, frozen food, pastries and prepared foods like hotdogs, burritos, etc.

4 doors of the merchandizing refrigerator are dedicated to different brands of beer, 2 doors for wine and a 4' wide X 8' high X 10" deep shelves for liquor display.

The proposed hours of operation are from 5:30 am to 2:30 am, 7 days a week. There will be 2-3 employees per shift. Products and goods are delivered twice per week. Gasoline is normally delivered once a month and occasionally a second delivery when needed. Thrash is picked up once a week. The number of visitors is expected to be between 90 and 100 per day.

Staff receive training in maintaining store security and deterring potential crimes, including steps to take in the event of a robbery. There is also a surveillance cameras system including close-circuit cameras with audio capabilities and an alarm system.

The owners implement a comprehensive training program focused on the safe and legal sale of age restricted products and prevent the sale of alcoholic beverages to minors or intoxicated persons. A program refresher is required every year.

Size appropriate advertisement signs will be installed at the top of the building elevations facing the street. The building mounted lights illuminating the signs will not impact the adjacent properties. Pole mounted parking lights will be shielded to prevent glare and reflection into neighboring properties. The building mounted lights and pole mounted parking lights will provide a well lit and safe area around the site.

APPL. NO. P22-03906 EXHIBIT A DATE 05/24/2023
 PLANNING REVIEW BY _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 APPROVED BY _____ DATE _____
 CITY OF FRESNO DARM DEPT

Project Data

- Scope of Work:
- RENOVATE (E) CONVENIENCE STORE
 - ADD TWO MORE GASOLINE PUMP STATIONS AND EXTEND (E) CANOPY
 - CLOSE OFF (E) EAST DRIVEWAY AND APPROACH AND TURN IT INTO NEW LANDSCAPE AREA

Owner: Baldev and Jasjit Khela
 11770 N. Bella Vista
 Fresno California 93730
 (559) 548-7492
 jasjitkhela@yahoo.com

Project Address: 2520 E. Olive
 Fresno, California 93701

A.P.N.: # 452-081-17S

Existing General Plan Use:
 Commercial General

Existing Zone District: CG

- Article 67 Use Classification:
- Liquor Store
 - Food and Beverage Sales
 - corner commercial

Site Coverage Summary

Project Site Area:	24,988 s.f.
(E) Building Data:	2,932 s.f.
Proposed Canopy Area:	777 s.f.
Building Coverage:	4,992 s.f. 20%
Concrete Paved Area:	14,620 s.f. 58%
AC Paved Area:	4,417 s.f. 18%
Landscaping Area:	1,587 s.f. 6%
Floor Area Ratio:	2,932 s.f. / 24,988 s.f. = 12%

Legal Description

LOTS 8 THRU 15 INCLUSIVE IN BLOCK 3 OF THE LISENY TRACT, IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO MAP RECORDED IN VOLUME 4 OF RECORD OF SURVEYS, AT PAGE 29, FRESNO COUNTY RECORDS.

EXCEPTING THEREFROM THE SOUTH 42.5 FEET OF LOTS 12 THRU 15

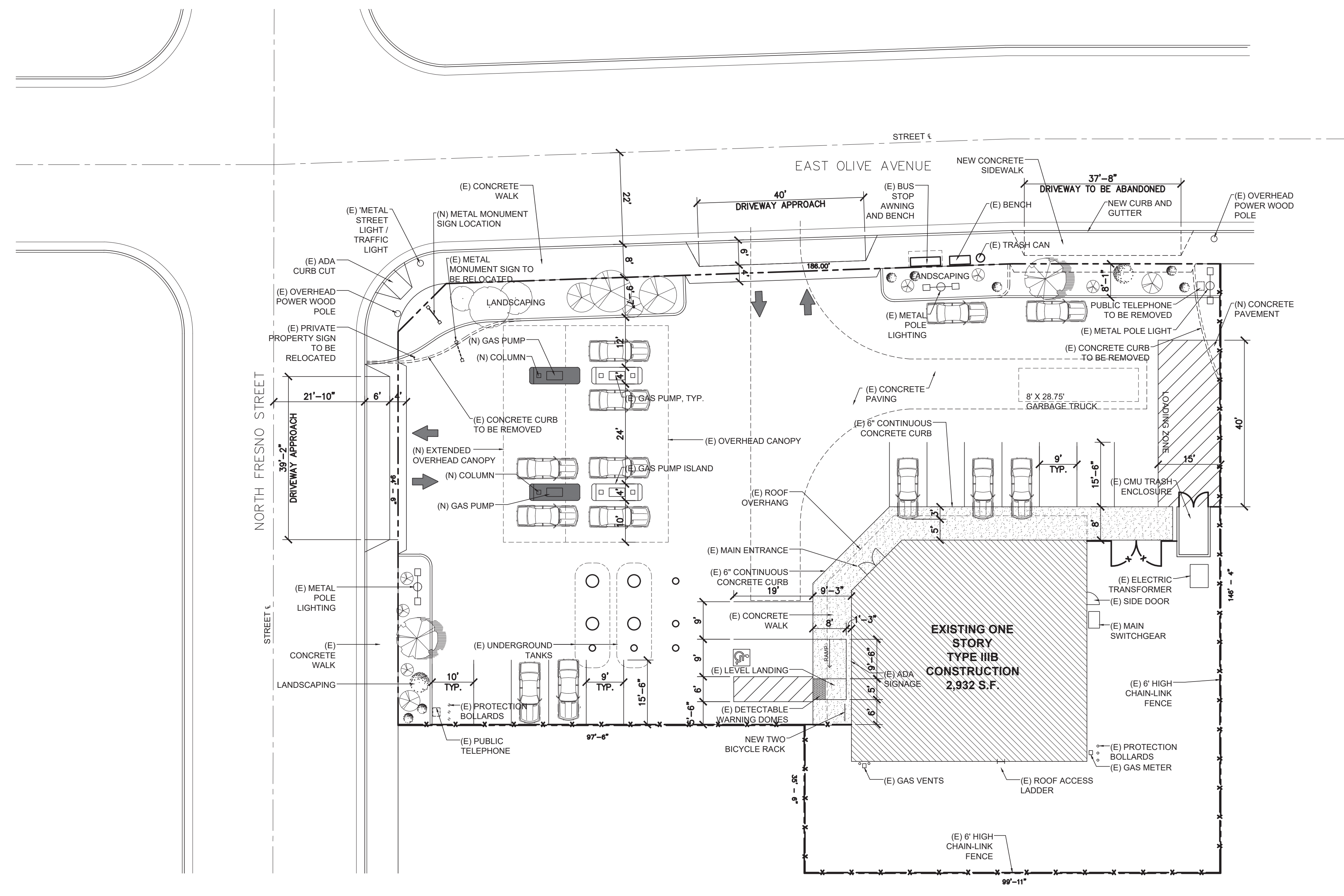
ALSO EXCEPTING THEREFROM THE WEST 10 FEET OF SAID LOT 15

EXCEPTING AND RESERVING THEREFROM ALL OIL, GAS AND OTHER HYDROCARBONS, NON-HYDROCARBON GASSES OR GASEOUS SUBSTANCES, ALL OTHER MINERALS OF WHATSOEVER NATURE, WITHOUT REGARD TO SIMILARITY TO ABOVE-MENTIONED SUBSTANCES; AND ALL SUBSTANCES THAT MAY BE PRODUCED THEREWITH FROM SAID REAL PROPERTY, BELOW THE DEPTH OF 500 FEET, AS EXCEPTED AND RESERVED IN DEED EXECUTED BY CHEVRON U.S.A., INC., A CORPORATION, RECORDED ON SEPTEMBER 30, 1986, AS DOCUMENT No. 86113640

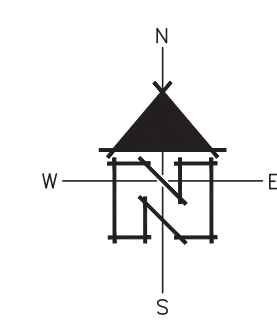
Required Notes

- 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
- REPAIR ALL DAMAGED AND/OR OFF-GRADE CONCRETE STREET IMPROVEMENTS, AS DETERMINED BY THE CONSTRUCTION MANAGEMENT ENGINEER, PRIOR TO OCCUPANCY
- 2 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 ALERT (USA). CALL 1-800-542-2444

Vicinity Map



Site Plan
 SCALE: 1/16" = 1'-0"



<p>Rev. Date: _____</p> <p>PLAN CHECK REVIEW CORRECTIONS</p> <p>Number: _____</p> <p>Revision Description: _____</p>	<p>Issue Date: _____</p> <p>Date: _____</p> <p>Designer: _____</p> <p>DR: _____</p> <p>PC: _____</p>
<p>Site Plan</p>	
<p>Project Name & Address:</p> <p>Felipe Ceballos 5714 N. Prospect Avenue Fresno, California 93711 (559) 408-4888</p>	
<p>Circle D Food & Liquor 2520 E. Olive Avenue Fresno, CA 93701 (559) 498-0710</p>	
<p>Stamp(s): _____</p>	
<p>Job No.: _____</p>	
<p>Sheet No.: _____</p> <p style="font-size: 2em; font-weight: bold;">A-1</p>	
<p>Release Date: _____</p>	



South Elevation



North Elevation



West Elevation



East Elevation

APPL. NO. P22-03906 EXHIBIT E DATE 05/24/2023
 PLANNING REVIEW BY _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 APPROVED BY _____ DATE _____
 CITY OF FRESNO DARM DEPT

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Rev. Date:	02/13/18	
Number	Revision Description:	
1	PLAN CHECK REVIEW CORRECTIONS	
2		
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Issue Date: _____ Date: _____ Designer: _____
 DR: _____ PC: _____

EXTERIOR ELEVATIONS

Project Name & Address:

Felipe Ceballos
 5714 N. Prospect Avenue
 Fresno, California 93711
 (559) 408-4888

Stamp(s):

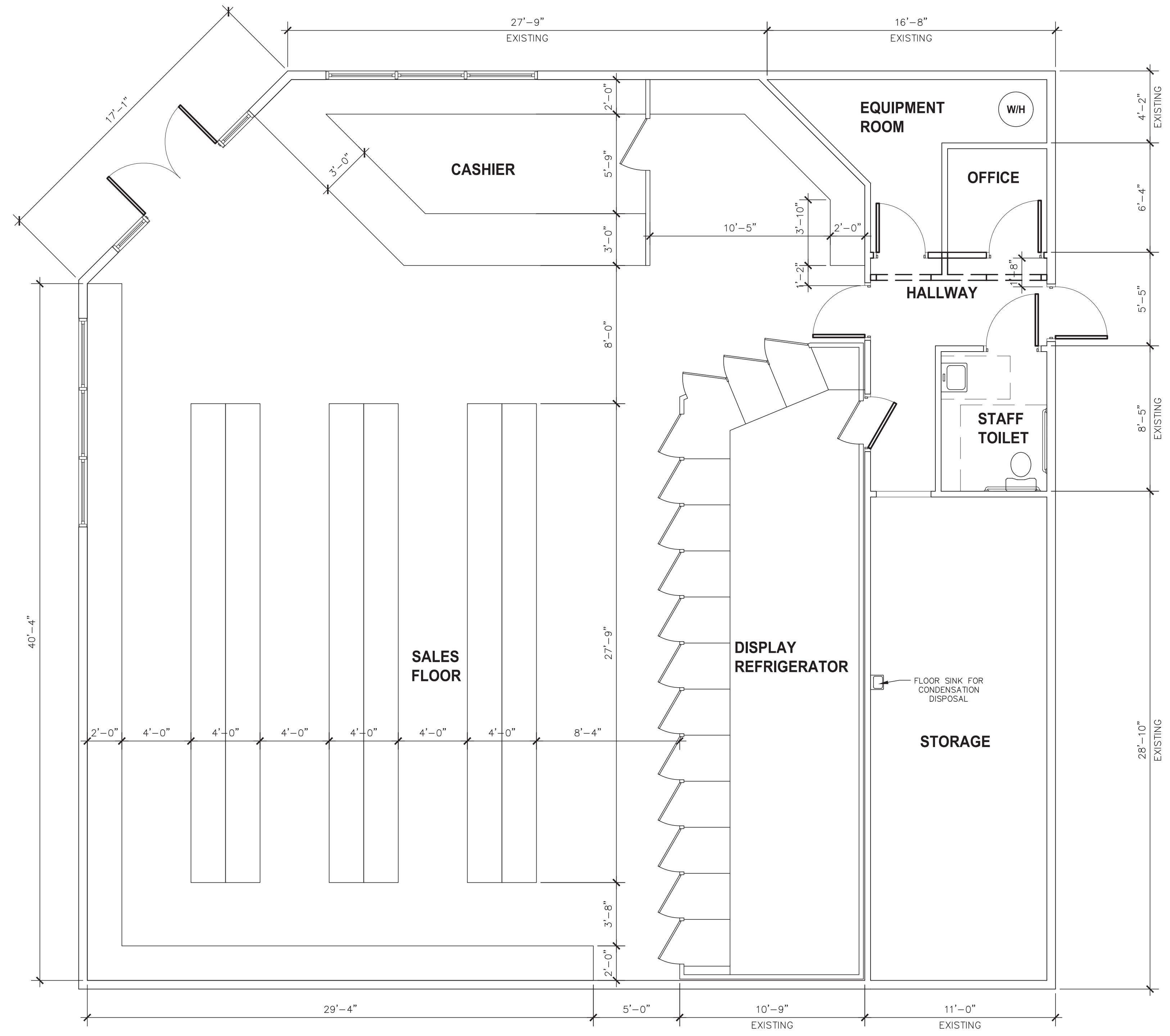
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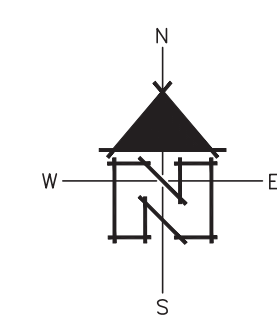
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A-5

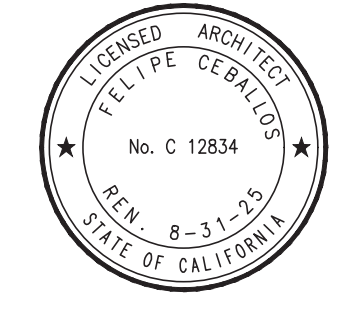
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Floor Plan
SCALE: 1/4" = 1'-0"



APPL. NO. P22-03906 EXHIBIT F DATE 05/24/2023
 PLANNING REVIEW BY _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 APPROVED BY _____ DATE _____
CITY OF FRESNO DARM DEPT

Project Name & Address: Circle D Food & Liquor 2520 E. Olive Avenue Fresno, CA 93701 (559) 498-0710		Consultant: Felipe Ceballos 5714 N. Prospect Avenue Fresno, California 93711 (559) 408-4888																					
Sheet Title: FLOOR PLAN		Issue Date: _____ Date: _____ Designer: _____ DR: _____ PC: _____																					
Stamp(s): 		PLAN CHECK REVIEW CORRECTIONS <table border="1"> <tr><td>1</td><td>✓</td></tr> <tr><td>2</td><td>✓</td></tr> <tr><td>3</td><td>✓</td></tr> <tr><td>4</td><td>✓</td></tr> <tr><td>5</td><td>✓</td></tr> <tr><td>6</td><td>✓</td></tr> <tr><td>7</td><td>✓</td></tr> <tr><td>8</td><td>✓</td></tr> <tr><td>9</td><td>✓</td></tr> <tr><td>10</td><td>✓</td></tr> </table>		1	✓	2	✓	3	✓	4	✓	5	✓	6	✓	7	✓	8	✓	9	✓	10	✓
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SUPERINTENDENT

Robert G. Nelson, Ed.D.

May 24, 2023

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

**SUBJECT: APPLICATION NO. P22-03906
2520 E. OLIVE AVE.**

Dear Mr. Martinez,

In response to the City's request for comments on the pending application referenced above, Fresno Unified School District (FUSD) has the following comments and concerns.

The existing "Circle 'D' Food & Liquor" convenience store located at 2520 East Olive Avenue is requesting authorization to establish a State of California Alcoholic Beverage Control Type 21 (*Package Store – sale of beer, wine, and distilled spirits for consumption off the premises where sold*) alcohol license. It is located within approximately 700 feet from Webster Elementary 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." Per California Business and Professions Code Section 23789(b), "The department is specifically authorized to refuse the issuance, other than renewal or ownership transfer, of any retail license for premises located within at least 600 feet of schools and public playgrounds or nonprofit youth facilities, including, but not limited to, facilities serving Girl Scouts, Boy Scouts, or Campfire Girls. This distance shall be measured pursuant to rules of the department." The District **does not support** the alcohol license request 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 District levies a commercial/industrial development fee and the current fee rate is \$0.78 per square foot. Any new development on the property will be subject to the development fee prior to issuance of a building permit and fees will be calculated pursuant to the rate effective at the time of payment. However, if no new square footage is 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, Chief Executive
Operational Services

AB:hh

c: Denise Romero, Principal, Webster Elementary School

DWC



POLICE DEPARTMENT

Central District / Problem Oriented Policing (P.O.P.)

3502 N. Blackstone Ave, Suite #201

Fresno, CA 93726

(559) 621-6208 / Justin.boyter@Fresno.Gov



Paco Balderrama
Chief of Police

July 20, 2023

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

Attn. Erik Young, Planner III

Re: SPECIAL PERMIT NO. P22-03906
Circle D Food & Liquor
2520 E. Olive Ave., Fresno, CA 93701
APN# 45208117

Dear Planner Eric Young,

Pursuant to your Department’s request, the Fresno Police Department has reviewed the special permit application for property located at **2520 E. Olive Ave.** The property has been zoned **CG (Commercial General)**. The Fresno Police Department’s primary concern with the application is the propensity of the operations on the premises to generate calls for police service, and therefore, be detrimental to the public welfare.

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

1. All applicable provisions of the Fresno Municipal Code are complied with and the site of the proposed use is adequate in size and shape to accommodate the use, and all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,
2. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,
3. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. This third finding shall not apply to uses which are subject to the provisions of Section 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 general Type 21 ABC license** (*package store – sale of beer, wine, and distilled spirits for consumption off of the premises*). We request the following conditions be included as Conditions of Approval for Conditional Use Permit Application No., **P22-03906**. These conditions will help to insure maintain an environment that is least likely to generate criminal activity, public complaints and police calls for service. We understand from the Operational Statement that the applicant intends to operate this establishment between the hours of:

Business Operation:

Seven Days Per Week – 5:30 a.m. – 2:00 a.m.

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., **P22-03906** 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 Curtis Bunch 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 9-1804 (Restriction on Attendance of Minors)
- FMC 9-1805 (Minors allowed)
- FMC 10-105 (Noise Ordinance)
- FMC 10-708 (Unlawful Nuisances - High Calls for Police Service)
- FMC 15-2705 (Adult-Oriented Businesses)

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:

- B&P 24046 (Required to Post ABC License on Premises)
- B&P 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)
- B&P 25631 (No sale of alcoholic beverages between 2:00 a.m. and 6:00 a.m.)
- B&P 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. **P22-03906** the applicant must install a fully functional color digital video camera system ("System") that meets the following requirements:

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

- 3.2 The System shall have the correct date and time stamped onto the image at all times.
- 3.3 The camera storage capacity should be for at least two weeks (fourteen calendar days). Such cameras must be capable of producing a retrievable and identifiable image than can be made a permanent record and that can be enlarged through projection or other means.
- 3.4 Digital video recorder must be capable of storing at least fourteen 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** (1) camera placed to focus on each cash register transaction to include the clerk as well as the customer waiting area.
- 3.7 There shall be at least **four** (4) exterior cameras placed so as to record activities in the primary customer parking areas of their business. These cameras should be of sufficient quality to be able to identify persons and or vehicles utilizing the business parking lot.
- 3.8 All interior cameras shall record in color.
- 3.9 All exterior cameras shall record in color and have automatic low light switching capabilities to black and white. Exterior cameras should be in weatherproof enclosures and located in a manner that will prevent or reduce the possibility of vandalism.

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

4. ABC Education

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

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

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

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

5. Prohibited Products

The sale or distribution of one of more of the following shall be prohibited:

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

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 **10:00 p.m. and 1:00 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


Date: 7/20/23
Detective Justin Boyter #P1996
Central District-Investigations/POP


Date: 7/24/2023
Sergeant Daniel Macias #S136
Central District POP/Invest Sergeant


Date: 7/28/23
Lieutenant Steven Card #L53
Central District Lieutenant


Date: 8/1/23
Captain Robert Beckwith #CP23
Central District Captain


Date: 8/1/23
Deputy Chief Burke Farrah #DC13
Patrol Division Commander

**Standard Security Plan
On-site Sales**

Conditional Use Permit Application No. P22-03906

Business Name: CIRCLE D FOOD & LIQUOR

Address: 2520 E. OLIVE AVE.

Maximum Permitted Occupancy: 11 OCCUPANTS (Per Fresno Fire Department)

The requirements of this Security Plan address issues inside and outside of the establishment, including the safety and security of the business, as well as the immediate surrounding areas. All establishments shall comply with the requirements outlined below, as applicable.

Security Measures Applicable to All Establishments

- 1. Onsite Manager:** A manager will be on duty during business hours and will be responsible for monitoring and controlling the behavior of patrons.

Manager name(s) and contact information:

Manager Type	Contact Name	Phone Number	24/7 Contact	
Store Manager	BALDEV SIGH KHELA	(559) 548-7492	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Bar Manager			<input type="radio"/> Yes	<input type="radio"/> No
Floor Manager			<input type="radio"/> Yes	<input type="radio"/> No
Security Supervisor			<input type="radio"/> Yes	<input type="radio"/> No

The designated 24/7 Contact is the contact person(s) for all safety and security management and shall be available 24 hours a days, 7 days a week. Any changes in contact names and/or numbers shall be reported to the Fresno Police Department within three calendar days.

- 2. Alcohol Related Issues:** All employees responsible for the sale and service of alcohol beverages are trained to recognize the symptoms of an obviously intoxicated patron and will not allow the serving of alcohol to an obviously intoxicated patron.
- 3. ABC Education:** Any and all employees hired to sell alcoholic beverages shall provide evidence to the Fresno Police Department that they have either:
 - Completed training from the State of California Department of Alcoholic Beverage Control (ABC)--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,
 - 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:

- a. The ABC-licensed proprietors shall have confirmed with the Fresno Police Department that a date certain has been scheduled with the local ABC Office for the prospective employees to take the LEAD Program course. As ABC offers classes by appointment on their schedule, employees shall be assigned to attend the first available class and shall have completed the class within 6 months of the date of hire for all employees; and
 - b. Within 30 days of taking the course the employee(s) or responsible employer shall deliver each required LEAD Program Certificate evidencing completion of said course to the Fresno Police Department.
4. **First Aid:** Supplies are located in the kitchen, service areas and the manager's office.
 5. **Fire Protection:** Fire extinguishers are located in the kitchen, service areas and outside the manager's office.
 6. **Alarms:** Burglary and fire alarms are monitored by a security company 24 hours/7 days a week.
 7. **Emergencies:** All employees are trained to report emergencies to law enforcement and to the manager on duty.
 8. **Surveillance Video:** Currently we have 5 EXT.
6 INT. cameras. Cameras are installed and operated in accordance with the following:
 - a. Location of Cameras. The interior of the business must have at least one camera placed to focus on each area where alcoholic beverages are being dispensed (this shall include any outside patio area where alcoholic beverages are dispensed). Additionally, there shall be at least one camera placed to focus on each of the following areas; front door (s) and/or entry area, any area outside where patrons wait to enter the establishment and the majority of the open floor space area in the establishment
 - b. Capacity. The video camera storage capacity should be for at least fourteen (14) days. The system must continuously record, store, be capable of playing back images and be fully functional at all times. Recordings of any criminal activity either occurring at and/or related to the business shall be provided to the Fresno Police Department within 24 hours of the initial request for recordings.
 - c. Recordings. A color Digital Video Recorder-DVR shall be the preferred means of recording, and shall be operational during open business hours, will be properly maintained at all times and an employee will be present during business hours that has been instructed in its use and down-load capabilities. All cameras shall be properly maintained and operational during business hours and positioned toward their specified area.
 9. **Zero Tolerance:** All members of our staff are aware of and agree to support the "zero tolerance" approach to criminal behavior. This will include calling police, and otherwise cooperating with law enforcement. The business will post a sign at the entrance to inform patrons that the establishment has a "Zero Tolerance Policy" and will prosecute any criminal behavior which occurs.
 10. **Alcohol Consumption:** No member of staff (including management) shall consume any alcoholic beverages while "on-duty," including just before and/or just after their work shift).
 11. **Inspections:** All staff are to have a good working knowledge of California Business and Professions Code sections 25753 and 25755 in relation to Law Enforcement inspection of the premises.

12. **Incident Reports:** Security Incident Reports, related to known calls for service, completed by State Licensed Uniformed Security Guards and/or on-site State Licensed Proprietary Security Officers hired by the establishment, shall be completed and sent to the Fresno Police Department within ten (10) calendar days of the incident. This exchange is done in the spirit of cooperation to assist in maintaining a working relationship, and helping recognize security and/or training issues.
13. **Contests or Promotions:** Notification will be made to the FPD District Commander or his/her designee, at least two weeks prior to any "Advertised-Contest, Promotional Event or Special Entertainment Event," which is reasonably anticipated to attract a larger or different type of crowd than the business is currently accustomed to and will include any adjustments needed to the current security plan ("Event"). "Event" does not include things such as ordinary weekly advertising or social media publications, which are a part of regular restaurant or bar. Written approval is required from the Fresno Police Department that the current Security Plan is adequate to address security issues that may arise from the Event or approval of a new Security Plan shall be in required prior to the Event. The Fresno Police Department has indicated it is committed to timely review of notifications.

If the Event is anticipated to attract a crowd above 200 persons it is recommended that Contract Law Enforcement Services (CLES) be used. If CLES is used, the establishment can reduce the number of security guards contracted for the Event, in coordination with the FPD. Additionally, if there is social media for the Event it is requested that the flyer/publication be attached to the security plan request provided to the FPD at the time of notification.

In those cases where the business commits to an Event less than two weeks before the expected date, notification will be made as soon as possible to the Fresno Police Department. During this "Abbreviated Approval Process," the Fresno Police Department has indicated it is committed to expeditious overview of the Event, along with any security plan needs, to complete the review process.

The Fresno Police Department has indicated it is committed to provide a written response within three (3) business days regarding approval or the need to update the existing Security Plan for an above-noticed Event. If the Fresno Police Department does not respond within this time period, Event approval will be deemed granted.

As a courtesy and in the spirit of communication we (the business) will keep the Fresno Police Department informed of any changes in DJ's.

All notices under this section will be sent via text message or email.

Security Requirements

Uniforms. All on-duty licensed security guards shall comply with the uniform requirements set forth in California Business & Professions code section 7582.26.

14. **Security Personnel:** We currently have a security services agreement, or are in the process of signing a security services agreement, with MATSON ALARM Co. [name of security company]. A copy of the executed security services agreement will be provided to the Fresno Police Department prior to operation. Each member of our security staff, whether provided through a security services agreement or employed directly by the establishment, has completed proper training and all members hold a guard card.

The Fresno Police Department shall be notified of any security company change and shall be provided a copy of the executed security services agreement within three business days.

Acknowledgements:

The signature of the business owner/operator/manager below constitutes acknowledgement of the following:

- I have read, understand, agree to, and will implement the requirements of this Security Plan.
- This Security Plan will be in effect for **six months**, commencing at the time all parties agree to and sign this document.
- A review of the operations of this business will be required and conducted by the Fresno Police Department to determine if changes to the Security Plan are needed. It is my responsibility to notify the Police Department a minimum of 10 business days prior to the six month mark to request such review.
- Businesses shall not proceed without an updated and/or current approved Security Plan. Failure to maintain an updated and/or current approved Security Plan will be grounds for permit revocation.

Business Owner / Operator / Manager Acknowledgement:

Baldev Singh Khela

Signature BALDEV SINGH KHELA

Name (please print)

06-28-2023

Date OWNER/MANAGER

Title

Planning Approval:

Signature

Name (please print)

Date

Title

Police Department Approval:

Justin W. Boyter

Signature JUSTIN W. BOYTER

Name (please print)

07/20/2023

Date DETECTIVE-CE POP

Title

City of Fresno Notes and Requirements for Entitlement Applications

(Note: Please only use the notes that apply to your project.)

GENERAL

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 Citywide Development Code, and all Public Works Standards and Specifications. *This special permit is granted, and the conditions imposed, based upon the Operational Statement provided by the applicant. The Operational Statement is material to the issuance of this special permit. Unless the conditions of approval specifically require operation inconsistent with the Operational Statement, a new or revised special permit is required if the operation of this establishment changes or becomes inconsistent with the Operational 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; <https://www.fresno.gov/publicworks/wp-content/uploads/sites/17/2016/09/CityofFresnoStandardSpecifications2016January.pdf>

City of Fresno Notes and Requirements For Entitlement Applications

Page 2 of 11

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 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 are available at the following website:
<http://www.fresno.gov/Government/DepartmentDirectory/Finance/BusinessLicenseandTax/businessstaxapplicaiton.htm>
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 this 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 insure 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

City of Fresno Notes and Requirements For Entitlement Applications

Page 3 of 11

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 injuring 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. A minimum number of accessible parking stalls are required for the proposed project per State of California Building Code.

City of Fresno Notes and Requirements For Entitlement Applications

Page 4 of 11

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* (<https://www.fresno.gov/publicworks/wp-content/uploads/sites/17/2016/09/Parking-Manual.pdf>). 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.)**

City of Fresno Notes and Requirements For Entitlement Applications

Page 5 of 11

31. All proposed signs shall conform to the current sign ordinance. The submittal checklist for signs is available online at <https://www.fresno.gov/darm/planning-development/applications-forms-fees/#tab-14>
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 days 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 FMC at anytime, 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 street lights 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.

City of Fresno Notes and Requirements For Entitlement Applications

Page 6 of 11

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 (FMC) Chapter 6, Article 7 (FMC 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.)**

City of Fresno Notes and Requirements For Entitlement Applications

Page 7 of 11

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 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 Department 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 storages areas shall be screened from

City of Fresno Notes and Requirements For Entitlement Applications

Page 8 of 11

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 operation. 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 (FMC 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 edition of the Master Fee Schedule. Refer to the adopted Master Fee Schedule for fee rate. This fee shall be paid at time of building permit.
- b) Fire Facilities Fee (FMC Section 12-4.901 to 12-4.906) (based on building square footage, or residential units)
- c) Police Facilities Fee (FMC Section 12-4.801 to 12-4.806) (based on building square footage, or residential units)
- d) Parks Facilities Fee (FMC 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 (FMC 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.

City of Fresno Notes and Requirements For Entitlement Applications

Page 9 of 11

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. The RTMF form shall be signed by a Building and Safety Services staff member prior to issuance of building permits. Proof of payment shall be provided prior to issuance 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 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 (FMC 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')

City of Fresno Notes and Requirements For Entitlement Applications

Page 10 of 11

- 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, Wastewater Division - Environmental Services Section at (559) 621-5153.

61. WATER CONNECTION CHARGES: (FMC Sections 6-501 to 6-507). 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.

PUBLIC WORKS DEPARTMENT GENERAL NOTES **(to be added to the site plan)**

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 under-ground 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.

City of Fresno Notes and Requirements For Entitlement Applications

Page 11 of 11

67. Contact the Public Works Department, Traffic Engineering at (559) 621-8800, 10 working days prior to any offsite concrete construction.
68. For Standard Drawings visit <https://www.fresno.gov/publicworks/wp-content/uploads/sites/17/2016/09/CityofFresnoStandardDrawings2016Feb.pdf>
69. For Traffic Planning's website with useful links, additional notes, sample of legend, Parking Manual and Traffic Study Checklist visit <https://www.fresno.gov/publicworks/traffic-engineering/#tab-2>
70. Traffic Planning Checklist link: <https://www.fresno.gov/publicworks/wp-content/uploads/sites/17/2019/04/Traffic-Planning-Checklist-04-19.pdf>
71. For Traffic Study questions please contact Jill Gormley at (559) 621-8792 or via email at Jill.Gormley@fresno.gov.

Updated: 9/14/2020