

Exhibit A

Exhibit B



2015 Aerial

E Olive Ave

Subject Property

N Broadway St

N Echo Ave

© 2016 Google

Google earth

Imagery Date 3/18/2015

36 45 26 06 N 119 48 10 80 W Elev 292 ft

Eye alt 932 ft

Exhibit C

PROJECT INFORMATION

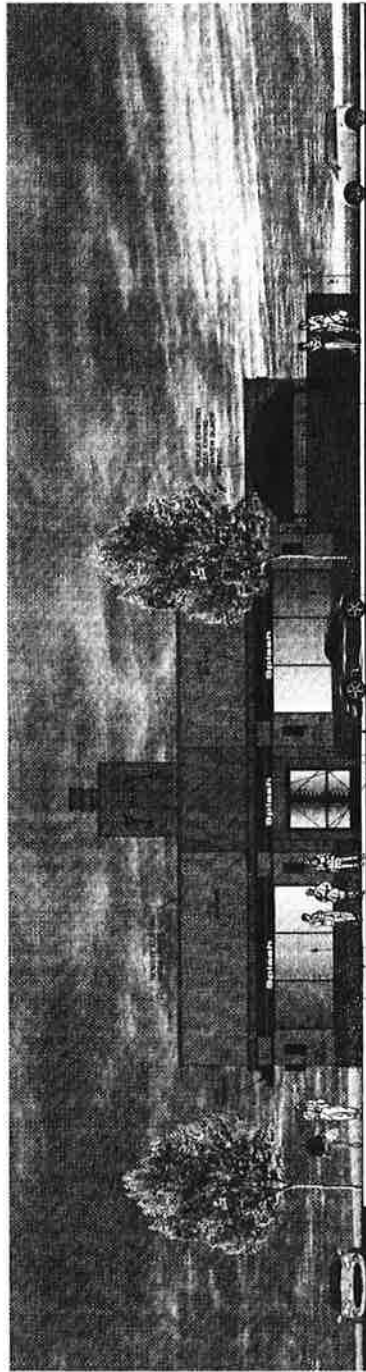
PROJECT	Conditional Use Permit Application No. C-15-190 requests authorization to allow for the operation of a "Night Club" (with patio) in an existing building. The subject building was previously occupied by the Landmark Restaurant. The applicant requests authorization to establish a State of California Alcoholic Beverage Control (ABC) Type 48 alcohol license (Bar, Night Club – sale of beer, wine, and distilled spirits for consumption on the licensed premises). The project applicant also proposes to have an approximate 1,400 square foot patio		
APPLICANT	Trelawny Bruce on behalf of Splash Bar Inc.		
LOCATION	Southwest corner of East Olive Avenue and North Broadway (644 East Olive Avenue) (Council District 3, Councilmember Baines)		
SITE SIZE	5,870 square foot building with an approximate 1,400 square foot patio		
LAND USE	Existing	-	Main Street - Commercial
ZONING	The application is subject to the C-6 (Heavy Commercial District) standards. Current zoning, however, pursuant to the approved citywide rezone and recently adopted Citywide Development Code, is CMS (<i>Main Street - Commercial</i>)		
PLAN DESIGNATION AND CONSISTENCY	The proposed project is consistent with the planned land use of Main Street - Commercial designated by the Fresno General Plan		
ENVIRONMENTAL FINDING	Categorical Exemption, dated February 17, 2017		
PLAN COMMITTEE RECOMMENDATION	The District 3 Advisory Committee recommended approval of Conditional Use Permit No. C-15-190 at their meeting on January 25, 2016, by a vote of 4-0. Additionally, the Tower District Committee recommended approval of the project on February 17, 2017, by a vote of 4-0		
STAFF RECOMMENDATION	Approve Conditional Use Permit Application No. C-15-190, subject to the conditions of approval dated March 1, 2017		

Exhibit D

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Commercial Main Street	CMS <i>Commercial Main Street</i>	Commercial
South	Medium Density Residential	RS-5 <i>Single Family Residential</i>	Residential
East	Commercial Main Street & Medium High Density Residential	CMS & RM-1 Commercial Main Street & Residential Multi Family	Commercial
West	Commercial Main Street & Medium Density Residential	CMS & RS-5 Commercial Main Street & Single Family Residential	Commercial & Residential

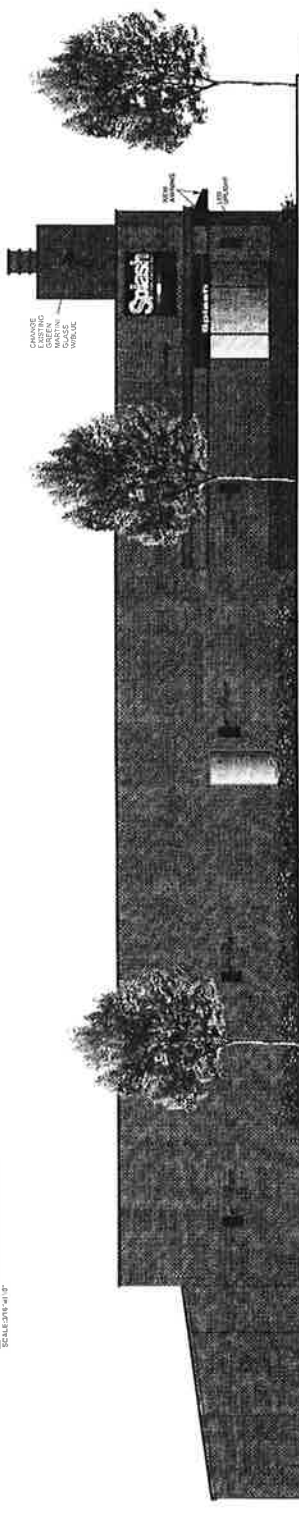
Exhibit E



FRONT ELEVATION



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION



NAME _____
 DATE _____
 CLASS _____
 SECTION _____
 TIME _____



KEVIN FONG
DESIGN

1. 2010年12月10日
2. 2010年12月10日
3. 2010年12月10日
4. 2010年12月10日
5. 2010年12月10日
6. 2010年12月10日
7. 2010年12月10日
8. 2010年12月10日
9. 2010年12月10日
10. 2010年12月10日

THE LANZMANN BAR AND GRILL
844 EAST OLIVE AVE
FRESNO, CA 93728

Exhibit F

Exhibit G

CONDITIONAL USE PERMIT FINDINGS

No special permit may be issued unless it is found that the privilege exercised under the permit, conforms to the findings of 12-405-A-2 of the Fresno Municipal Code. Based upon analysis of the conditional use permit application, staff concludes that all of the required findings can be made for Conditional Use Permit Application No. C-15-190.

Findings per Fresno Municipal Code Section 12-405-A-2	
<i>a. All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,</i>	
Finding a:	Conditional Use Permit Application No. C-15-190 will comply with all applicable codes, including parking, landscaping, walls, etc., furthermore, the use is proposed within an existing building previously used for a restaurant with alcohol sales.
<i>b. 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,</i>	
Finding b:	The subject property is accessed from two major streets (East Olive Avenue and North Broadway); the adjacent streets were assessed during the initial development of the subject site and the approval of the Fresno General Plan to ensure that the development would have less than significant impacts on traffic and the surrounding neighborhood.
<i>c. 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. The third finding shall not apply to uses which are subject to the provision of Section 12-306-N-30 of the FMC.</i>	
Finding c:	The subject site was intended to function with commercial uses. In addition, the applicant will be required to comply with the conditions of approval as required by the Police Department that will stipulate certain requirements that must be met by the applicant. These conditions are intended to help protect the public health, safety and welfare of patrons and neighbors, alike.

Exhibit H



Exhibit I

APPL. NO. C-15-190 EXHIBIT 0 DATE 2-7-17
PROJ. ENG. _____ DATE _____
TRAFFIC ENG. _____ DATE _____
COND. APPROVED BY _____ DATE _____
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT



City of Fresno Operational Plan

Updated 9/12/2016

Project

Splash's management team is a strong component of a single vision to provide unique and entertaining experiences through exceptional service. Splash Bar's future site in Fresno is designated C-6 Heavy Commercial on the Fresno 2025 General Plan. The heavy commercial C-6 zoning designation allows entertainment uses. Splash Bar is consistent with both the existing C-6 zone district and heavy commercial planned land use designation of the 2025 Fresno General Plan, the Fresno High-Roeding Community Plan, and the Tower District Specific Plan.

This conditional use permit is attempting to establish a State of California Alcoholic Beverage Control Type 48 liquor license (bar, nightclub- sale of beer, wine, and distilled spirits for consumption on the premises where sold) at the proposed Splash Bar located within an existing building. Splash Bar will be for patrons 21 years and older.

A nightclub or dance club is defined as a facility that provides a dance floor and live or recorded music for customer dancing, and may or may not provide entertainment, such as live performances of the arts (music, comedy, readings, dance, plays, etc.) A dance club differs from either a restaurant or tavern in that dancing by the customer is permitted. Splash Bar is compatible and appropriate with surrounding existing uses, and its avoidance or mitigation of potentially significant adverse environmental impacts meet the goals and policies of the 2025 General Plan.

Location

644 E. Olive Ave; currently the "Landmark Bar & Grill"* located on south side of E. Olive Avenue between N. Broadway St. and N. Echo Avenue in the historic Tower District (APN: 452-031-03 Building, 452-031-04 Parking Lot)

*Applicant has purchased an additional ABC liquor license and is considering moving the "Landmark Bar & Grill" to an unused space in the Tower District in efforts keep the restaurants legacy in the heart of Fresno.

Proposed Exterior Changes:

Splash Bar Inc. would like to remodel the exterior in a manner that simply updates the building with simple aesthetic changes. An architect and a nightclub consultant were used to determine the best possible changes to beautify the exterior without significantly changing the building and its presence in the tower district. The following are the planned changes: **(See Elevations)**

- Add new black awnings on all windows and doors, some to portray "Splash" Logo.
- Remove existing neon lights, Change existing green martini neon glass to blue neon.
- Remove tile on face of building from bottom half of façade and replace with stucco, then add new plants to the planters in front of old tile. Plants will essentially cover where the old tile was.
- Replace patio rails with 5' high wood fence, horizontal style.
- Add LED uplights to front and left side elevations. These LED lights can change colors throughout the night or remain one single color.
- Replace all plants in existing planters with new plants.
- Glass block around front entrance back lit with LED>
- Paint entire building gray, with dark gray accents.
- Add new parking lot planters to the back parking lot with new plants/trees.

Proposed Patio Bar:

Splash Bar will like to convert the old vestibule entrance on the right elevation next to the existing patio into a service bar that caters to the patio through a rollup window that faces towards Olive Ave. only. This bar can be closed off from the rest of the club to prevent any music from spilling out into the patio. Only one opening (rollup window) will exist, all other openings will be closed windows. We expect no changes to outdoor ambient level from the creation of this new bar. We expect no negative effects to neighboring homes because this opening will only face Olive Ave. The rollup window will allow this area only to be used during peak hours. There are other bars on Olive Ave. that have exposed bars and openings that face patios, similar to those other bars on Olive Ave. we do not anticipate any issues either. The patio will not play any amplified music that exceeds ambient level. This proposed exterior bar will add to the tower district indoor/outdoor charm and sociable ambience that is popular

amongst similar districts is other major cities. This existing patio will also be surrounded with a new 5' wooden fence. (See elevations for details)

Traffic:

Splash Bar will have less than significant impacts on traffic and the surrounding community. Splash Bar will not have a negative impact given there are similar uses in the area. The property was intended to function with commercial uses. Splash Bar Inc. operates in a manner that protects public health, safety and welfare of patrons and neighbors alike.

Hours of Operation:

Splash Bar and any live musical entertainment will be limited to 11:00am to 2:00am, Monday-Sunday 7 days a week. On New Year's Day, Splash Bar requests permission to have dancing until 5:00 a.m.

Consumption of alcohol, time to stop sales, and service within the C-6 zoning district is 2:00 a.m. which Splash Bar Inc. understands under the Table III section 12-326-E-3 of the FMC.

Nuisance / Noise:

Splash Bar is not operated in a manner that creates public or private nuisance. Any such nuisance is regulated by the manager and security personnel on duty. All musical entertainment will occur indoors, doors and windows will be required to remain closed during music and dancing entertainment. No music shall be played in the patio. The noise in the patio will comply with the noise requirements of the FMC. Pursuant to Section 10-106 of the FMC, any sound exceeding the ambient noise level at the property line by more than five decibels (dbs) shall be deemed a violation. The ambient noise level for Splash Bar's location C-6 heavy commercial is 65 dbs. Because of Splash Bar's building and patio location in the Tower District it is requested that no acoustical analysis be required. Dancing on the patio is not allowed.

Parking:

Splash Bar is located within the Tower District Specific Plan Area and will comply with the Tower District Specific Plan Area Design Guidelines. The guidelines state that "the amount of parking allowed should be limited, because too much surface parking degrades the pedestrian experience and dilutes the neighborhood's 'critical mass'". Therefore, the parking requirement may be reduced to 40% of the minimum parking requirement of the C-6 zone district. The C-6 zone district requires at least one square foot of off-street parking for each one square foot of floor area.

5,171 square feet / 370 square feet = 14 parking spaces.

40% of 14 parking spaces = 6 parking spaces (minimum requirement)

Splash Bar complies with the requirement by exceeding the minimum with 43 total current parking spaces.

Security Plan

The Tower District is located in the Southwest Policing District of Fresno. The problem oriented policing officer for this policing district is Jaime Campos. Officer Campos has reviewed and approved the following security plan. Splash Bar will comply with all applicable provisions of the Fresno Municipal Codes, including:

FMC 9-502 (Amusement Devices- Permit Required)

FMC 9-1803 (Hours of Operation 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- Allowed in nightclubs only)

FMC 10-105 (Noise Ordinance)

FMC 10-708 (Unlawful Nuisances- High calls for police service)

Security Staff:

Security staff will include one officer per 50 patrons. All Security Officers will be state licensed uniformed security guards that are trained and fingerprinted per the State of California PPRI policy. (Door Security ABC "LEAD Training" Cert.) A minimum of two security officers shall be on duty for every 100 patrons using the drinking establishment portion of the facility during its hours of operation. **The designated contact person for all safety and security management will be Greg King, he will also be the manager on duty during business hours and will be responsible for monitoring and controlling patron behaviors. He can be contacted at telephone number 209-450-1596.**

The security manager and manager on duty are identified as responsible for ensuring the numbers of persons in the venue is counted and available at all times to ensure that the venue is within capacity and there is enough adequate security personnel. Splash Bar will maintain state licensed security to effectively control crime, gang, drug, and other police problems that may arise. While on duty, each security person's name and the words "STAFF" or "SECURITY" are exhibited in bold, capital letters on the person's clothing or uniform and are visible and easily read by any patron and other members of the public. All on duty security guards shall

comply with the uniform requirements set forth in the California Business & Professions code section 7582.26. Security staff regularly patrols the immediate exterior of the building, parking lot, and any adjacent property in the establishment's control at least once every half-hour, doing so on a random basis. Security personnel will ensure that those areas are free of people loitering or causing a disturbance, patrons and their vehicles will be cleared one-half hour after closing.

Splash Bar provides security for the area around the entrance to the establishment and for the public sidewalk adjacent to the establishment sufficient to prevent patrons from blocking the public sidewalk or creating a public nuisance for other businesses. Currently the property is properly lit within the interior/exterior as well as sidewalks. All lighting and safety visual requirement are met.

The police will be called in a timely manner, anytime management or security staff has information to believe a crime has been or is about to be committed and/or whenever a threat of or act of violence occurs on the premises in the areas that would be considered in view or earshot of the establishment. Security or management at Splash asks anyone who is fighting to leave. If necessary, security or management will call the Police Department for assistance. We permanently refuse admittance to any chronic problem customer.

Dancing:

Patrons may access any area used for dancing, from outside the premises of the establishment, only through entrances that are manned and controlled, at all times, by at least one employee of Splash Bar. Pursuant to FMC section 12-327- Restricted Dancing: No dancing shall be held between the applicable closing hour 2:00am-8:00am of any day besides New Years day when Splash requests to have dancing until 5:00am like other nightclubs in Fresno.

Large Scale Contest or Promotions:

At least two weeks prior to the event, Splash Bar shall notify the District Commander, or his/her designee of any promotional or special events on a large scale. In addition, Splash Bar will obtain written approval that the current security plan is adequate to address security issues that may arise from the event or promotion or approval of a new security plan that will be in place for promotional or special events. Splash Bar understands that it will be responsible to have the District Commander re-approve the security plan annually running from the anniversary date of the final approval of the Conditional Use Permit.

Camera System:

Splash operates with a fully functional color digital camera system mounted to cover the entrance, exits and entire premises. Tapes will be made available upon request to the Fresno Police Department within 24 hrs. The camera storage capacity will be for at least one week. The

system will continuously record, store, and be capable of playing back images and be fully functional at all times.

Patron Intoxicated:

Splash Bar does not sell, dispense, or giveaway alcohol to any person who is under the influence of alcoholic beverages, nor does such a person be permitted on premises. When a patron is "cut off", the bartender will notify other employees. Management supports the bartender's decision to terminate service to any intoxicated customer. If a customer is too impaired to drive safely, management helps arrange a safe ride home. If customer refuses, management will notify the Police Department with a description of the person and the vehicle license number if possible.

Patrons Presenting False IDs:

All identification used to prove age at Splash must be valid, and must be government issued. Security can request a second form of identification if the identification card is expired or appears at all questionable. Splash requests the proof of age of any customer who appears to be the age of 30 years of age or younger, Splash refuses service to any customer who cannot produce adequate ID.

Postings:

Splash Bar will conspicuously post the hours of operation near the entrance. It shall be at least 8.5x11 inches in size. This posting will be made available to city official upon request. The address of Splash Bar will also be posted in compliance with all city codes.

Splash Bar will post the property with the appropriate Fresno Municipal Code signs advising that consumption of alcoholic beverages (outside of hours of operation), gambling, trespassing or loitering will be in violation of municipal ordinances. Splash Bar will send a letter to the Fresno Police Department, signed and dated by Splash Bar Inc., every 180 days that authorizes FDP police officers to enter the property to enforce against the aforementioned activities at the business. Splash Bar and staff is responsible for abating those activities when they occur during business hours. Splash Bar will not allow any gambling on building premises or any adjacent property under its control. Splash will also not allow any loitering on building premises or any adjacent property under its control. There will be no amusement devices or billiard tables maintained upon the premises without the proper permits issued through the City of Fresno Business Tax Division.

Splash Bar will not allow alcoholic beverages to be consumed outside the building premises (besides the patio) or any other adjacent property under its control. If alcoholic beverages are

consumed on property not owned or controlled by Splash Bar, Splash will immediately report such consumption to the Fresno Police Department.

All employees will be made aware of and comply with this security plan. Splash will have each employee sign a written acknowledgement that he/she has reviewed and understood each of these conditions. The written acknowledgement will be maintained by Splash and made available to the Fresno Police Department upon reasonable request.

Fire & Safety

Splash Bar Inc. contacted Byron Beagles with the Fresno Fire Department to obtain preliminary comments/conditions for our project. Per Mr. Beagles, "our existing access from public streets and the adjacent alley should not change from what exists currently and would be acceptable." The existing building code occupancy group for the Landmark is 'A-2' restaurant. The building is not fire sprinklered and there was no retroactive fire sprinkler requirement when the building was changed from the original Carnation Dairy restaurant to the current Landmark restaurant and bar sometime in the 1980's. As a result of the disastrous Station Nightclub fire several years ago, the building and fire code now requires all restaurants and nightclubs with an occupant load of over 100 have fire sprinklers. By local ordinance the requirement is retroactive to any A-2 occupancy where a change in use results in occupant load.

"FMC section 10-50903.2: A-2 Occupancies. In existing A-2 occupancies with occupant loads of 100 or more, an approved automatic fire extinguishing system shall be installed in the A-2 fire area as a condition of any building permit application that increases the occupant load of the assembly fire area as determined by the California Building Code."

The existing occupant load for the Landmark is 202 with most of that number determined primarily from table and chair dining in the dining area. That number will likely increase significantly for nightclub use. A manual fire alarm system for occupant evacuation will also be required and installed. Currently Splash Bar Inc. is working with M&S Fire Pro in Fresno in order to meet requirements.

First aid supplies and operational fire extinguishers will be located throughout the building. The burglar and fire alarm will be monitored by a security company 24 hours a day, seven days a week.

Exhibit J

CITY OF FRESNO
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

CONDITIONS OF APPROVAL

MARCH 1, 2017

CONDITIONAL USE PERMIT
APPLICATION NO. C-15-190
644 EAST OLIVE AVENUE

Conditional Use Permit Application No. C-15-190 is subject to the following conditions of approval:

PART A - PROJECT INFORMATION

1. Assessor's Parcel No: 452-031-03, -04
2. Job Address: 644 East Olive Avenue
3. Existing Zoning: C-6 (*Heavy Commercial District*) zone district
4. Project Description: Conditional Use Permit Application No. C-11-016 is a request to allow for the operation of a "Night Club" (with patio) in an existing building. The subject building was previously occupied by the Landmark Restaurant. The applicant requests authorization to establish a State of California Alcoholic Beverage Control (ABC) Type 48 alcohol license (Bar, Night Club – sale of beer, wine, and distilled spirits for consumption on the licensed premises). The project applicant also proposes to have an approximate 1,400 square foot patio

A. General Conditions

1. The proposed development shall take place in accordance with the C-6 (*Heavy Commercial*) zone district as defined in Section 12-222 of the Fresno Municipal Code (FMC).

Any future development proposals must comply with current zoning, i.e. Main Street - Commercial

2. Development shall comply with Section 12-326 of the FMC related to night clubs.
3. Exercise of the special permit shall comply with Exhibits A, E and F, dated February 7, 2017.

Conditions of Approval

Conditional Use Permit Amendment Application No. C-15-190

March 1, 2017

Page 2

4. Exercise of the special permit shall comply with the Operational Statement (Exhibit O) dated February 7, 2017, except as amended by these conditions.
 - i) A bar on the patio is prohibited.
 - ii) Dancing on the patio is prohibited.
 - iii) Two pool tables are allowed as proposed within the building as shown on Exhibit F dated February 7, 2017.
 - iv) Dancing to 5 a.m. is permitted on New Years Day.
5. Comply with the letter from the Police Department dated February 13, 2017.
6. Comply with the letter from the Fire Department dated January 10, 2017.
7. Comply with the letter from the Public Works Department, Traffic Engineering Division, dated January 20, 2017.
8. Comply with the letter from the County of Fresno, Department of Public Health, dated January 20, 2016.
9. Comply with the letter from the Fresno Unified School District dated January 15, 2016.

NOISE

10. The project shall comply with the noise requirements of the Fresno Municipal Code and Fresno General Plan. Pursuant to Section 10-106 of the FMC, any sound exceeding the ambient noise level at the property line by more than five decibels (dbs) shall be deemed to be prima facie evidence of a violation. Amplified music shall be limited to the indoor area of the site.

Doors and windows shall remain closed, after 10 p.m., to minimize noise, except as needed to allow for the normal entry and exit of patrons to and from the establishment. Emergency access shall be maintained per City standards.

Noise levels shall be monitored by the establishment to ensure compliance with applicable Noise Standards.

OFF-STREET PARKING

11. Section 12-306.I.2.2.d of the FMC requires 1 parking space per 75 square feet of building space which would require 78 spaces (5,870 sq. ft./75), however, the Tower District Design Guidelines allow a minimum of at least 40% of the required parking. Forty percent of 78 parking spaces equals 31 parking spaces. As such, the 45 proposed

parking spaces provided meets the minimum number of required parking spaces to serve the night club and patio.

DANCING

12. The dancing area is allowed within the interior of the building only. Dancing on the patio is prohibited.

TIME TO STOP SALES SERVICE AND CONSUMPTION OF ALCOHOL

Night Club

13. Table III under section 12-326.E.3 of the FMC indicates that for a night club, within the C-6 zone district, the time to stop sales, service and consumption of alcohol is 2:00 a.m.

Hours of Operation

Night Club

14. The applicant is proposing to be allowed to operate as a night club seven days a week from 11 a.m. to 2:00 a.m.

LANDSCAPING

15. Obtain a landscape and irrigation plan for any new proposed landscaping.

Additionally, any missing landscaping shall be replanted, ie. within landscape setback areas and tree wells.

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.

To complete the back-check process for relative to planning and zoning issues, submit two copies of the corrected, final site plan, and any required covenants and/or studies or analyses to the Planning Division, Current Planning Section, for final review.

Please note that this project may be subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through

Conditions of Approval

Conditional Use Permit Amendment Application No. C-15-190

March 1, 2017

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site plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

All code requirements, are mandatory and may only be modified by variance, provided the findings pursuant to Fresno Municipal Code (FMC) Section 12-405.A can be made.

No uses of land, buildings, or structures other than those specifically approved pursuant to this site plan shall be permitted. **(Include this note on the site plan.)**

Transfer all red line notes, etc., shown on all original site plan exhibits to the final site plan. CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.

The exercise of rights granted by this special permit must be commenced by March 1, 2021 (four years from the date of approval). There is no exception.

Exhibit K



POLICE DEPARTMENT
Central Problem Oriented Policing
3502 N. Blackstone Ave, Suite #201
Fresno, CA 93726
(559) 621-6209 / Curtis.Bunch@Fresno.Gov



Jerry Dyer
Chief of Police

NIGHTCLUB ABCUP CONDITIONS

February 13, 2017

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

Attn. Israel Trejo, Planning Division

Re: CONDITIONAL USE PERMIT NO. C-15-190 ABCUP
Applicant: Trelawny J. Bruce
DBA: Splash Bar
Address: 644 E. Olive Avenue, Fresno, CA 93728
A.P.N.: 452-031-03

Dear Israel Trejo,

Pursuant to your Department's request, the Fresno Police Department has reviewed the special permit application for property located at **644 E. Olive Avenue**. The property has been zoned **C-6** which permits Nightclubs, pursuant to FMC, sections 12-326 and 12-327. The Fresno Police Department's primary concern with the application is the propensity of the operations on the premises to generate calls for police service, and therefore, be detrimental to the public welfare.

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

Monday thru Friday,	11:00 a.m. – 2:00 a.m.
Saturday	11:00 a.m. – 2:00 a.m.
Sunday	11:00 a.m. – 2:00 a.m.

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

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

1. All applicable provisions of the Fresno Municipal Code are complied with and the site of the proposed use is adequate in size and shape to accommodate the use, and all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,
2. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,
3. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. This third finding shall not apply to uses which are subject to the provisions of Section 12-306-N-39 of the Fresno Municipal Code (Regulating Adult-Oriented 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 upgrade to an **ON-SALE TYPE 48 ABC LICENSE** and the operation of a Nightclub, pursuant to the requirements of FMC, section 12-326 and 12-327. We request the following conditions be included as Conditions of Approval for Conditional Use Permit Application No. **C-15-190 ABCUP**. These conditions will help to insure maintain an environment that is least likely to generate criminal activity, public complaints and police calls for service.

The Fresno Police Department *is not* in opposition of this Conditional Use Permit, providing the applicant agrees to the listed conditions. If the following conditions are not included as conditions of approval of CUP No., **C-15-190 ABCUP**, 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 #1144 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 9-2602 (Public Nudity Prohibited)

FMC 10-105 (Noise Ordinance)
FMC 10-708 (Unlawful Nuisances - High Calls for Police Service)
FMC 12-306-N-30 Limitations on Adult Business Activities. Applicant shall also verify with the Planning Division that Adult Business Activities are permitted in the zone district where the applicant seeks to operate his/her business.

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, Labor Code, 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)
Labor Code Section 6404.5 (Smoking in Places of Employment)
ABC Act Rule 106 (No Buy One Get One Free Drinks)
ABC Act Rule 107 (No One Under 21 Allowed Signs Posted)
ABC Act Rule 139 (Interior Lighting Required for Identification of Patrons)

3. Video Camera

Prior to exercising any privileges granted by CUP No. **C-15-190** 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 The System shall be capable of producing a CD or digital playback feature and may be provided to an authorized representative of the Fresno Police Department within 24 hours of the initial request relating to a **criminal investigation only**.

3.5 The interior of the business must have at least one camera placed to focus on each cash register transaction to include the clerk as well as the customer waiting area.

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

3.7 All interior cameras shall record in color.

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

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

4. ABC Education

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

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

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

- 4.3 The ABC-licensed proprietors shall have confirmed with the Development Department within 15 days of the final approval of the CUP or within 15 days of

the opening to the public of a new store, whichever is later, that a date certain has been scheduled with the local ABC Office for said prospective employees to take the LEAD Program course; and

- 4.4 Within 30 days of taking said course the employee(s) or responsible employer shall deliver to the Planning Department each required LEAD Program Certificate evidencing completion of said course.

5. Contests or Promotions

At least two weeks prior to the event, the establishment shall notify the District Commander, or his/her designee of any promotional or special events. In addition, the establishment shall obtain written approval that the current Security Plan is adequate to address security issues that may arise from the event or promotion or approval of a new Security Plan that will be in place for the promotional or special event.

6. Security Plan.

Prior to the approval of this Conditional Use Permit, the establishment shall prepare and submit to the District Commander a security plan for approval. Approval of the security plan by the District Commander or his/her designee shall not be unreasonably denied. The contents of the Security Plan shall be incorporated as conditions of approval of CUP C-15-190. The establishment shall be responsible to have the District Commander or his/her designee re-approve the security plan annually running from the anniversary date of the final approval of the CUP. The establishment is responsible for providing both the District Commander and the Planning and Development Department a copy of the approved security plan.

All establishments Security Plan shall:

- Identify the establishment's designated contact person for all safety and security management and shall provide the telephone numbers where the contact person may be reached 24 hours a day, seven days a week.
- Confirm that a manager will be on duty during business hours and will be responsible for monitoring and controlling the behavior of patrons.
- Identify all managers of the establishment and their contact telephone numbers.
- Confirm that all bartenders and other employees shall be trained to recognize the symptoms of an obviously intoxicated patron, to refuse serving alcoholic beverages to obviously intoxicated patrons, and to report emergencies to the manager on duty and to law enforcement.
- Confirm that first aid supplies and operational fire extinguishers are located in the kitchen (if applicable), service areas and the manager's office.

- Confirm that the burglar and fire alarm is monitored by a security company 24 hours a day, seven days a week.
- Identify an adequate number of acceptable interior security personnel and exterior security personnel who will monitor and control the behavior of customers inside and outside the building, the parking lot and any adjacent property under the establishment's control. The security personnel may be employees of the establishment or licensed security personnel retained from a security firm.
- Confirm that the security personnel shall regularly monitor the parking lot and any adjacent property under the establishment's control to ensure the areas are (a) free of people loitering or causing a disturbance and (b) are cleared of patrons and their vehicles one-half hour after closing.

The establishment shall correct any safety or security problem or security plan violation as soon as possible after receiving written notice of such problem from the Fresno Police Department. After the initial security plan is approved and implemented, it is the responsibility of the owner or owner's representative to contact the Fresno Police Department to inquire about police calls for service or public safety problems at the location. Contact may be made in person, by telephone or by electronic mail. Review of police calls for services may be conducted at any time by the Fresno Police Department.

The applicant will maintain a copy of the current Security Plan and *shall* present the Security Plan immediately upon request by a peace officer.

If it is determined that police calls for service become "Frequent" (see definition below) the Fresno Police Department may initiate proceedings to amend these conditions to require additional state licensed uniformed security and/ or to recommend suspension or revocation proceedings.

- **The total number of state licensed uniformed security guards shall be based upon the maximum permitted occupancy as established by the Fresno Fire Department, and determined as follows:**

0-100 guests: No state licensed uniformed security required. Onsite manager and employees will be responsible for monitoring and controlling the behavior of patrons.

101-200 guests: A minimum of one (1) state licensed uniformed security guard.

201-300 guests: A minimum of two (2) state licensed uniformed security guards.

301-400 guests: A minimum of three (3) state licensed uniformed security guards.

If the maximum permitted occupancy exceeds 400 guests, one additional state licensed uniformed security guard shall be required for each additional one-hundred guests.

The Maximum Permitted Occupancy for the entire premises, including any patios, shall be included on the Security Plan maintained at the business, to be made available immediately upon request of a Fresno Police Officer.

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

7. Consumption of Alcoholic Beverages and Loitering.

- 7.1 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.
- 7.2 The establishment shall not allow any loitering on building premises or any adjacent property under its ownership or control.
- 7.3 The establishment shall not allow any gambling on building premises or any adjacent property under its control.

8. 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.

9. Revocation of Conditional Use Permit

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

10. Posting hours of operation and address

The owner and/or proprietor and /or applicant shall be responsible to conspicuously post the hours of operation near the entrance of the establishment. It shall be 8.5x11 inches in size. This posting shall be made available to City officials upon request.

11. 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.

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 property not owned or controlled by the applicant, the applicant shall immediately report such consumption to the Fresno Police Department.

The establishment shall not allow any loitering on building premises or any adjacent property under its ownership or control.

The establishment shall not allow any gambling on building premises or any adjacent property under its control.

There shall be no amusement devices or Billiard tables maintained upon the premises without the proper permits issued through the City of Fresno Business Tax Division.

13. 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: 2/16/17

Detective Curtis Bunch #1144
Central District POP



Date: 2/16/17

Sergeant Diana Trueba #S190
Central District-Investigations/POP



Date: 2/16/17

Lieutenant Rob Beckwith #L51
Central District Lieutenant



Date: 2/16/17

Captain Phil Cooley #CP18
Central District Captain



FIRE DEPARTMENT

DATE: January 10, 2017

TO: ISRAEL TREJO, Planner III
Development and Resource Management Department

FROM: LAURIE SAWHILL, Senior Fire Prevention Inspector
Prevention and Technical Services Division

SUBJECT: 644 E OLIVE, C-15-190-ABCUP - REVISED

Approved as submitted. No appointment or initial required. Approval of this plan does not authorize or approve any omission or deviation from applicable adopted codes and adopted standards. Final approval is subject to field inspection.

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 the building.

Consultation Notes: The dance floor needs to be dimensioned for an accurate occupant load prior to building review.

The required fire sprinkler and fire alarm plans have not yet been reviewed and/or approved for this occupancy due to the increased occupant load. The fire sprinkler plans were rejected back in October and have not yet been resubmitted. The fire alarm plans have not been submitted for review.

This approval does not constitute approval for occupancy and/or use.



DATE: January 20, 2017

TO: Israel Trejo
Development and Resource Management Department

FROM: Jairo Mata, Engineer II
Public Works Department, Traffic and Engineering Services Division

SUBJECT: Conditions of Approval for **C-15-190**
ADDRESS: **644 East Olive Avenue**
APN: **452-031-03 and 04**

PUBLIC IMPROVEMENT REQUIREMENTS

The following requirements are based on city records and the accuracy of the existing and proposed on-site and off-site conditions depicted on the exhibits submitted. Requirements not addressed due to omission or misrepresentation of information, on which this review process is dependent, will be imposed whenever such conditions are disclosed.

Repair all damaged and/or off grade off-site concrete street and alley improvements as determined by the City of Fresno Public Works Department, Construction Management Division, (559) 621-5600. Pedestrian paths of travel must also meet current accessibility regulations.

The construction of any overhead, surface or sub-surface structures and appurtenances in the public right of way is prohibited unless an encroachment permit is approved by the City of Fresno Public Works Department, Traffic and Engineering Services Division, (559) 621-8693. Encroachment permits must be approved **prior** to issuance of building permits.

All improvements shall be constructed in accordance with the City of Fresno, Public Works Department Standard Drawings and Specifications. The performance of any work within the public street right of way (including pedestrian and utility easements) requires a **STREET WORK PERMIT prior** to commencement of work. When preparing Street Plans and/or Traffic Control Plans, contact (Randy Schrey) at (559) 621-8807, **10 working days** in advance, to make sure that sidewalks or an approved accessible path remain open during construction. All work shall be reviewed, approved, completed, and accepted **prior** to obtaining a certificate of occupancy. Utility poles, street lights, signals, etc. shall be relocated as determined by the City Engineer.

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 Alert (USA) Call 811.

All 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.

PRIVATE IMPROVEMENT REQUIREMENTS

Off-Street Parking Facilities and Geometrics

1. Off-Street parking facilities and geometrics shall conform to the City of Fresno Public Works Department, Parking Manual and Standard Drawing(s) **P-21, P-22, P-23**.
2. Install **30"** state standard "STOP" sign(s) at location(s) shown. Sign(s) shall be mounted on a **2"** galvanized post with the bottom of the lowest sign **7'** above ground, located behind curb and immediately behind a major street sidewalk.
3. Provide parking space needs, circulation, access, directional signs (e.g. "Entrance," "Exit," "Right Turn Only," "One Way" signs, etc.) as noted on **Exhibit "A"**.
4. When no masonry wall is required, wheel stops in the form of a **6"** high concrete curb or other approved fixed barrier, placed a minimum distance of **3'** from the property line, or the building to be protected, shall be installed.

Traffic Signal Mitigation Impact (TSMI) Fee: This project shall pay all applicable TSMI Fees **at the time of building permit**. Contact the Public Works Department, Frank Saburit at (559)621-8797. The fees are based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual.

Trip Generation: This development will generate the following Average Daily Trips (A.D.T.), as shown below:

Description/ ITE code	Size	ADT	AM Peak Hour	PM Peak Hour
TBD				

Fresno Major Street Impact (FMSI) Fees: This entitlement is in the **Infill Area**; therefore pay all applicable City-wide regional street impact fees. Contact the Public Works Department, Frank Saburit at (559) 621-8797.

Regional Transportation Mitigation Fee (RTMF): Pay all applicable **RTMF** fees 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.

Prior to resubmitting a corrected exhibit, provide the following information on the site plan:

A. General Requirements

1. **Legend:** Provide line types and utility symbols
2. **Parcel of Record:** Provide a legal description of the legal lots of record.
3. **Property Lines and Easements:** Accurately show, Identify and dimension.
4. **Scope of work:** All items shall be listed as existing or proposed.

B. Offsite Information:

1. **Center Lines:** Identify.
2. **Street Improvements and Furniture:** Identify existing and proposed curb, gutter, sidewalks (provide width), accessibility ramps (provide radius), street lights (specify if wood or metal pole), traffic signals, utility poles, boxes, signs, trash receptacles, tree wells, etc.

C. Onsite Information:

1. **Buildings:** Clearly show and identify the existing patio square footage, and the proposed patio expansion square footage.
2. **Parking Lot:**
 - a. **Curbs and/ or Wheel Stops:** 6" high
 - b. **Accessibility signage:** not to be within the 3' vehicular overhang
 - c. **Paving:** per Public Works Standards **P-21,P-22, P-23**

Questions relative to these conditions may be directed to Jairo Mata at 559 621-8714 Jairo.Mata@fresno.gov , in the Public Works Department, Traffic and Engineering Services Division.



County of Fresno

DEPARTMENT OF PUBLIC HEALTH
DAVID POMAVILLE, DIRECTOR

January 20, 2016

Israel Trejo
Development & Resource Management
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

FA0272660
LU0018336
2602

Dear Mr. Trejo:

PROJECT NUMBER: C-15-190-ABCUP

Conditional Use Permit Application No. C-15-190-ABCUP was filed by Trelawny Bruce of Splash Bar, Inc., and pertains to ± 0.41 acre of property located on the southwest corner of North Broadway and East Olive Avenues in Fresno's historic Tower District. The applicant requests authorization to establish a State of California Alcoholic Beverage Control Type 48 alcohol license (Bar, Night Club - sale of beer, wine, and distilled spirits for consumption on the licensed premises) within an existing building and operate a night club with dancing. The property is zoned C-6 (*Heavy Commercial*).

APN: 452-031-03, 04

ZONING: C-6

SITE ADDRESS: 644 East Olive Avenue

Recommended Conditions of Approval:

- Prior to issuance of building permits and CUP approval, the applicant shall submit complete bar plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. The applicant shall also correct outstanding inspection Violations and consultant comments made on November 24, 2015 and October 19, 2015 (see attachments). Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Prior to alcohol sales, the applicant shall obtain their new license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.
- Due to the proximity of the proposed dance/night club to residential uses, consideration should be given to conformance with the Noise Element of the City of Fresno General Plan. Adequate information should be provided by the applicant to ensure compliance with the City's noise ordinance, it is recommended that the applicant submit an acoustical analysis.

REVIEWED BY:

Kevin
Tsuda

Digitally signed by Kevin Tsuda
DN: cn=Kevin Tsuda, o=Fresno
County Department of Public Health,
ou=Environmental Health Division,
email=ktsuda@co.fresno.ca.us, c=US
Date: 2016.01.20 13:43:36 -0800

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

(559) 600-3271

kt

Promotion, preservation and protection of the community's health

1221 Fulton Mall / P.O. Box 11867 / Fresno, California 93775 / Phone (559) 600-3271 / FAX (559) 455-4646

Email: EnvironmentalHealth@co.fresno.ca.us ♦ www.co.fresno.ca.us ♦ www.fcdph.org

Equal Employment Opportunity ♦ Affirmative Action ♦ Disabled Employer

Israel Trejo
January 20, 2016
C-15-190
Page 2 of 2

cc: Tolzmann, Rogers & Arnold- Environmental Health Division (CT 22.00)
Trelawny Bruce- Owner/Applicant (contractor1997@yahoo.com)



Official Food Facility Inspection Report

Department of Public Health ♦ Environmental Health Division
1221 Fulton Mall, P.O. Box 11867, Fresno, CA 93775, 559-600-3357
www.fcdph.org ♦ Email: EnvironmentalHealth@co.fresno.ca.us

☐ Check here if facility, or portion of the facility, was ordered to close.

PAGE 1 OF 2

FACILITY NAME Landmark Bar and Grill		IDENTIFIER Kitchen	DATE 11/24/15
SITE ADDRESS 644 E. Olive		CITY / ZIP Fresno 93728	CT 22-00
OWNER Splash Bar		FACILITY PHONE 733-6505	FA 0272660
		PR / CO 0050188	
☒ ROUTINE ☐ REINSPECTION	PERMIT EXPIRATION DATE		PERMIT POSTED? ☐ YES ☒ NO
☐ CONSTRUCTION ☐ COMPLAINT			TIME IN 12:00 TIME OUT 12:46 PE 1615

See reverse side for the California Retail Food Code sections and general requirements that correspond to each violation listed below

In = In compliance N/O = Not observed N/A = Not applicable COS = Corrected on-site MAJ = Major violation OUT = Violations						
DEMONSTRATION OF KNOWLEDGE	IN	N/O	OUT			
1. Demonstration of knowledge; food safety certification	☐	☐	☒			
Food Safety Cert Name: _____ Exp. Date _____ Agency _____						
EMPLOYEE HEALTH & HYGIENIC PRACTICES	IN	N/O	COS	OUT	MAJ	
2. Communicable disease; reporting, restrictions & exclusions	☒	☐	☐	☐	☐	
3. No discharge from eyes, nose, and mouth	☒	☐	☐	☐	☐	
4. Proper eating, tasting, drinking or tobacco use	☒	☐	☐	☐	☐	
PREVENTING CONTAMINATION BY HANDS	IN	N/O	COS	OUT	MAJ	
5. Hands clean and properly washed; gloves used properly	☒	☐	☐	☐	☐	
6. Adequate handwashing facilities supplied & accessible	☒	☐	☐	☐	☐	
TIME AND TEMPERATURE RELATIONSHIPS	IN	N/O	N/A	COS	OUT	MAJ
7. Proper hot and cold holding temperatures	☒	☐	☐	☐	☐	☐
Cold Temp _____ Hot Temp _____						
8. Time as a public health control; procedures & records	☒	☐	☐	☐	☐	☐
9. Proper cooling methods	☒	☐	☐	☐	☐	☐
10. Proper cooking time & temperatures	☒	☐	☐	☐	☐	☐
11. Proper reheating procedures for hot holding	☒	☐	☐	☐	☐	☐
PROTECTION FROM CONTAMINATION	IN	N/O	N/A	COS	OUT	MAJ
12. Returned and reservice of food	☒	☐	☐	☐	☐	☐
13. Food in good condition, safe and unadulterated	☒	☐	☐	☐	☐	☐
PROTECTION FROM CONTAMINATION	IN	N/O	N/A	COS	OUT	MAJ
14. Food contact surfaces: clean and sanitized	☐	☐	☐	☐	☐	☐
Sanitizer Type: Linen _____ ppm OCl _____ Qt Utensil sink _____ ppm OCl _____ Qt						
Dishwasher _____ ppm Chlorine or _____ Hot Water Temp: _____						
FOOD FROM APPROVED SOURCES	IN	N/O	N/A	COS	OUT	MAJ
15. Food obtained from approved source	☒	☐	☐	☐	☐	☐
16. Compliance with shell stock tags, condition, display	☐	☐	☐	☐	☐	☐
17. Compliance with Gulf Oyster Regulations	☐	☐	☐	☐	☐	☐
CONFORMANCE WITH APPROVED PROCEDURES	IN	N/O	N/A	COS	OUT	MAJ
18. Compliance with variance, specialized process, reduced oxygen packaging, & HACCP Plan	☐	☐	☐	☐	☐	☐
CONSUMER ADVISORY	IN	N/O	N/A	COS	OUT	MAJ
19. Consumer advisory provided for raw or undercooked foods	☐	☐	☐	☐	☐	☐
HIGHLY SUSCEPTIBLE POPULATIONS	IN	N/O	N/A	COS	OUT	MAJ
20. Licensed health care facilities/ public & private schools; prohibited foods not offered	☐	☐	☐	☐	☐	☐
WATER/HOT WATER	IN	N/O	N/A	COS	OUT	MAJ
21. Hot and cold water available	☒	☐	☐	☐	☐	☐
Temp _____						
LIQUID WASTE DISPOSAL	IN	N/O	N/A	COS	OUT	MAJ
22. Sewage and wastewater properly disposed	☒	☐	☐	☐	☐	☐
VERMIN	IN	N/O	N/A	COS	OUT	MAJ
23. No rodents, insects, birds, or animals	☒	☐	☐	☐	☐	☐

SUPERVISION

24. Person in charge present and performs duties

OUT

PERSONAL CLEANLINESS

25. Personal cleanliness and hair restraints

OUT

GENERAL FOOD SAFETY REQUIREMENTS

26. Approved thawing methods used; frozen food

OUT

27. Unpackaged food separated and protected; sneeze guards; food prep areas

OUT

28. Washing fruits and vegetables

OUT

29. Toxic substances properly identified, stored, used containers

OUT

FOOD STORAGE/ DISPLAY/ SERVICE

30. Packaged food storage; food storage containers identified

OUT

31. Consumer self-service

OUT

32. Food properly labeled & honestly presented; infant formula

OUT

EQUIPMENT/ UTENSILS/ LINENS

33. Nonfood contact surfaces clean

OUT

34. Warewashing facilities: installed, maintained, used; test strips

OUT

35. Equipment/ Utensils approved; installed; clean; good repair, capacity

OUT

36. Equipment, utensils and linens: storage and use; pressurized cylinders

OUT

37. Vending machines

OUT

38. Adequate ventilation, shatterproof lighting; designated areas, use

OUT

39. Thermometers provided and accurate

OUT

40. Wiping cloths: properly used and stored

OUT

PHYSICAL FACILITIES

41. Plumbing: proper backflow devices

OUT

42. Garbage and refuse properly disposed; facilities maintained

OUT

43. Toilet facilities: properly constructed, supplied, cleaned

OUT

44. Premises: personal/cleaning items; vermin-proofing; unused equipment; mop sink

OUT

PERMANENT FOOD FACILITIES

45. Floor, walls and ceilings: built, maintained, and clean

OUT

46. No unapproved private homes/ living or sleeping quarters; limited sq. ft.

OUT

SIGNS/ REQUIREMENTS

47. Signs posted; last inspection report available

OUT

COMPLIANCE & ENFORCEMENT

48. Plan Review

OUT

49. Permits Available

OUT

50. Impoundment

OUT

51. Permit Suspension

OUT

OBSERVATIONS AND CORRECTIVE ACTIONS

RECEIVED BY (Print)

TITLE

RECEIVED BY (Signature)

NOTICE: REINSPECTION FEES WILL BE CHARGED FOR REINSPECTIONS DUE TO UNCORRECTED VIOLATIONS

SPECIALIST (Print)

SPECIALIST (Signature)

Interim Permit to Operate
issued if initiated at the right
Valid for 90 days

Initial:

REINSPECTION DATE:

1 / 1



Official Food Facility Inspection Report

(Continuation Page)

PAGE 2 OF 2

FACILITY NAME Landmark Bar and Grill	IDENTIFIER Kitchen	DATE 11/24/15
SITE ADDRESS, CITY, ZIP 644 E. Olive / Fresno	FA 0272660	PR CO 0050188
		PE 1615

TEMPERATURE CONTROL: Documentation required for all facilities with potentially hazardous food.

Type of Food	Temp (°F)	Temp Violation	Process/Holding Location	Type of Food	Temp (°F)	Temp Violation	Process/Holding Location
1 Meat	34	0	Walk In / Thawing	6		0	
2 Cheese	46	0	Walk In	7		0	
3 Butter	46	0	Walk In	8		0	
4 Ambient Air	47	0	Walk In	9		0	
5 Ambient Air	37	0	2 dr upright	10		0	

See VC&D form.

No potentially hazardous food at facility. 0

DF# OBSERVATIONS AND CORRECTIVE ACTIONS

- 7 Walk In refrigerator 45-47°F. Repair/replace walk in to maintain potentially hazardous foods at 41°F or below.
- 35 3 walk in units (old) not in use. Ceiling damaged to one and may leak. Determine use of last large walk in. Remove all old condensate.
- 44 mop sink scheduled for next week. Install mop sink in an approved manner. Obtain any necessary permits. (City of Fresno Building Department).
- 44 Many pieces of unused equipment in kitchen (due to menu change). Remove all unused equipment from facility.
- 45 Floors in prep area are in need of repair in an approved manner. / core needs updating.
- 35 Service fire extinguisher and fire suppression system so tags are current.
- 1 Post CFM on site.

NO hot holding due to menu change. (burger + salads)
Notes: Back during bar not in use. Owner plans to submit plans beginning of December.
See inspection report dated 10/11/15 for other updates.

IF SIGNED HERE BY INSPECTOR (REHS) _____, UPON AUTHORITY OF THE ENVIRONMENTAL HEALTH DIRECTOR, THE ENVIRONMENTAL HEALTH PERMIT FOR THE BUSINESS IS IMMEDIATELY SUSPENDED DUE TO THE ITEMS MARKED WITH AN ASTERISK (*). THE BUSINESS IS TO REMAIN CLOSED UNTIL ALL OF THE CORRECTIONS ARE COMPLETED AND WRITTEN AUTHORIZATION TO REOPEN IS ISSUED BY THIS OFFICE. AN APPEAL OF THIS SUSPENSION MAY BE REQUESTED BY WRITING TO THE ENVIRONMENTAL HEALTH DIRECTOR.

RECEIVED BY  INSPECTED BY 

Required.



Official Food Facility Inspection Report

Department of Public Health ♦ Environmental Health Division
1221 Fulton Mall, P.O. Box 11867, Fresno, CA 93775, 559-600-3357
www.fcdph.org ♦ Email: EnvironmentalHealth@co.fresno.ca.us

☐ Check here if facility, or portion of the facility, was ordered to close.

PAGE 1 OF 2

FACILITY NAME Landmark Restaurant		IDENTIFIER Bak.	DATE 11/24/15
SITE ADDRESS 644 E. Olive		CITY / ZIP Fresno 93728	CT 22-00
OWNER Splash		FACILITY PHONE 233-6505	FA 0272660
			PR/CO 0050187
☒ ROUTINE ☐ REINSPECTION ☐ CONSTRUCTION ☐ COMPLAINT		PERMIT EXPIRATION DATE	PERMIT POSTED? ☐ YES ☒ NO
		TIME IN 10:00	TIME OUT 12:00
		PE 1602	

See reverse side for the California Retail Food Code sections and general requirements that correspond to each violation listed below

In = In compliance N/O = Not observed N/A = Not applicable COS = Corrected on-site MAJ = Major violation OUT = Violations

DEMONSTRATION OF KNOWLEDGE	IN	N/O	OUT
1. Demonstration of knowledge; food safety certification	☐	☐	☒
Food Safety Cert Name: _____ Exp. Date _____ Agency _____			
EMPLOYEE HEALTH & HYGIENIC PRACTICES	IN	N/O	COS OUT MAJ
2. Communicable disease; reporting, restrictions & exclusions	☒	☐	☐ ☐ ☐
3. No discharge from eyes, nose, and mouth	☒	☐	☐ ☐ ☐
4. Proper eating, tasting, drinking or tobacco use	☒	☐	☐ ☐ ☐
PREVENTING CONTAMINATION BY HANDS	IN	N/O	COS OUT MAJ
5. Hands clean and properly washed; gloves used properly	☒	☐	☐ ☐ ☐
6. Adequate handwashing facilities supplied & accessible	☒	☐	☐ ☐ ☐
TIME AND TEMPERATURE RELATIONSHIPS	IN	N/O	N/A COS OUT MAJ
7. Proper hot and cold holding temperatures	☒	☐	☐ ☐ ☐
4 Cold Temp _____ Hot Temp _____ Hot _____			
8. Time as a public health control; procedures & records	☐	☐	☒ ☐ ☐
9. Proper cooling methods	☐	☐	☒ ☐ ☐
10. Proper cooking time & temperatures	☐	☐	☒ ☐ ☐
11. Proper reheating procedures for hot holding	☐	☐	☒ ☐ ☐
PROTECTION FROM CONTAMINATION	IN	N/O	N/A COS OUT MAJ
12. Returned and service of food	☒	☐	☐ ☐ ☐
13. Food in good condition, safe and unadulterated	☒	☐	☐ ☐ ☐
14. Food contact surfaces; clean and sanitized	☒	☐	☐ ☐ ☐
Sanitizer Type: Linen _____ ppm OCl _____ Qt. Utensil sink _____ ppm OCl _____ Qt.			
Dishwasher _____ ppm Chlorine or _____ Hot Water Temp. _____			
FOOD FROM APPROVED SOURCES	IN	N/O	N/A COS OUT MAJ
15. Food obtained from approved source	☒	☐	☐ ☐ ☐
16. Compliance with shell stock tags, condition, display	☐	☐	☒ ☐ ☐
17. Compliance with Gulf Oyster Regulations	☐	☐	☒ ☐ ☐
CONFORMANCE WITH APPROVED PROCEDURES	IN	N/A	COS OUT MAJ
18. Compliance with variance, specialized process, reduced oxygen packaging, & HACCP Plan	☐	☒	☐ ☐ ☐
CONSUMER ADVISORY	IN	N/O	N/A COS OUT MAJ
19. Consumer advisory provided for raw or undercooked foods	☐	☐	☒ ☐ ☐
HIGHLY SUSCEPTIBLE POPULATIONS	IN	N/A	COS OUT MAJ
20. Licensed health care facilities/ public & private schools; prohibited foods not offered	☐	☒	☐ ☐ ☐
WATER/HOT WATER	IN		COS OUT MAJ
21. Hot and cold water available	☒	☐	☐ ☐ ☐
Temp. _____			
LIQUID WASTE DISPOSAL	IN		COS OUT MAJ
22. Sewage and wastewater properly disposed	☒	☐	☐ ☐ ☐
VERMIN	IN		COS OUT MAJ
23. No rodents, insects, birds, or animals	☒	☐	☐ ☐ ☐

SUPERVISION

24. Person in charge present and performs duties

OUT

PERSONAL CLEANLINESS

25. Personal cleanliness and hair restraints

OUT

GENERAL FOOD SAFETY REQUIREMENTS

26. Approved thawing methods used, frozen food

OUT

27. Unpackaged food separated and protected; sneeze guards; food prep areas

OUT

28. Washing fruits and vegetables

OUT

29. Toxic substances properly identified, stored, used containers

OUT

FOOD STORAGE/ DISPLAY/ SERVICE

30. Packaged food storage; food storage containers identified

OUT

31. Consumer self-service

OUT

32. Food properly labeled & honestly presented; infant formula

OUT

EQUIPMENT/ UTENSILS/ LINENS

33. Nonfood contact surfaces clean

OUT

34. Warewashing facilities: installed, maintained, used; test strips

OUT

35. Equipment/ Utensils approved; installed; clean; good repair, capacity

OUT

36. Equipment, utensils and linens: storage and use; pressurized cylinders

OUT

37. Vending machines

OUT

PHYSICAL FACILITIES

38. Adequate ventilation, shatterproof lighting; designated areas, use

OUT

39. Thermometers provided and accurate

OUT

40. Wiping cloths: properly used and stored

OUT

PERMANENT FOOD FACILITIES

41. Plumbing: proper backflow devices

OUT

42. Garbage and refuse properly disposed; facilities maintained

OUT

43. Toilet facilities: properly constructed, supplied, cleaned

OUT

44. Premises; personal/cleaning items; vermin-proofing; unused equipment; mop sink

OUT

SIGNS/ REQUIREMENTS

45. Floor, walls and ceilings: built, maintained, and clean

OUT

46. No unapproved private homes/ living or sleeping quarters; limited sq. ft.

OUT

COMPLIANCE & ENFORCEMENT

47. Signs posted; last inspection report available

OUT

48. Plan Review

OUT

49. Permits Available

OUT

50. Impoundment

OUT

51. Permit Suspension

OUT

OBSERVATIONS AND CORRECTIVE ACTIONS

RECEIVED BY (Print)

Adrian

TITLE

mgr

RECEIVED BY (Signature)

NOTICE: REINSPECTION FEES WILL BE CHARGED FOR REINSPECTIONS DUE TO UNCORRECTED VIOLATIONS

SPECIALIST (Print)

Amy Arnold

SPECIALIST (Signature)

A. Arnold

Interim Permit to Operate
issued if initialed at the right
Valid for 90 days

Initial:

REINSPECTION DATE:

1 / 1



Official Food Facility Inspection Report

(Continuation Page)

PAGE 2 OF 2

FACILITY NAME Landmark Bar & Grill		IDENTIFIER BAR	DATE 11/24/15
SITE ADDRESS, CITY, ZIP 644 E. Olive / Fresno		FA 0272660	PR/CO 0050187
		PE 1602	

TEMPERATURE CONTROL: Documentation required for all facilities with potentially hazardous food.

Type of Food	Temp (°F)	Temp Violation	Process/Holding Location	Type of Food	Temp (°F)	Temp Violation	Process/Holding Location
1		○		6		○	
2		○		7		○	
3		○		8		○	
4		○		9		○	
5		○		10		○	

○ See VC&D form.

No potentially hazardous food at facility. ○

DF# OBSERVATIONS AND CORRECTIVE ACTIONS

- 45 Repair/replace flooring behind bar in an approved manner.
- 35 Provide stainless splash guard on right side of hand sink in an approved manner.
- 45 Repair/replace bar die wall - seal/secure equipment to wall.
- 35 Remove towels in keg unit. Repair unit to eliminate standing water.
- 35 Eliminate mildew inside keg walk-in. Do not use wood in walk-in.
- 1 Post CFM on site.

Note: Back dining room bar not in use.

Waitress station needs to be updated to meet current code for floor & wall finishes.

IF SIGNED HERE BY INSPECTOR (REHS) _____, UPON AUTHORITY OF THE ENVIRONMENTAL HEALTH DIRECTOR, THE ENVIRONMENTAL HEALTH PERMIT FOR THE BUSINESS IS IMMEDIATELY SUSPENDED DUE TO THE ITEMS MARKED WITH AN ASTERISK (*). THE BUSINESS IS TO REMAIN CLOSED UNTIL ALL OF THE CORRECTIONS ARE COMPLETED AND WRITTEN AUTHORIZATION TO REOPEN IS ISSUED BY THIS OFFICE. AN APPEAL OF THIS SUSPENSION MAY BE REQUESTED BY WRITING TO THE ENVIRONMENTAL HEALTH DIRECTOR.

RECEIVED BY

INSPECTED BY



OFFICIAL FOOD FACILITY INSPECTION REPORT

DEPARTMENT OF PUBLIC HEALTH ❖ ENVIRONMENTAL HEALTH DIVISION

PO BOX 11867, Fresno, CA 93775-1867, 1221 Fulton Mall, (559) 600-3357

www.fcdph.org ❖ Email: EnvironmentalHealth@co.fresno.ca.us

ju

Facility Name LAND MARK Bar and Grill		Date 10/19/15
Site Address 644 E. Olive	City/ZIP Fresno	FA 0272660
Owner/Permittee Splash Bar, Inc.		Record ID (PR, CO, WA) PR0050188
Person in Charge/Title # Owner - T.J. MGR - DAVID		PE 1615
Phone 233-6505	Time In	Time Out 22
		Permit Expiration Date

☐ Routine ☐ Reinspection ☐ Complaint ☒ Construction ☐ on-site consult ☐ Permit Posted? ☐ YES ☐ NO

LAW: CALIFORNIA RETAIL FOOD CODE (CALCODE)

The boxes marked below are **MAJOR VIOLATIONS** that must be corrected **IMMEDIATELY** (see details below for any checked items):

- | | | |
|--|---|---|
| ☐ IMPROPER HOLDING TEMPERATURES | ☐ FOOD FROM UNAPPROVED SOURCES | ☐ VERMIN INFESTATION |
| ☐ CONTAMINATED EQUIPMENT/FOOD | ☐ NO WATER IN | ☐ INADEQUATE COOKING |
| ☐ SURFACING SEWAGE | ☐ POOR PERSONAL HYGIENE | ☐ IMPROPER COOLING |

Unless otherwise stated, the violations below must be corrected by this **REINSPECTION DATE**:

1 / 1

ON site consultation with new owner. He plans to upgrade bar in front of facility and add a 2nd bar in the main dining area.

Include the following:

- * 1. Discontinue use of dining area bar that was added without plans and permits. Remove all products - beer, soda, juice etc. This area cannot be used until it is approved by the City and this department. (114381)
- 2. Repair / replace floor in front Bar
Repair / replace bare die wall - seal / secure equipment to the wall. (114268, 114271)

Patron notification sign posted? ☐ YES ☐ NO. Note: A copy of the most recent inspection report shall be maintained at the food facility. The food facility shall post a notice advising patrons that a copy of the most recent inspection report is available for review by interested parties. (CALCODE 113725.1)

Certified Food Manager (☐ N/A): _____ Date Certified: _____ By: _____

Received By: [Signature] Inspected By: [Signature]

NOTICE: REINSPECTION FEES WILL BE CHARGED FOR REINSPECTIONS DUE TO UNCORRECTED VIOLATIONS

For Office Use Only
Reset Date

☐ **INTERIM PERMIT TO OPERATE ISSUED** Valid for 90 days. Authorized by: _____

☐ Building permits are required for correction of these items and can be obtained at the location shown on the back of this report. Corrections will not be approved until permits are finalized.



OFFICIAL FOOD FACILITY INSPECTION REPORT

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du

Facility Name <i>Landmark Bar & Grill</i>	FA <i>0272660</i>	Date <i>10/19/15</i>
Site Address, City, ZIP <i>644 E. Olive Ave.</i>	Record ID (PR, CO, WA) <i>PROD50188</i>	PE <i>1615</i>

CONTINUATION PAGE

3. Add a side splash guard at the right side of the hand sink (113953) (6" min, metal)
4. Relocate fans so they are not over sinks/ice bins (113980)
5. Repair/replace back bar cabinets as needed (114257).

Future plans for kitchen include

- Repair/replace floor
- Provide an approved 3 compartment sink
- Provide an approved food prep sink with a min. 1 drainboard (current sink is old and starting to deteriorate)
- Continue to clean and repair walls, floor, equipment etc.
- Connect walk-in cooler condensate to ~~floor~~ floor sinks - or approved dry well.
- Add a separate mop sink.

Received By: *[Signature]*

Inspected By: *Dan Holzman*



Preparing Career Ready Graduates

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SUPERINTENDENT

Michael E. Hanson

January 15, 2016

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

**SUBJECT: CONDITIONAL USE PERMIT NO. C-15-190-ABCUP
644 E. OLIVE AVE.**

Dear Mr. Trejo,

In response to the City's request for comments on the pending Conditional Use Permit (C.U.P.) referenced above, Fresno Unified School District (FUSD) has the following comments and concerns.

The applicant for the proposed 'Splash Bar' night club to be located in an existing building at 644 East Olive Avenue is requesting authorization to establish a State of California Alcoholic Beverage Control Type 48 (*Bar, Night Club – sale of beer, wine, and distilled spirits for consumption on the licensed premises*) alcohol license. It is located within approximately 1,165 feet from Muir 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." The District has concerns regarding potentially dangerous interaction between our students and the proposed operation. FUSD's response on this project is subject to the Alcohol Beverage Control Act and the Fresno Police Department's review and support of the project with regard to the concentration and use of alcohol-related business in close proximity to school sites.

The Fresno Unified School District levies a commercial/industrial development fee of \$0.54 per square foot. However, since no new square footage will be constructed no development fee would be charged.

If you have any questions or require additional information regarding our comments and concerns, please contact our office at (559) 457-3066.

Sincerely,

Alex Belanger, Assistant Superintendent
Facilities Management and Planning

ABC

AB:hl

c: Juan Garcia, Principal, Muir Elementary School

Exhibit L

**CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT NO. C-15-190**

THE PROJECT DESCRIBED HEREIN IS DETERMINED TO BE CATEGORICALLY
EXEMPT FROM THE PREPARATION OF ENVIRONMENTAL DOCUMENTS
PURSUANT TO ARTICLE 19 OF THE STATE CEQA GUIDELINES.

APPLICANT: Trelawny Bruce
644 East Olive Avenue
Fresno, CA 93728

PROJECT LOCATION: 644 East Olive Avenue, southwest corner of East
Olive Avenue and North Broadway
(APN: 452-031-03, -04)

PROJECT DESCRIPTION: Conditional Use Permit Application No. C-15-190 requests authorization to allow for the operation of a "Night Club" in an existing building. The applicant requests authorization to establish a State of California Alcoholic Beverage Control (ABC) Type 48 alcohol license (Bar, Night Club – sale of beer, wine, and distilled spirits for consumption on the licensed premises). The project applicant also proposes to have an approximate 1,400 square foot patio

This project is exempt under Sections 15301/Class 1 and 15332/Class 32 of the State of California CEQA Guidelines. None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

EXPLANATION: Section 15301/Class1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

The subject property contains an existing building that previously housed the Landmark Restaurant which also sold beer, wine and distilled spirits.

Section 15332/Class 32 consists of projects characterized as in-fill development meeting the conditions described in this Section. (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. (c) The project site has no value, as habitat for endangered, rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services.

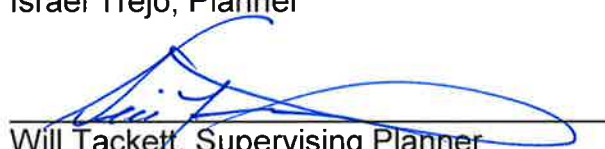
The subject property general plan designation is Main Street - Commercial which allows commercial uses. Pursuant to Section 15-104.D of the new Development Code, planning permit applications that have been accepted by the City as complete prior to the effective date of the Development Code (January 3, 2016), shall be subject to the Code requirements in effect as of the date the application was deemed complete, unless the applicant chooses to use the updated provisions of the

Development Code in their entirety. The subject application was accepted for processing on December 30, 2015, and, as such, the application is subject to the requirements of the previous Code, i.e. Chapter 12 of the Fresno Municipal Code. The proposed use is allowed, subject a conditional use permit. The subject property is located within the city limits, is under 5 acres and is substantially surrounded by urban uses. The project site has no value, as habitat for endangered, rare or threatened species. Based on the project analysis, the project is not expected to result in any significant effects relating to traffic, noise, air quality, or water quality. The subject site has access to required utilities and public services.

Date: February 17, 2017

Prepared By: Israel Trejo, Planner

Submitted By:



Will Tackett, Supervising Planner
City of Fresno
Development & Resource Mgmt.
Department
(559) 621-8277