

**City of Fresno  
Planning and Development Department**

**Conditions of Approval  
August 5, 2020**

**Conditional Use Permit Application No. P20-00808**

Planner: Phillip Siegrist 559-621-8061

**PROJECT DESCRIPTION**

Conditional Use Permit Application No. P20-00808 was filed by Davinder Singh, of Tower Beer & Wine mini mart, and requests authorization to upgrade from an existing State of California Alcoholic Beverage Control (ABC) Type 20 alcohol license (Off-Sale Beer & Wine [Package Store] – sale of beer and wine for consumption off the premises where sold) to a Type 21 alcohol license (Off-Sale General [Package Store] – sale of beer, wine, and distilled spirits for consumption off the licensed premises). No physical development is proposed under this special permit application.

**APN: 450-183-23**

**ADDRESS: 441 West Olive Avenue, Suite 105 & 106**

**EXHIBITS: A, F, and O**

**ZONING: CMS (Commercial - Main Street)**

**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 Exhibits A, F, and O dated 03/31/2020. Transfer all comments and conditions on Exhibits to the corrected exhibit(s) and <b>submit to planner at least 15 days prior to issuance of building permits.</b> |
| <input type="checkbox"/> | Project shall comply with comments and/or conditions from partner commenting departments and agencies included below.  |

**PART B - OTHER AGENCY COMMENTS AND CONDITIONS**

To be checked when completed where applicable

- |                          |   |
|--------------------------|---|
| <input type="checkbox"/> | 1. Council District Committee:<br><br><i>Council District 3 Project Review Committee recommended unanimous denial of the project, 6 votes to 0. The voting record has been uploaded to Attachments.</i>   |
| <input type="checkbox"/> | 2. Fire Review:<br><br><i>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.</i>  |
| <input type="checkbox"/> | 3. Fresno County Environmental Health: <i>Recommended Conditions of Approval:</i> <ul style="list-style-type: none"><li><i>Should the facility undergo remodel to accommodate the sales of distilled spirits, then prior to issuance of building permits, the applicant shall submit complete food facility plans and</i></li></ul> |

		<p><i>specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.</i></p> <ul style="list-style-type: none"> <li><i>Prior to distilled alcohol sales, the applicant shall first obtain their upgraded license to sell distilled alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.</i></li> </ul>
<input type="checkbox"/>	4. Police Review:	<p><i>The Fresno Police Department (Central District) is currently in opposition of any upgrade to the current license.</i></p> <p><i>Please see PD memo, crime analysis, and Standard PD conditions in attachments.</i></p>
<input type="checkbox"/>	5. School District:	<p><i>Fresno Unified School District response uploaded to Documents. See memo date April 7, 2020. Thank you.</i></p>
<input type="checkbox"/>	6. Council Member	<p><i>Please see letter from Council President Miguel A. Arias - uploaded to FAASTER on 4/15/2020</i></p>

#### PART C - PLANNING DEVELOPMENT CODE STANDARDS

- 1. Density and Intensity Standards** This section is not applicable.
- 2. General Site Regulations** This section is not applicable.
- 3. Site Design** This section is not applicable.
- 4. Parking and Loading** This Section is not applicable.
- 5. Landscaping** No general landscaping requirements apply.
- 6. Facade** This section is not applicable.
- 7. Fencing** This section is not applicable.
- 8. Special Use Requirements** This section is not applicable.

#### **Operational Requirements**

##### **The Off Sale of Alcohol Proposed in Establishment of Less Than 10,000 Sq. Ft**

- a. Trash and recycling receptacles shall be provided by public entrances and exits from the building.
- b. 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.
- c. The owner or operator shall remove graffiti within 48 hours.
- d. 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.

e. 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.

f. 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.

g. 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.

h. 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.

i. Additional Requirements.

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

#### PART D - PLANNING - OTHER REQUIREMENTS

1. Development shall take place in accordance with the policies of the Fresno General plan, Fresno High - Roeding Community Plan, Tower District Specific Plan, and with the Main Street Commercial planned land use designation.
2. Development shall take place in accordance with the CMS (*Commercial - Main Street*) zone district and all other applicable sections of the Citywide Development Code, Chapter 15 of the Fresno Municipal Code (FMC).
3. Comply with the operational statement submitted for the proposed project dated 03/31/2020.
4. Comply with all applicable mitigation measures detailed in the attached Master Environmental Impact Report (MEIR) Mitigation Monitoring Checklist for the Fresno General Plan and any applicable project specific mitigation measures contained in the environmental assessment adopted for the project.
5. Development shall comply with all prior special permits on the property, specifically Conditional Use

Permit Applications No. C-14-002 and any applicable conditions of zoning.

6. Property development standards and operational conditions are contained in Articles [14](#), [20](#), [23](#), [24](#) and [25](#). Any project revisions, development and operation must comply with these property development standards and operational conditions.

## PART E - MISCELLANEOUS AND GENERAL NOTES AND REQUIREMENTS

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

1. Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. *This special permit is granted, and the conditions imposed, based upon the Operation Statement provided by the applicant. The Operation Statement is material to the issuance of this special permit. Unless the conditions of approval specifically require operation inconsistent with the Operation Statement, a new or revised special permit is required if the operation of this establishment changes or becomes inconsistent with the Operation Statement.* Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the special permit or any other enforcement remedy available under the law. The Planning and Development Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.
2. Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:
  - a) All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;
  - b) All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
  - c) Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.
3. No land shall be used, and no structure shall be constructed, occupied, enlarged, altered, demolished, or moved in any zoning district, except in accordance with the provisions of this Code. Specific uses of land, buildings, and structures listed as prohibited in any zoning district are hereby declared to be detrimental to the public health, safety, and welfare.
4. Development shall take place in accordance with the Standards, Specifications, and Standard Drawings of the City of Fresno Public Works Department; [Click Here](#)
5. Development shall take place in accordance with all city, county, state and federal laws and regulations.
6. Owners and persons having ownership interest in businesses operating in the City of Fresno (including leasing out any commercial or industrial property, or renting out four or more dwelling units) are required by the Fresno Municipal Code to obtain a Business Tax Certificate. Contact the City of Fresno Finance Department's Business Tax Division at (559) 621-6880 for more information. Information and an application form is available at the following website: [Click Here](#)
7. All proposed building(s) or structure(s) constructed on the property must comply with the prevailing California Building Code Standards.

8. Any building modifications and/or additions not included with this application are not approved with this special permit and would be subject to a new special permit.
9. A permit granted under this Code shall automatically expire if it is not exercised or extended within three years of its issuance. Refer to section 15-5013, Expiration of Planning Entitlements, for more information about the exercise of rights.

### **FENCES/WALLS. LANDSCAPING. PARKING**

10. Nothing in this Development Code shall be deemed to prohibit the erection of temporary fencing around construction sites in compliance with the Building Code and other applicable provisions of the Fresno Municipal Code.
11. Future fences shall be reviewed and approved by the Planning and Development Department prior to installation.
12. Fences, hedges, and walls shall be maintained in good repair, including painting, if required, and shall be kept free of litter or advertising. Where hedges are used as screening, trimming or pruning shall be employed as necessary to maintain the maximum allowed height. Fences shall be maintained and shall stand upright and shall not lean.
13. All planting and other landscape elements shall be permanently maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Wherever necessary, plantings shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements. Yards shall be maintained free of refuse, debris, rubbish, or other accumulated matter and/or materials, and shall be maintained clean. Grass shall not exceed six inches in height.
14. Trees shall be maintained by property owners to be free from physical damage or injury arising from lack of water, chemical damage, accidents, vandalism, insects, and disease. Any tree showing such damage shall be replaced with another tree.
15. No tree for which a Tree Removal Permit is required shall be removed until all conditions of the permit have been satisfied and the decision has become final. In addition, tree(s) approved for removal in conjunction with a development application shall not be removed before the issuance of a Building Permit or unless all of the conditions of approval of the development applications are satisfied.
16. The review authority shall issue a Tree Removal Permit if any of the following general criteria is met:
  - a) The tree(s) is irreparably diseased or presents a danger of falling that cannot be controlled or remedied through reasonable preservation and/or preventative procedures and practices so that the public health or safety requires its removal.
  - b) The tree(s) can potentially cause substantial damage to existing or proposed main structure(s) (e.g. dwellings, other main structures, or public infrastructure) or interfere with utility services and cannot be controlled or remedied through reasonable relocation or modification of the structure or utility services.
  - c) The retention of the tree(s) restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly zoned and situated properties, and the applicant has demonstrated to the satisfaction of the Review Authority that there are no reasonable alternatives to preserve the tree(s).
17. Future tenant improvements shall be reviewed and approved by the Planning and Development Department to ensure that adequate off-street parking is provided.
18. The number of trees required for parking lot shading are in addition to trees required elsewhere on the site as prescribed in other sections of this Code

19. Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.
20. A minimum number of accessible parking stalls are required for the proposed project per State of California Building Code, "Development Requirements for Handicapped Accessibility."
21. All accessible stalls shall be marked with the international symbol of spaces and a warning that vehicles in violation of Section 10-1017 of the Municipal Code shall be towed away. The international symbol and tow-away warning shall be posted conspicuously on seven-foot poles. **(Include this note on the site plan.)**
22. Applicants are encouraged to provide shared vehicle and pedestrian access between adjacent properties for convenience, safety, and efficient circulation. A joint access covenant shall be required. **(Include this note on the site plan.)**
23. All general standards of Section 15-2015 of the FMC shall apply when lighting is provided to illuminate parking, sales or display areas. **Depict all proposed lights on the site plan.**
24. Bicycle parking spaces shall be supplied according to Table 15-2429-D: Required On-Site Bicycle Parking Spaces of the Fresno Municipal Code (FMC). Each bicycle parking space shall be a minimum of 30 inches in width and eight feet in length and shall be accessible without moving another bicycle. At least 30 inches of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways and at least five feet from vehicle parking spaces to allow for the maneuvering of bikes. Overhead clearance shall be a minimum of seven feet. A minimum five foot aisle between each row of bicycle parking shall be provided for bicycle maneuvering beside or between each row, when multiple rows are proposed. Bicycle parking spaces shall not encroach into pedestrian ways, landscaped areas, or other required open spaces, and shall be located proximal to structures.
25. All general provisions of Section 15-2403 of the FMC shall apply to all parking areas.

## **SIGNAGE**

26. All future signs shall be architecturally compatible with the proposed building(s). Provide a set of drawings, with descriptive information, including, materials, design and colors to allow for a preliminary assessment of the future signage. It is recommended that you provide a copy of the signage early in the project process to allow for staff comment.
27. Signs, other than directional signs, if applicable, are not approved for installation as part of this special permit. **(Include this note on the site plan.)**
28. All proposed signs shall conform to the current sign ordinance. Applications for a sign permit and requirements for submittal are available at the Planning and Development Department's Public Front Counter or online at: [Click Here](#)
29. Window signs limited to the hours of operation, address, occupancy, and emergency information, subject to the following standards:
  - a) Operational windows signs shall not be mounted or placed on windows higher than the second story.
  - b) The maximum area of exempt window signage shall not exceed three square feet in area.
30. Banners, streamers, moving signs, and inflatables (including air dancers, balloons, and similar objects) are allowed subject to Temporary Use Permit approval for establishments within Non-Residential Districts. Signs of this type do not count toward total maximum sign area. No sign per this section shall be displayed for more than 30 days, and a period of 30 must lapse before displaying another sign. Signs shall not be displayed for more than 60 total days during a calendar year.
31. Every sign displayed within the city, including exempt signs, shall be maintained in good physical

condition and shall comply with adopted regulations. All defective or broken parts shall be replaced. Exposed surfaces shall be kept clean, in good repair, and painted where paint is required.

### **MISCELLANEOUS**

32. Noise levels shall not exceed the decibel levels described in Section 15-2506 of the FMC at anytime, measured at the nearest subject property line.
33. No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the lot lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.
34. Lights shall be placed to deflect light away from adjacent properties and public streets, and to prevent adverse interference with the normal operation or enjoyment of surrounding properties. Direct or sky-reflected glare from floodlights shall not be directed into any other property or street. Except for public street lights and stadium lights, no light, combination of lights, or activity shall cast light onto a residentially zoned property, or any property containing residential uses, exceeding one-half foot-candle.
35. No use shall be operated such that significant, direct glare, incidental to the operation of the use is visible beyond the boundaries of the lot where the use is located. Windows shall not cause glare that may disrupt adjoining properties, traffic on adjacent streets, etc. Glare or heat reflected from building materials shall be mitigated so as to not disrupt surrounding properties.
36. The address listed in the conditions of approval is the 'Official Address' given to the building. If you would like separate suite or unit numbers for a building, provide a floor plan and contact the City of Fresno Planning and Development Department for 'Official Addresses'. **Only those addresses assigned by the City of Fresno will be recognized as 'Official Addresses'**. The United States Post Office will only recognize addresses assigned by the City of Fresno. If a non-official address is given to a building and or/separate suites, the City of Fresno has the authority to charge a fee and have those addresses corrected. In addition, the United States Post Office will cease mail delivery to those addresses that are not 'Official Addresses'.
37. All projects, including projects that involve less than one acre of property, are required to comply with the City of Fresno's Urban Storm Water Quality Management and Discharge Control Ordinance, FMC Chapter 6, Article 7 (FMC Sections 6-701 *et seq.*)

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

[www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml)

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

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



[www.waterboards.ca.gov/water\\_issues/programs/stormwater/industrial.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml),

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

38. Screen all roof-mounted equipment from the view of public rights-of-way. **Depict all mechanical equipment on site plan and elevations.**
39. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately. **(Include this note on the site plan.)**
40. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted. If the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (Phone: (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (Phone: (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists. An archeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation. **(Include this note on the site plan.)**
41. If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist and, if the paleontologist determines the material to be significant, it shall be preserved. **(Include this note on the site plan.)**
42. Connection to a municipal water system is required unless approved measures are included in the project conditions of approval for an alternative water supply.
43. Connection to a municipal City of Fresno sewer system is required unless approved measures are included in the project conditions for alternative wastewater treatment facilities
44. City of Fresno water and sewer connection charge obligations applicable to this project will be computed during the building construction plan check process and shall be payable at time of issuance of building permit unless other arrangements have been approved to defer such payments to a later date. For information relating to water and sewer service requirements and connection charges, contact Frank Saburit at (559) 621-8277.
45. Open street cuts are not permitted; all utility connections must be bored.
46. CROSS-CONNECTION CONTROL. A backflow prevention device may be required on the water service. Contact the Department of Public Utilities, Water Division (559) 621-5300 for requirements relating to approved devices, locations, testing and acceptance. This requirement must be satisfied prior to final occupancy.
47. This project was reviewed by the Fire Department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building and Safety Section of the Planning and Development when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building.
48. Open storage (outside an enclosed building) shall be limited to vehicles, boats, recreational vehicles, and trailers. Outdoor storages areas shall be screened from public view by building façades or solid fences. At the discretion of the Review Authority, the treatment of the ground surface of the open storage area may be gravel or other materials as prescribed by the San Joaquin Valley Air Pollution Control District, the Public Works Department, the Fire Department, and the Fresno Metropolitan Flood Control District. All open storage must be depicted on the site plan and described in operational statement. If it is not, it is not allowed on the site.
49. If video surveillance cameras are required or installed, provide signs under the surveillance cameras which notify the public that the subject property is monitored by video surveillance.



## **FEES**

(Not all fees will be applicable to all projects)

50. **NOTICE TO PROJECT APPLICANT:** In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.
51. **CITYWIDE DEVELOPMENT IMPACT FEES**
- a) Traffic Signal Charge (FMC Section 12-4.1101 to 12-4.1103) This project shall pay its Traffic Signal Mitigation Impact Fee at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual. Refer to the adopted Master Fee Schedule for fee rate. This fee shall be paid at time of building permit.
  - b) Fire Facilities Fee (FMC Section 12-4.901 to 12-4.906) (based on building square footage, or residential units)
  - c) Police Facilities Fee (FMC Section 12-4.801 to 12-4.806) (based on building square footage, or residential units)
  - d) Parks Facilities Fee (FMC Section 12-4.701 to 12-4.706) (based on the number of residential units)
52. **CITYWIDE REGIONAL AND NEW GROWTH MAJOR STREET IMPACT FEES (FMC Section 12-4.1006)**
- a) Street Impact Fees shall be due and payable at the time of building permit issuance unless otherwise required by State law.
  - b) Street Impact Fees will be a condition on all development entitlements granted.
  - c) New construction on vacant parcels shall be calculated on a net acreage (adjusted acre basis) of the entire property subject to the development entitlement based upon planned land use. Notwithstanding, fees shall be based upon actual land use for developments in the C-M zone district and for development projects developed inconsistent with the plan land use.
  - d) New construction on property that is partially developed, Street Impact Fees will be applied to the incremental increase proportionate to the respective floor to area ratios (25% for commercial and 40% for industrial). In no case shall anyone pay more than the amount of the total net acreage of the parcel multiplied by the applicable fee rate.
  - e) Reuse being more intensive than the original use, the developer shall be required to pay the difference between the current amount of the Street Impact Fee obligation for the old use and the current amount of the Street impact Fee obligation for the new use.
53. **FRESNO COUNTY FACILITY IMPACT FEE**
- Fresno County adopted a Facilities Impact Fee, but the requirement to pay this fee was subsequently suspended by Fresno County. If the fee has been reinstated at the time of issuance of building permits for this project, or an alternative fee system has been adopted by Fresno County, proof of payment or payment of this fee will be required for issuance of building permits.
54. **REGIONAL TRANSPORTATION MITIGATION FEE (RTMF)**
- Pay the RTMF fee to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148, ext. 200; [www.fresnocog.org](http://www.fresnocog.org). Provide proof of payment or exemption prior to issuance of certificate of occupancy.

55. SCHOOL FEES

School fees must be paid, if required, prior to the issuance of building permits. Contact Central Unified School District. Provide proof of payment (or no fee required) prior to the issuance of building permits.

56. FRESNO METROPOLITAN FLOOD CONTROL DISTRICT (FMFCD) FEES

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

- a) Lateral Sewer Charge (based on property frontage to a depth of 100')
- b) Oversize Sewer Charge (based on property frontage to a depth of 100')

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

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

- a) Frontage Charge (based on property frontage)
- b) Transmission Grid Main Charge (based on acreage)
- c) Transmission Grid Main Bond Debt Services Charge (based on acreage)
- d) UGM Water Supply Fee (based on living units, living unit equivalents or acreage)
- e) Wellhead Treatment Fee (based on living units or living unit equivalents)
- f) Recharge Fee (based on living units or living unit equivalents)
- g) 1994 Bond Debt Service Charge (based on living units or living unit equivalents)
- h) Service Charges (based on service size required by applicant)
- i) Meter Charges (based on service need)

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

**Standard Fresno Police Department ABC CUP Conditions of Approval for  
Conditional Use Permit Application No. P20-00808  
Tower Beer & Wine mini mart**

The following conditions shall be placed upon the issuance of this license:

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 Business).

The conditions are established to ensure public safety, and to minimize any impact to the surrounding area. If approved, this Conditional Use Permit would allow for an **off-sale Type 21 ABC license**. We request the following conditions be included as Condition of Approval for Conditional Use Permit P20-00808. These conditions will help to insure and maintain an environment that is least likely to generate criminal activity, public complaints and police calls for service.

**Requested Conditions of Approval:**

**State and Federal Law**

1. The applicant shall comply with all applicable state and federal law, rules and regulations, including but not limited to the following California Business and Professional Code sections and ABC rules:
  - BP 24046** (Require 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 25665** (Minors Remaining in Public Premises)
  - ABC Act Rule 106** (No Buy One Get One Free Drink)
  - ABC Act Rule 107** (No One Under 21 Allowed Signs Posted)
  - ABC Act Rule 139** (Interior Lighting Required for Identification of patrons)
2. **Applicant must acquire and maintain a valid Alcohol Conditional Use Permit issued by the City of Fresno.**

LOCATION: 441 West Olive Avenue, Suite 105 & 106

DATE: August 5, 2020

Page 2

### **ABC Education**

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

- 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,
- Completed equivalent training acceptable to the ABC-Fresno District Office to ensure proper distribution of Alcoholic beverage and tobacco.

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

- 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
- 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.

### **4. Sale of Malt and Wine-Cooler Alcoholic Beverages**

- No Single Sale Alcoholic Beverages to be sold
- Malt liquor or malt beverage products shall not be sold in less than six (6) pack quantities for sale. They must be sold in manufactured pre-packaged multi-unit quantities. This will include all sizes of containers.
- All wine cooler products shall not be sold in less than four (4) pack quantities for sale. They must be sold in manufacturer pre-packaged multi-unit quantities.

### **5. Wine Alcohol per Volume**

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

### **6. Non-refrigerated Alcoholic Beverages**

- Non-refrigerated "hard" liquor or distilled spirits," shall be placed within the cashier's area or, shall be located either in a locked cabinet, or other locked shelving system, with access controlled with either manual, remote control locking devices or other appropriate and acceptable locking systems approved in writing by the Fresno Police Department. During the hours of 10:00 p.m. to 10:00 a.m., the cabinet or shelving system shall be locked and opened only after an authorized employee has verified that the customer seeking to purchase items within the cabinet or shelving system

LOCATION: 441 West Olive Avenue, Suite 105 & 106

DATE: August 5, 2020

Page 3

is of "legal age." Anti-theft security devices shall be utilized at ALL non-refrigerated "hard" liquor or "distilled spirits" (regardless of size) in lieu of being in a locked cabinet or other locked shelving system.

**7. Sales and Service of alcohol**

- Sales and Service of Alcohol may occur only between the hours of 10:00 a.m. and 10:00 p.m. each day of Business operation.

**8. Applicant must install a fully functional color digital video camera system ("System") that meets the following requirements:**

- 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.
- The System shall have the correct date and time stamped onto the images at all times.
- The camera storage capacity should be for at least 20 days (20 calendar days). Such cameras must be capable of producing a retrievable and identifiable image that can be made a permanent record and that can be enlarged through projection or other means.
- Digital video recorder must be capable of storing at least 20 days of real-time activities.
- The System shall be capable of producing a CD or digital playback feature and may be provided to an authorized representative of the Fresno Police Department within 24 hours of the initial request relating to a criminal investigation only.

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

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

**10. Tower Beer & Wine mini mart Security**

- A Security Guard will be on site, seven days a week (Mon-Sun) from 10:00 a.m. to 10:00 p.m.

It is recommended, but not required that the owner/operator provide the IP address(s) to the Fresno Police Department Communications Center for any

LOCATION: 441 West Olive Avenue, Suite 105 & 106

DATE: August 5, 2020

Page 4

system that is browser-based or viewable from a remote site. The Fresno Police Department may perform periodic inspections of the System to ensure compliance with these specifications. An inoperable System may be good cause for seeking revocation of the Conditional Use Permit.

11. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted over within hours of being applied.
12. The rear doors of the premises shall be equipped on the inside with an automatic locking device and shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies does not constitute a violation.
13. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
14. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot. Additionally, the position of such lighting shall not disturb the normal privacy and use of any neighboring residences.
15. No Person under the age of 21 shall sell or deliver alcoholic beverages.
16. No pay phone will be maintained on the interior or exterior of the premises.
17. Petitioner(s) shall police the area under their control in an effort to prevent the loitering of persons about the premises as depicted on ABC-253.
18. The possession of alcoholic beverages in open containers and the consumption of alcoholic beverages are prohibited on or around these premises as depicted on ABC-253.
19. No service of alcohol to obviously intoxicated people.
20. The licensee shall keep the property, adjacent to the licensed premises and under the control of the licensee(s) as depicted on ABC-253, clear of newspaper racks, benches, pay telephones, bicycle racks, and any other objects which may encourage loitering.

### **Posting Property**

21. The applicant shall post the property with the appropriate Fresno Municipal Code signs advising the 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



LOCATION: 441 West Olive Avenue, Suite 105 & 106

DATE: August 5, 2020

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hours. The applicant will maintain a professional quality sign facing the premises parking lot(s) that reads as follows:

*NO LOITERING, NO LITTERING  
NO DRINKING OF ALCOHOLIC BEVERAGES  
VIOLATORS ARE SUBJECT TO ARREST.*

The sign shall be two feet square with two inch block lettering. The sign shall be in English and Spanish.

### **Consumption of Alcoholic Beverages and Loitering**

- 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.
- 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.

### **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 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.

The purpose of these conditions is to meet the needs of public with minimal impact on public safety. The City of Fresno Police Department requests the approval of this license be made conditional upon acceptance of the above listed conditions.

**Partner Department/Agency  
Comments**



**COUNCIL DISTRICT 3 PROJECT REVIEW COMMITTEE  
PROJECT REVIEW**

**April 28, 2020  
Project Record**

**ITEM 7C – ABC Conditional Use Permit Application No. P20-00808**

**PROJECT INFORMATION**

This application was filed by Davinder Singh of Tower Beer & Wine and pertains to the 0.33 acre property located at 441 West Olive Avenue (southeast corner of North Fruit and West Olive Avenues). The applicant requests authorization to upgrade the existing alcohol license from a Type 20 (Off-Sale Beer & Wine) to a Type 21 (Off-Sale General) for an existing mini mart. The subject property has a CMS (Commercial – Main Street) zone district and a Commercial – Main Street planned land use designation.  
APN: 450-183-23

**COMMITTEE RECOMMENDATION**

APPROVE

APPROVE WITH CONDITION(S)

**DENY**

NO ACTION

	Darden (Chair)	Minami (Vice-Chair)	Fuentes	Gray	Hernandez	Saunders
Approve						
Deny	✓ (Second)	✓ (Motion)	✓	✓	✓	✓
Abstain						
Absent						

**COMMITTEE CONDITIONS / COMMENTS**

**B**

Staff Facilitator: Rob Holt, Planner III Date: \_\_\_\_\_

City of

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**POLICE DEPARTMENT**

***Central District I Problem Oriented Policing (P.O.P.)***

3502 N. Blackstone Ave, Suite #201

Fresno, CA 93726

(559) 621-6209 / [Curtis.Bunch@Fresno.Gov](mailto:Curtis.Bunch@Fresno.Gov)



**Andy Hall**  
Chief of Police

August 26, 2019

To: Department of Alcoholic Beverage Control  
Attn: Cristine Saldate, Licensing Representative  
1330 B East Shaw Ave  
Fresno, CA 93710

Re: Application for Type 21 upgrade from a Type 20 at 441 W. Olive (Tower Beer & Wine Mini Mart)

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. The proposed licensed establishment is within a census tract that is already above its saturation levels and presents public safety issues due to the over concentration. Additionally, the area in which the establishment is located is a high crime area. According to the related Alcohol Beverage Control Form 245, the reporting district average number of criminal offenses is 453. The total number of offenses in this reporting district is 1,494, which is almost triple the average. Officers from the Fresno Police Department have responded to and investigated numerous disturbances in and around this location including those involving alcohol, assaults, weapons disturbances, robberies, etc. The Fresno Police Department would be opposed to the issuance/transfer of additional ABC licenses in this area due to belief it will create a burden to the public health, safety, and/or welfare of those in the surrounding neighborhood.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Bunch", written over a light blue circular stamp.

Detective Curtis Bunch #1144



MIGUEL ANGEL **AruAs**  
Council Vice President, District Three

September 19<sup>th</sup>, 2019

Department of Alcoholic Beverage Control  
Attn: Cristine Saldate, Licensing Representative  
1330 B East Shaw Avenue  
Fresno, CA 93710

Re: Application for Type 21 upgrade from a Type 20 at 441 W. Olive (Tower Beer & Wine Mini Mart)

Dear Ms. Saldate:

On behalf of the City of Fresno Council District 3, I am writing your office to oppose the granting of a Type 21 license for Tower Beer & Wine Mini Mart located at the address above. The City of Fresno and the Department of Alcoholic Beverage Control have allowed grossly high saturation levels of licensed establishments in our Southwest and Southeast neighborhoods. This presents a public safety issue to the neighborhoods these establishments are located in, as well as, schools and parks within their vicinity. Tower Beer & Wine Mini Mart is located near one of the largest parks, in the City of Fresno, Roeding Park, and our only zoo.

We are concerned about the negative impacts to our neighborhoods this license could create. Our law enforcement officers are concerned with the number of additional service calls the licensing change would create to their department. Upgrading their license would create a greater burden to the public safety, health, and welfare for our Fresno Police Department in a district that already receives 1,494 criminal offense reports involving alcohol, assaults, weapons disturbances, robberies, among other occurrences.

I will continue to oppose the future issuance or transfer of additional ABC licenses in this area due to negative impacts it would have on our communities. For this reason, we

strongly urge you to oppose the application upgrade from a Type 20 to a Type 21 Alcohol License.

If you have any further questions or wish to speak with me, please do not hesitate to contact my Chief of Staff, Dolores Barajas-Weller at (559) 621-7834 or via email at [dolores.barajas-weller@fresno.gov](mailto:dolores.barajas-weller@fresno.gov).



Miguel Angel Arias  
*Council Vice President, District 3*  
*City of Fresno*

CC: City of Fresno Police Department



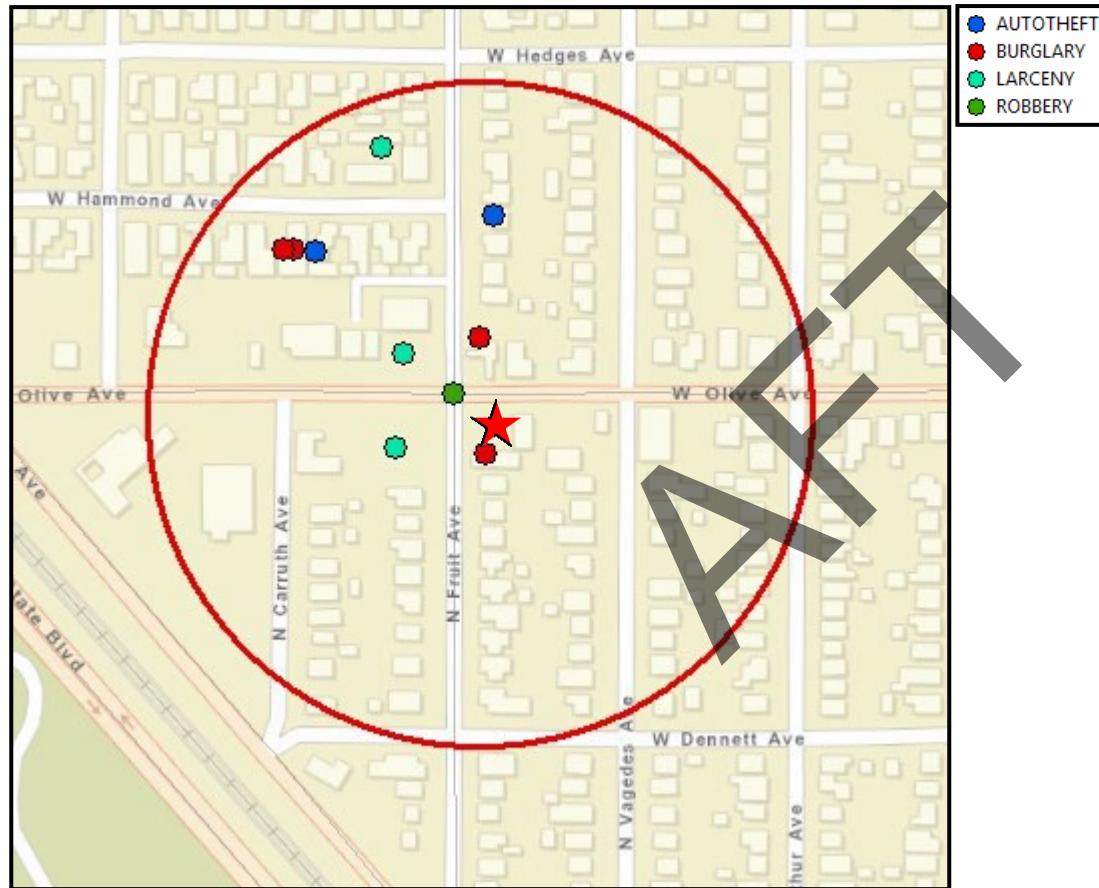
## CRIME ANALYSIS UNIT

UNCLASSIFIED / LAW ENFORCEMENT SENSITIVE

# 441 W OLIVE AVE, FRESNO

## AUG 2018—AUG 2019

9/12/2019



CRIME TYPE	COUNT
HOMICIDE	0
SEX OFFENSE	0
ROBBERY	1
ASSAULT	0
BURGLARY	5
LARCENY	9
AUTO THEFT	2
ARSON	0
<b>TOTAL</b>	<b>17</b>

\*Part 1 crimes within 1 mile radius

Khami Insyarth  
Crime Analyst  
559-621-5937

[Khamphou.insyarth@Fresno.gov](mailto:Khamphou.insyarth@Fresno.gov)

FRESNO POLICE DEPARTMENT  
CRIMEVIEW UNIT  
2323 Mariposa Street  
[www.Fresno.gov/police](http://www.Fresno.gov/police)

Steven Casto  
Sergeant  
559-621-2618

[Steven.Casto@Fresno.gov](mailto:Steven.Casto@Fresno.gov)

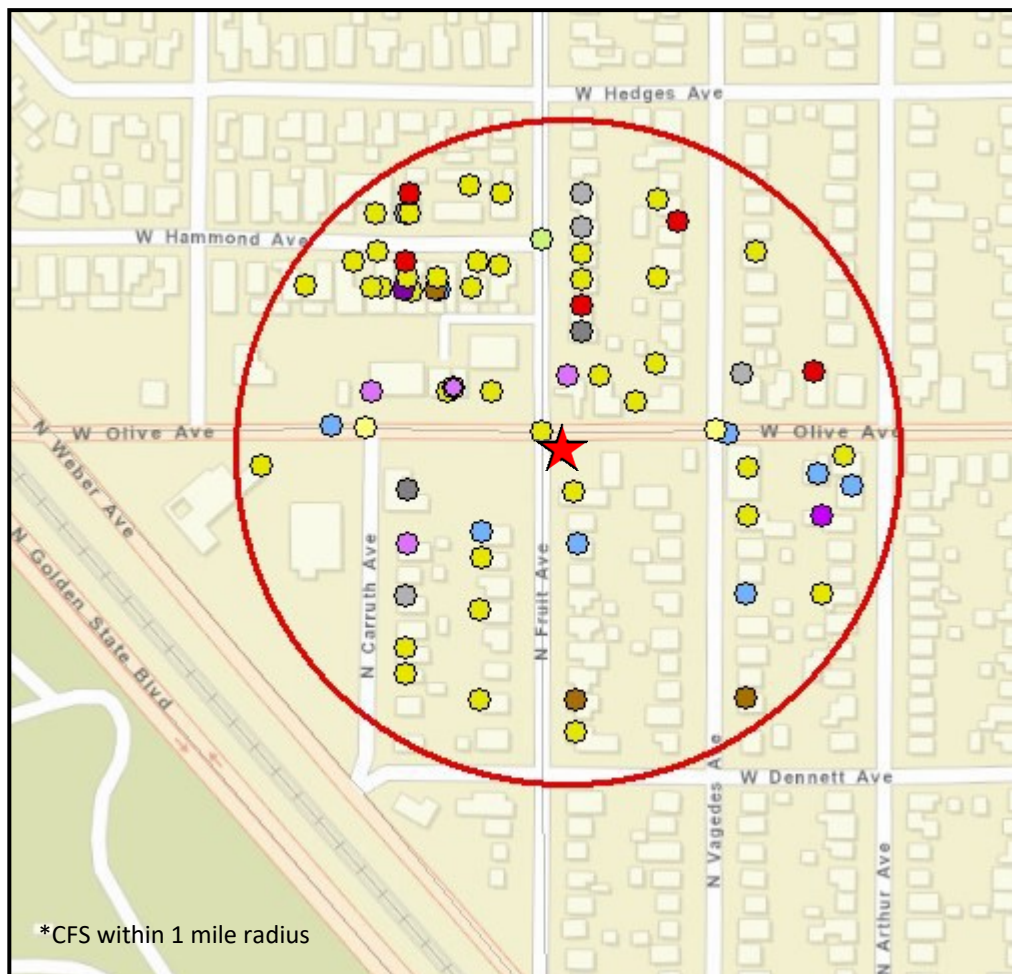
# CRIME ANALYSIS UNIT

UNCLASSIFIED / LAW ENFORCEMENT SENSITIVE

## 441 W OLIVE AVE, FRESNO

### AUG 2018—AUG 2019

9/12/2019



CLASS CODE	COUNT
133	1
1A	2
1B	1
1B3	2
1E	34
1E2	4
1E3	10
1E5	1
1E7	8
1E8	4
1J	4
1J2	1
1M	18
1M1	1
1M3	9
1N	41
1N1	12
1N2	4
1N4	3
1Z	5
2A	7
2A1	1
2A2	2
2B	1
2B3	14
2H	28
2H1	32
2H3	10
2R	3
3A	3

CLASS CODE	COUNT
3A4	1
3B	7
3B3	1
3C	53
3C1	1
3D	3
3D1	5
3D2	2
3D7	2
3E	1
4B	2
4C6	1
4D	1
4E	1
4E3	2
4E4	15
4E5	4
4E6	2
4F	1
4F1	5
4F3	4
4G1	3
4G3	1
4I	1
4O2	1
4P	1
4U	1
4X	2
4X1	1
4X3	1
<b>Grand Total</b>	<b>392</b>

Khami Insyarth  
Crime Analyst  
559-621-5937

[Khamphou.insyarth@Fresno.gov](mailto:Khamphou.insyarth@Fresno.gov)

FRESNO POLICE DEPARTMENT  
CRIMEVIEW UNIT  
2323 Mariposa Street

[www.Fresno.gov/police](http://www.Fresno.gov/police)

Steven Casto  
Sergeant  
559-621-2618

[Steven.Casto@Fresno.gov](mailto:Steven.Casto@Fresno.gov)



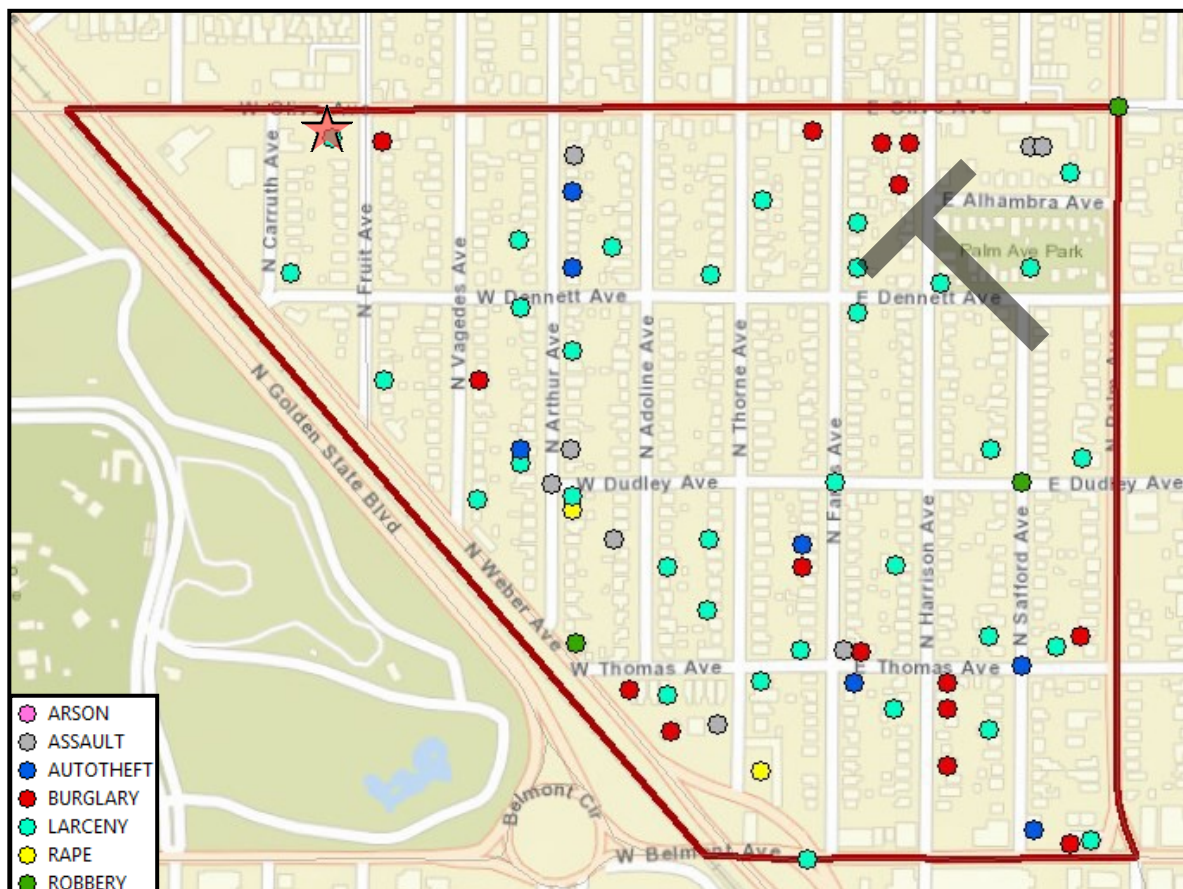
# CRIME ANALYSIS UNIT

UNCLASSIFIED / LAW ENFORCEMENT SENSITIVE

## 441 W OLIVE AVE, FRESNO

### AUG 2018—AUG 2019

9/12/2019



CRIME TYPE	COUNT
HOMICIDE	0
SEX OFFENSE	2
ROBBERY	7
ASSAULT	12
BURGLARY	20
LARCENY	47
AUTOTHEFT	9
ARSON	0
Grand Total	97

\*Part 1 Crimes by Zone 2453

Khami Insyarth  
Crime Analyst  
559-621-5937

[Khamphou.insyarth@Fresno.gov](mailto:Khamphou.insyarth@Fresno.gov)

FRESNO POLICE DEPARTMENT  
CRIMEVIEW UNIT  
2323 Mariposa Street

[www.Fresno.gov/police](http://www.Fresno.gov/police)

Steven Casto  
Sergeant  
559-621-2618

[Steven.Casto@Fresno.gov](mailto:Steven.Casto@Fresno.gov)

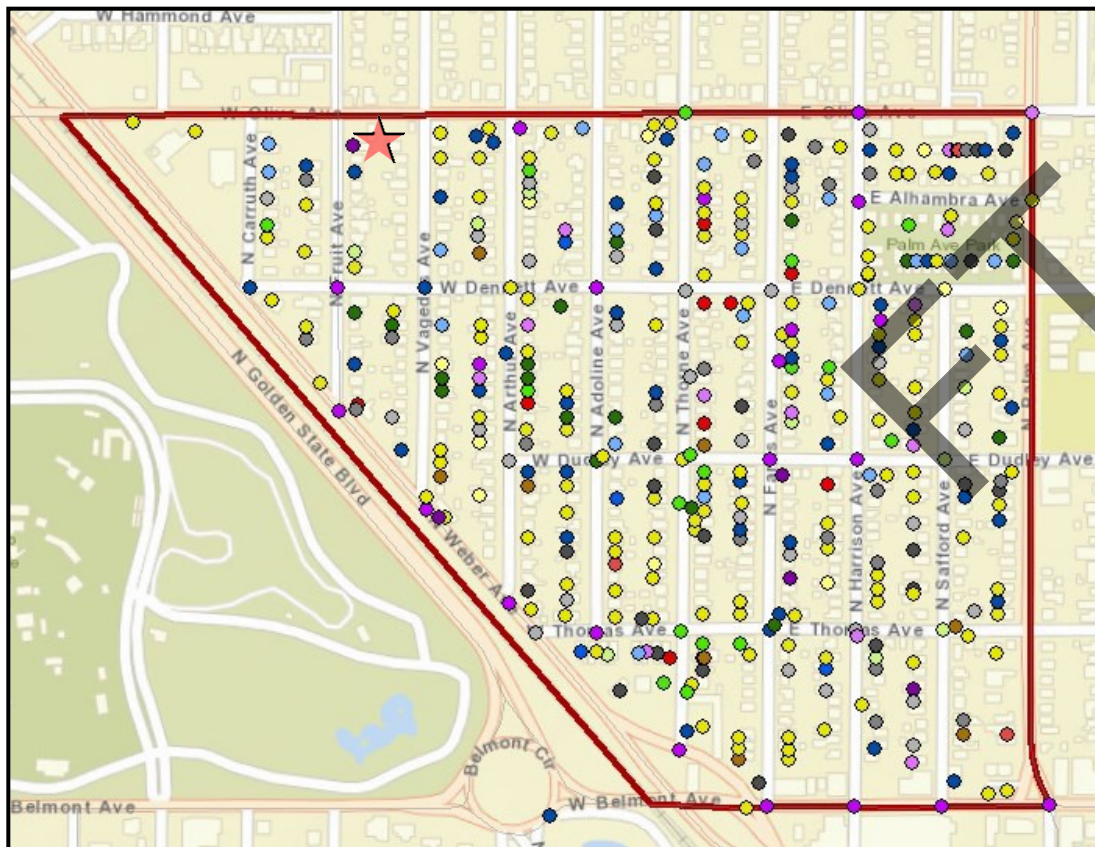
# CRIME ANALYSIS UNIT

UNCLASSIFIED / LAW ENFORCEMENT SENSITIVE

## 441 W OLIVE AVE, FRESNO

AUG 2018—AUG 2019

9/12/2019



\*CFS by Zone 2453

CLASS CODE	COUNT
1A	2
1A1	2
1B	6
1B3	4
1D	1
1E	175
1E1	1
1E2	20
1E3	50
1E4	6
1E5	22
1E6	2
1E7	24
1E8	29
1J	9
1J1	3
1J2	1
1J3	8
1J4	1
1M	77
1M2	2
1M3	52
1N	358
1N1	45
1N2	22
1N4	13
1Z	21
2A	25
2A1	7
2A2	14
2B	8
2B3	32
2B4	4
2C	2
2C0	1
2D	1

CLASS CODE	COUNT
2D1	1
2H	47
2H1	12
2H2	5
2H3	21
2J	7
2J0	2
2R	35
3A	13
3B	14
3B2	8
3B3	6
3C	239
3C1	1
3D	23
3D1	32
3D2	3
3D5	2
3D7	6
3E	4
4B	6
4B1	2
4B2	2
4C	5
4C5	2
4D	16
4D1	1
4D2	1
4D4	1
4E	7
4E1	6
4E2	1
4E4	46
4E5	23
4E6	4
4E7	1

CLASS CODE	COUNT
4F	14
4F1	12
4F2	1
4F3	1
4F5	1
4F6	1
4F7	1
4F9	6
4G	4
4G1	17
4G3	4
4G4	2
4G5	3
4G6	5
4I	1
4K	1
4O	10
4O2	3
4P	9
4P0	2
4Q1	1
4S	3
4S6	1
4U	3
4U2	1
4V	7
4V1	7
4V2	2
4W	5
4W2	1
4W3	1
4X	21
4X1	1
4X3	3
4X4	14
4Z	3
4Z1	2
<b>Grand Total</b>	<b>1829</b>

Khami Insyarath  
Crime Analyst  
559-621-5937

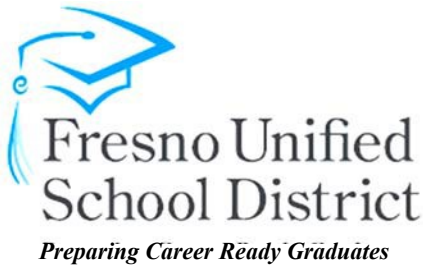
[Khamphou.insyarath@Fresno.gov](mailto:Khamphou.insyarath@Fresno.gov)

FRESNO POLICE DEPARTMENT  
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Steven Casto  
Sergeant  
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## BOARD OF EDUCATION

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Elizabeth Jonasson Rosas  
Carol Mills, J.D.  
Major Terry Slatic USMC (Retired)

## SUPERINTENDENT

Robert G. Nelson, Ed.D.

April 7, 2020

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

**SUBJECT: APPLICATION NO. P20-00808**  
**441 W. OLIVE AVE.**

Dear Mr. Horton,

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

The existing 'Tower Beer and Wine' mini-mart located at 441 West Olive Avenue is requesting authorization upgrade the existing Type 20 State of California Alcoholic Beverage Control License to a Type 21 (*Package Store – sale of beer, wine, and distilled spirits for consumption off the premises where sold*) alcohol license. It is located within approximately 2,720 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." Per California Business and Professions Code Section 23789(b), "The department is specifically authorized to refuse the issuance, other than renewal or ownership transfer, of any retail license for premises located within at least 600 feet of schools and public playgrounds or nonprofit youth facilities, including, but not limited to, facilities serving Girl Scouts, Boy Scouts, or Campfire Girls. This distance shall be measured pursuant to rules of the department." The District **does not support** either the current operation or the license upgrade request and continues to have concerns regarding potentially dangerous interaction between our students and the proposed operation. FUSD's response on this project is subject to the Alcohol Beverage Control Act and the Fresno Police Department's review and support of the project with regard to the concentration and use of alcohol-related business in close proximity to school sites.

The District levies a commercial/industrial development fee and the current fee rate is \$0.61 per square foot. However, if no new square footage is constructed no development fee would be charged.

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

Sincerely,

Alex Belanger, Assistant Superintendent  
Facilities Management and Planning

AB:hl

c: Wendy Silva, Principal, Muir Elementary School

DWC





**Miguel Angel Arias**  
Council President, District Three

April 14, 2020

City of Fresno  
Planning & Development Department  
Attn: Rodney Horton, Planner  
2600 Fresno Street  
Fresno, CA 93721

RE: Re-application for Type 21 upgrade from a Type 20 at 441 W. Olive (Tower Beer & Wine Mini Mart)

Dear Mr. Horton,

I am writing to your department to continue to **oppose** the re-application to grant a Type 21 license to Tower Beer & Wine Mini Mart. The City of Fresno and the Department of Alcoholic Beverage Control has historically allowed grossly high saturation levels of licensed liquor establishments in our Southwest Fresno neighborhoods, presenting a public safety issue to the surrounding area.

In September, our office and the Central Policing District noted they received 1,494 criminal offense reports involving alcohol, assaults, weapons disturbances, robberies, among other occurrences.

As such, I will continue to oppose the future issuances or transfer of additional ABC licenses in my district due to the negative impacts they would have in our communities. I strongly urge your department to oppose the application upgrade from a Type 20 to a Type 21 Alcohol License.

If you have any further questions, please do not hesitate to contact our office at (559) 621-8000.

Sincerely,

Miguel Arias  
Council President, District Three  
[Miguel.Arias@fresno.gov](mailto:Miguel.Arias@fresno.gov)

CC: City of Fresno Police Department, Central Policing District  
CC: Cristine Saldate, Department of Alcoholic Beverage Control