

**City of Fresno
Planning and Development Department**

**Conditions of Approval
October 16, 2019**

Conditional Use Permit Application No. P18-03953

Planner: Kao Vang

PROJECT DESCRIPTION

Conditional Use Permit Application No. P18-03953 requests a finding of public convenience or necessity to establish a State of California Alcoholic Beverage Control Type 20 License (Package Store – sale of beer and wine for consumption off the premises where sold) for the Dollar General grocery and consumer goods store.

Address: 4785 East Church Avenue

APN: 480-213-15

Zoning: CC (Commercial Community)

Exhibits: A & F

PART A - ITEMS TO BE COMPLETED

The following items are required prior to commencement of land activity:

Planner to check when completed

- | | |
|--------------------------|--|
| <input type="checkbox"/> | Development shall take place in accordance with Site and Floor Plan Exhibits A & F dated 12/27/2019. Transfer all comments and conditions on the Exhibits to the corrected exhibits and submit to planner. |
|--------------------------|--|

PART B - OTHER AGENCY COMMENTS AND CONDITIONS

To be checked when completed where applicable

- | | | |
|--------------------------|----|---|
| <input type="checkbox"/> | 1. | Council District 5 Committee: See attached Meeting Action/Agenda Minutes dated 4/22/19 for comments. |
| <input type="checkbox"/> | 3. | Police Review: Compliance will be required with the Standard Fresno Police Department ABC-CUP Conditions to be prepared by the Fresno Police Department, and the submittal of a Security Plan. Contact Detective Phu Nguyen at 559-621-6309; phu.nguyen@fresno.gov for more details. |
| <input type="checkbox"/> | 4. | School District: See Fresno Unified School District response dated 3/5/19. |

PART C - PLANNING DEVELOPMENT CODE STANDARDS

Section 15-2706 Alcohol Sales (For establishments of less than 10,000 sqft)

- Litter and Graffiti.
 1. Trash and recycling receptacles shall be provided by public entrances and exits from the building.

2. The owner or operator shall provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 20 feet of the premises.
3. The owner or operator shall remove graffiti within 48 hours.
- 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.
- Pay Phones and Vending Machines. External pay phones and snack vending machines are prohibited.
- Video Surveillance.
 1. Establishments must equip a fully functional color digital video camera system.
 2. 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.
 3. The system shall have the correct date and time stamped onto the image at all times.
 4. 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.
 5. If utilizing a digital video recorder, it must be capable of storing at least 14 days of real-time activities.
 6. 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.
 7. 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.
 8. 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.
 9. All interior cameras shall record in color.
 10. All exterior cameras shall record in color and have automatic low light switching capabilities to black and white. Exterior cameras should be in weatherproof enclosures and located in a manner that will prevent or reduce the possibility of vandalism.
- Signage.
 1. The provisions specified under Article 26, Signs and this subsection shall apply. Where conflict may occur between the provisions of Article 26 and this subsection, the more restrictive provisions shall govern.
 2. The following copy is required to be prominently posted in a readily visible manner on an interior wall or fixture and not on windows:
 - a. "California State Law Prohibits the Sale of Alcoholic Beverages to Persons Under 21 Years of Age.
 - b. "No Loitering is Allowed On or In Front of These Premises.
 - c. "No Open Alcoholic Beverage Containers are Allowed on These Premises.
 3. No more than 15 percent of the square footage of each window and clear door that is visible to the public from a public thoroughfare, sidewalk, or parking lot of an off-sale alcohol retail outlet shall bear advertising, signs, or other obstructions of any sort. 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.

4. Advertising and signage on windows and clear doors shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the outlets, including the area in which the cash registers are maintained, from exterior public sidewalks, parking lots, or entrance to the outlets.
 5. Any establishment located within 250 feet of a sensitive use, as listed in Subsection E.1, may not advertise alcohol sales in a manner visible from the outside of the establishment, such as from a public thoroughfare, sidewalk, or parking lot.
- Loitering and Other Nuisance Activities. The operation of the establishment shall not result in repeated nuisance activities on the property, which may include, but are not limited to, repeated disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, alcoholic beverage and tobacco sales to minors, harassment of passerby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, loitering, excessive littering, graffiti, illegal parking, excessive loud noises (especially in the late night or early morning hours), traffic violations, curfew violations, lewd conduct, or other violations of City, State, or federal laws, especially when contributing to a proportionally high rate of police reports and arrests to the area.
 - Training. The owners and all employees of the establishment who are involved in the sale of alcoholic beverages must complete approved course(s) in training of liquor sales and handling within sixty days after approval of the Conditional Use Permit becomes final, or for employees hired after the approval of the Conditional Use Permit, within sixty days from the date of hire. To satisfy this requirement, a certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service (CCC/RBS) or other certifying or licensing body designated by the State of California.
 - Compliance with Laws. The establishment must remain in compliance with all local, State, and federal laws, regulations, and orders, as well as all conditions of approval imposed on the use. This includes compliance with annual City business license fees.
 - Posting of Conditions. A copy of all conditions of approval and training requirements shall either be posted in a conspicuous and unobstructed place near the entrance, cashier counter, or customer service area of the establishment or posted in an employee area and provided upon request (e.g. via flyer or brochure) to patrons and enforcement officials.
 - Prohibited Products. The sale or distribution of one or more of the following shall be prohibited.
 1. Wine in containers of less than 750 milliliters.
 2. Single containers of beer, malt liquor, wine coolers, and similar alcoholic beverages not in original factory packages of four-packs or greater.
 3. Distilled spirits in containers of less than 375 milliliters.
 4. Paper or plastic cups in quantities less than their usual and customary packaging.
 - Additional Requirements.

Additional and/or security measures such as reduced hours of operation, security guards, door monitors, and burglar alarm systems may be required if harm, nuisance, or related

problems are demonstrated to occur as a result of business practices or operations. This will be determined on a case-by-case basis upon review by the Police Department.

PART D - PLANNING - OTHER REQUIREMENTS

1. Development shall take place in accordance with the policies of the Fresno General Plan, Roosevelt Community Plan and with the Commercial-Community planned land use designation.
2. Development shall take place in accordance with the CC (Community Commercial) zone district and all other applicable sections of the Fresno Municipal Code.
3. Comply with the operational statement submitted for the proposed project dated December 27, 2018.
4. Development shall comply with all prior special permits on the property, specifically Conditional Use Permit Application No. D-16-111.