

Exhibit P
Draft Conditions of Approval



2600 Fresno Street, Room 3043
Fresno, California 93721-3604
(559) 621-8277
www.fresno.gov

Planning and Development Department

Jennifer K. Clark, AICP, HDFP
Director

November 4, 2020

Please reply to:
Marisela Martínez
559-621-8038

Marisela.Martinez@fresno.gov

Jenna Chilingarian
Precision Civil Engineering
jchilingarian@precisioneng.net
(Sent via email only)

**SUBJECT: CONDITIONAL USE PERMIT APPLICATION NO. P20-02558 FOR PROPERTY
LOCATED AT 10032 N MAPLE AVE #101+ (APN: 578-040-15)**

Dear Jenna Chilingarian:

The Planning and Development Director, on November 4, 2020, approved Conditional Use Permit Application No. P20-02558. Conditional Use Permit Application No. P20-02558 was filed by Jenna Chilingarian of Precision Civil Engineering on behalf of Sethi Management, Inc. The applicant requests authorization to establish a Type 21 alcohol license (Package Store – sale of beer, wine, and distilled spirits for consumption off the premises where sold) for a vacant parcel located at 10032 North Maple Avenue #101+ at the northeast corner of North Maple and East Behymer Avenues. The parcel is zoned CC/UGM (*Commercial – Community/Urban Growth Management*).

The proposed project was determined to be exempt from the California Environmental Quality Act (CEQA) by the Planning and Development Department on October 26, 2020 through a Class 32 Categorical Exemption. The approval of this project is subject to compliance with the following Conditions of Approval:

CONDITIONS OF APPROVAL

PART A – ITEMS TO BE COMPLETED

The following items are required prior to issuance of building permits or certificate of occupancy:

Planner to check when complete:		
	1.	Development shall take place in accordance with Exhibit A dated October 21, 2020 and Exhibits E and F dated August 7, 2020. Transfer all red line notes, comments, conditions, etc. to the corrected exhibit(s) and submit to planner at least 15 days prior to sign off of the site plan.

	2.	Subsequent land entitlements shall be subject to a complete environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA). In no instance shall the subject conditional use permit be exercised prior to the adoption of an environmental determination.
	3.	Comply with the Fresno Police Department requirements in the attached memorandum dated September 22, 2020, prior to issuance of occupancy.

PART B – OTHER REQUIREMENTS

1) Planning/Zoning/Environmental Compliance Requirements

- a) Development and operation shall take place in accordance with the attached “Notes and Requirements for Entitlement Applications” as applicable.
- b) Development shall take place in accordance with the policies of the Fresno General Plan, Woodward Park Community Plan, and with the Community Commercial planned land use designation.
- c) Development shall take place in accordance with the CC/UGM (*Commercial – Community /Urban Growth Management*) zone district, and all other applicable sections of the Fresno Municipal Code.
- d) Comply with the operational statement submitted for the proposed project dated August 7, 2020.
- e) Development shall take place in accordance with the Conditions of Approval prepared for P20-02558 dated November 4, 2020.

2) Miscellaneous Requirements

- a) Building plans and permits are required.
- b) Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:
 - i) All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;
 - ii) All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,

iii) Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

b) 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. 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.

EXPIRATION DATES

The exercise of rights granted by this special permit must be commenced by **November 4, 2023** (three years from the date of approval), pursuant to FMC Section 15-5013. An extension of up to one additional year may be granted, provided that the findings required under FMC Section 15-5013-A.1 are made by the Director. All required improvements must be installed prior to the operation of the proposed use.

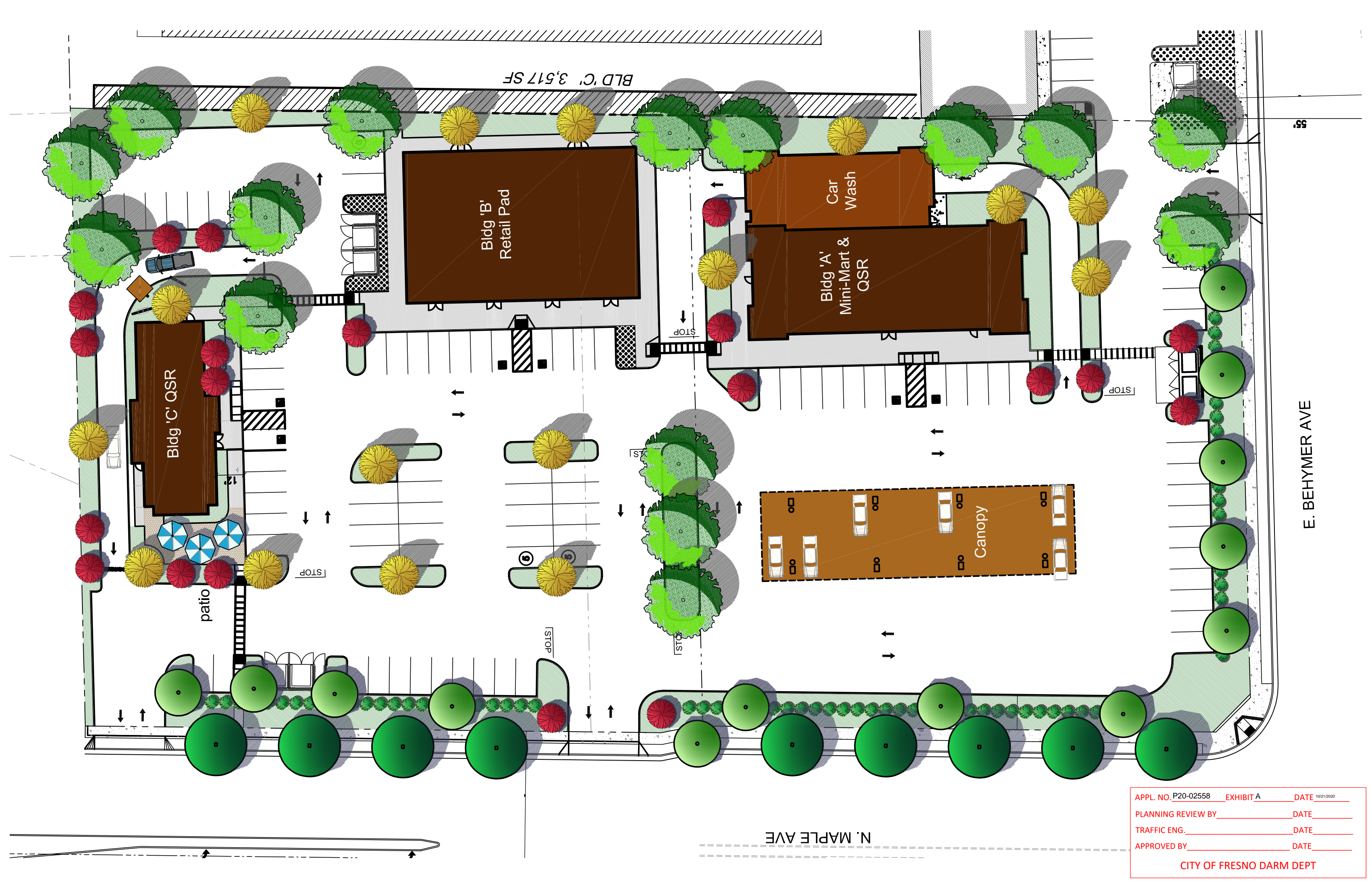
Our goal is to continuously improve our customer service. Please take a moment to complete a quick survey linked [here](#). If you have any questions regarding this letter, feel free to give me a call at the number listed above.

Sincerely,

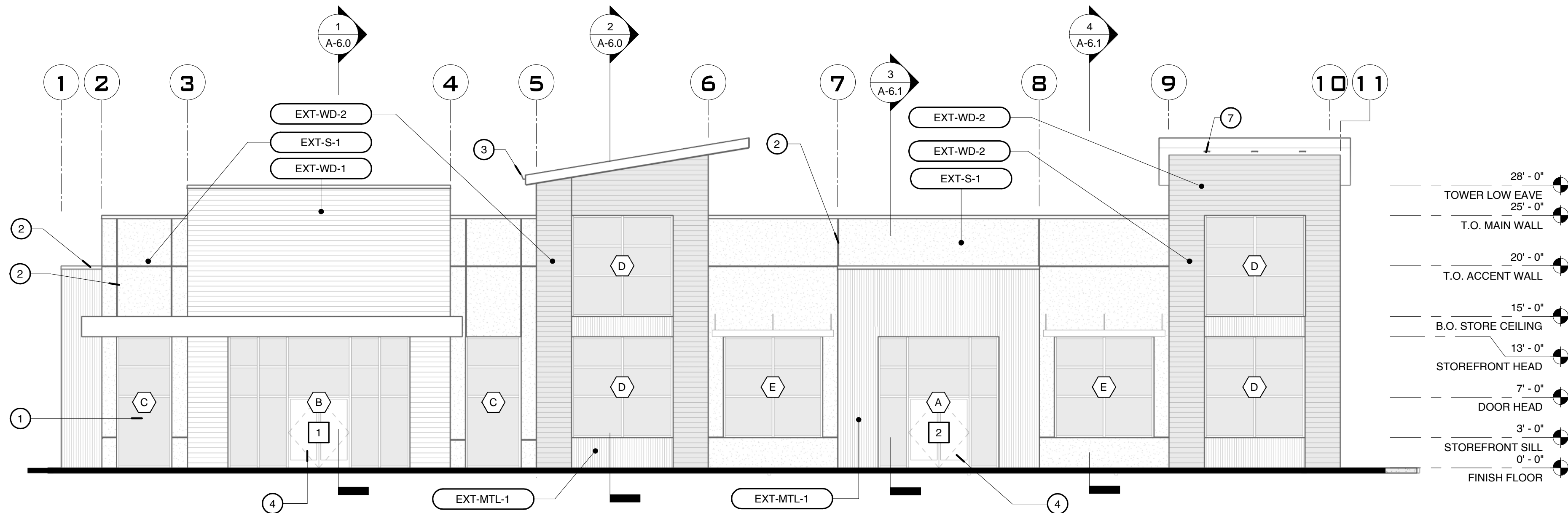
Marisela Martínez

Marisela Martínez, Planner
Development Services Division

Enclosed: Exhibit A dated October 21, 2020
Exhibits E and F dated August 7, 2020
Operational Statement dated August 7, 2020
Fresno Police Department Memorandum dated September 22, 2020

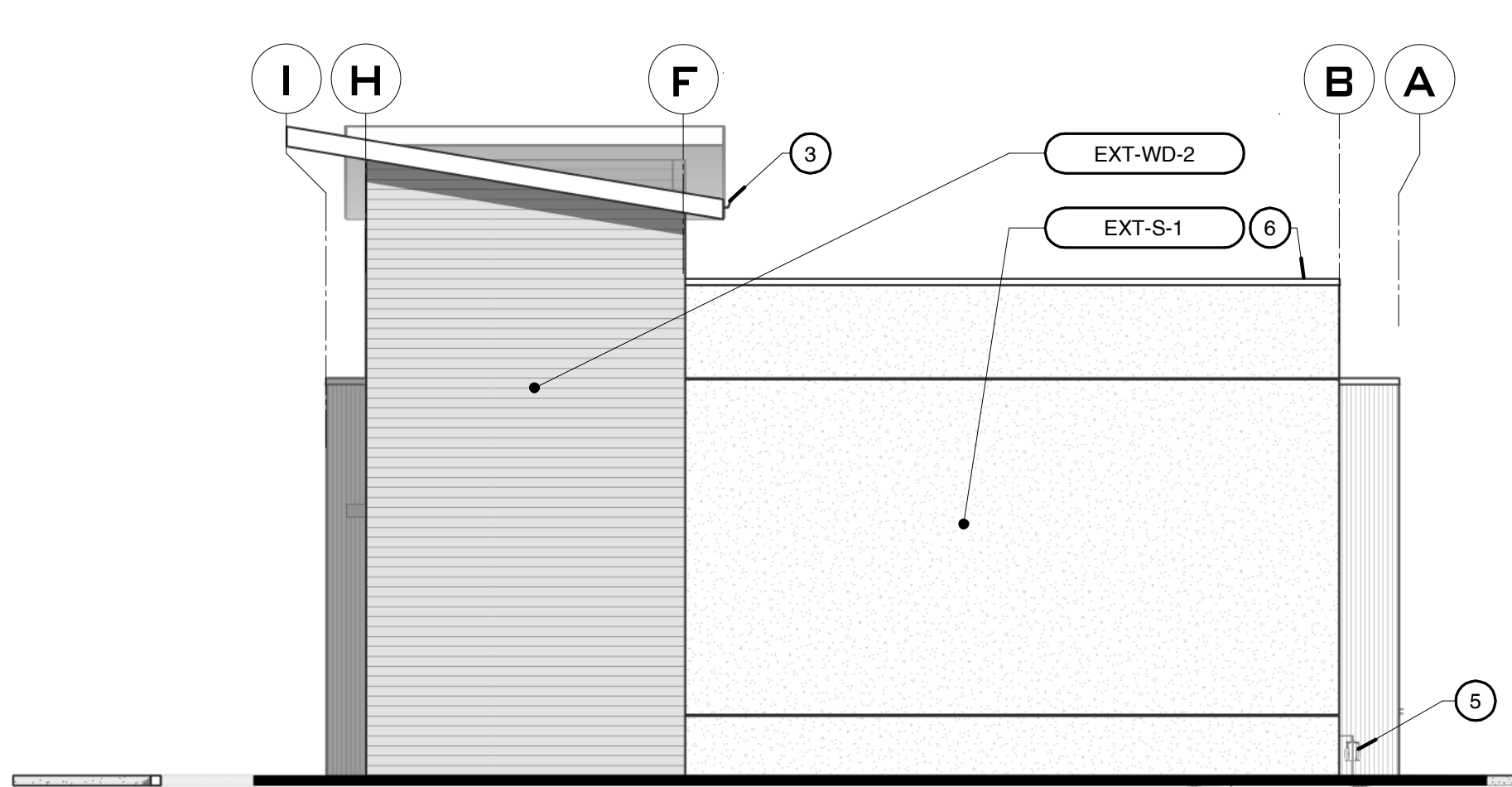


APPL. NO. P20-02558	EXHIBIT A	DATE 10/21/2020
PLANNING REVIEW BY		DATE
TRAFFIC ENG.		DATE
APPROVED BY		DATE
CITY OF FRESNO DARM DEPT		



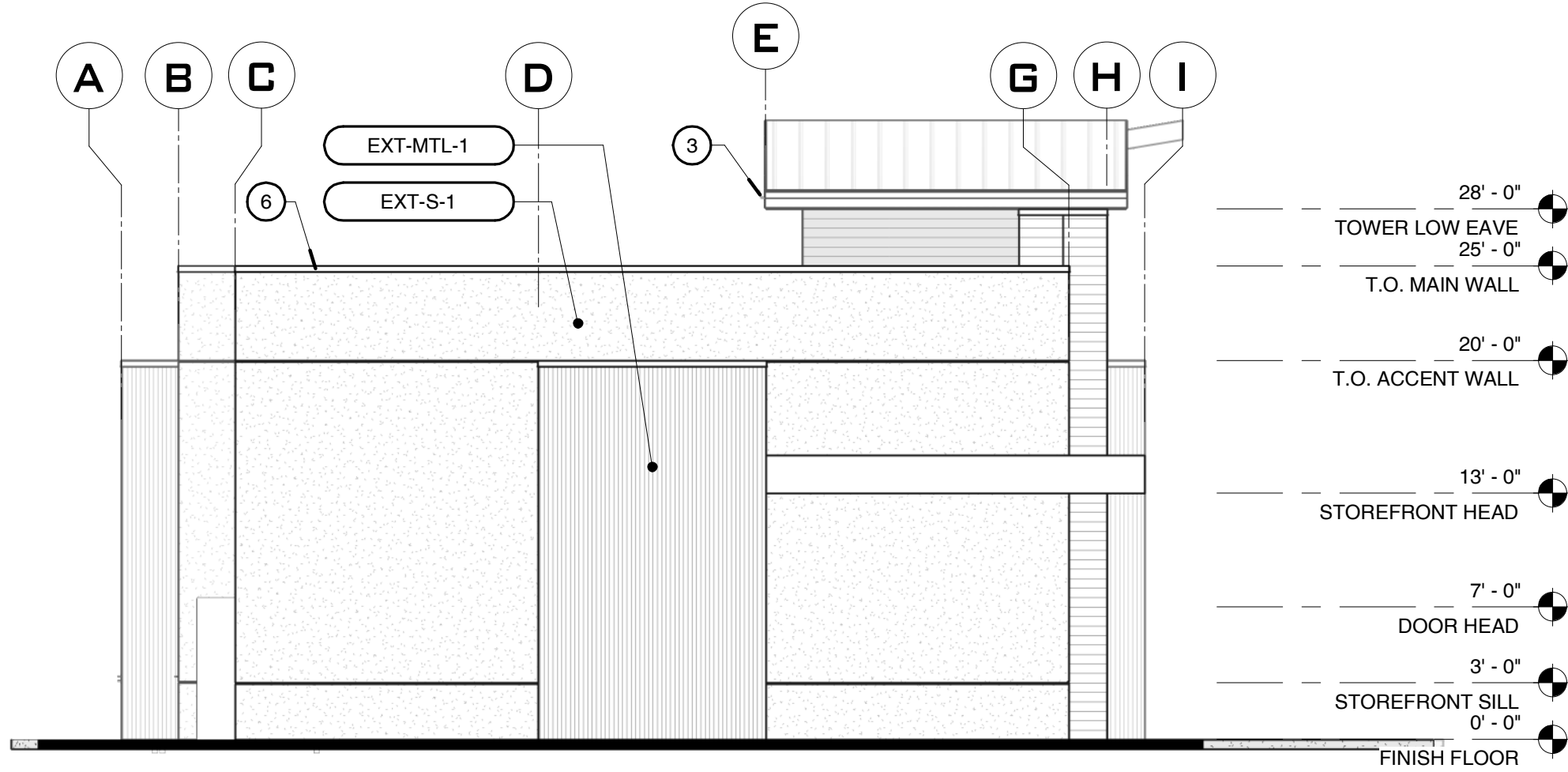
WEST ELEVATION

SCALE: 1/8" = 1'-0"



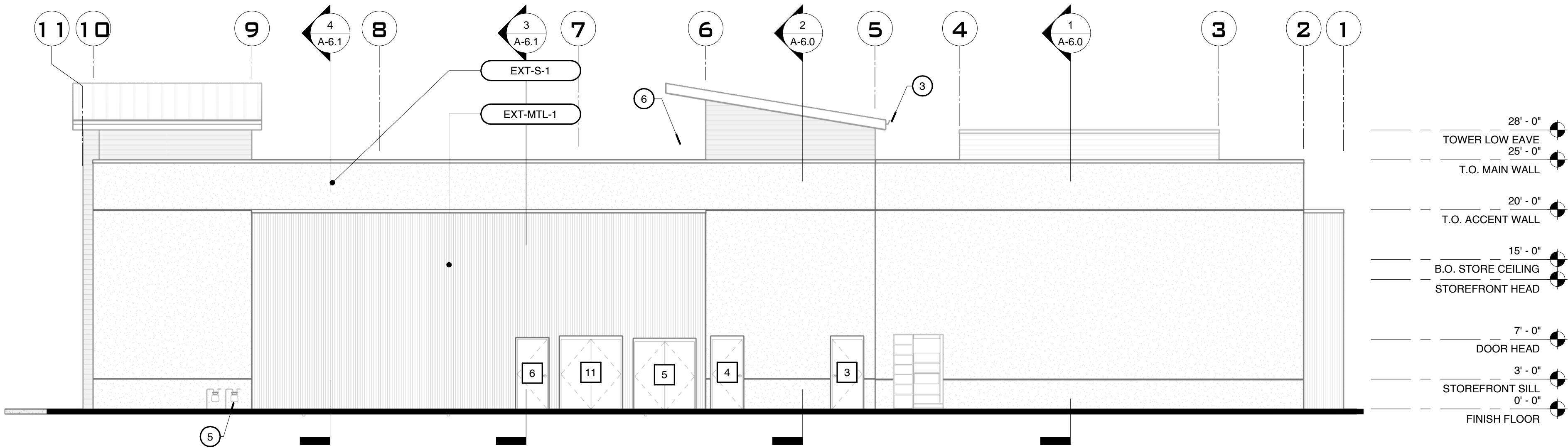
NORTH ELEVATION

SCALE: 1/8" = 1'-0"



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



EAST ELEVATION

SCALE: 1/8" = 1'-0"

KEYNOTES

- 1 ALUMINUM STOREFRONT WINDOW - SEE WINDOW SCHEDULE AND SPECIFICATIONS
- 2 REVEAL
- 3 24 GAUGE, PREFINISHED GUTTER, TYPICAL - SEE DETAIL
- 4 ALUMINUM STOREFRONT DOOR - SEE DOOR SCHEDULE AND SPECIFICATIONS
- 5 NATURAL GAS METER, TYPICAL - SEE UTILITY PROVIDER DRAWINGS FOR ASSOCIATED WORK
- 6 24 GAUGE, PREFINISHED PARAPET CAP, TYPICAL - SEE DETAIL
- 7 LIGHT FIXTURE, TYPICAL - SEE ELECTRICAL DRAWINGS FOR ASSOCIATED WORK

EXTERIOR FINISH SCHEDULE

MARK	DESCRIPTION	MANUFACTURER	MODEL	SIZE	DETAIL / SPEC
EXT-MTL-1	CORRUGATED METAL PANEL - VERTICAL	BERRIDGE MANUFACTURING COMPANY	HC-16 PANEL, VERTICAL	16" Corrugated Metal Panel	
EXT-S-1	EXTERIOR STUCCO SYSTEM	SEE SPECIFICATIONS	SMOOTH FINISH	7/8" - 3-COAT SYSTEM	
EXT-WD-1	HARDIEPLANK LAP SIDING	JAMES HARDIE	ARTISAN LAP SIDING	VARIES	
EXT-WD-2	HARDIEPLANK LAP SIDING - SHIP	JAMES HARDIE	ARTISAN SHIP LAP SIDING	VARIES	

EXTERIOR PAINT SCHEDULE

MARK	DESCRIPTION	MANUFACTURER	TYPE	COLOR
EP-EM-1	EXTERIOR WALL PAINT - ELASTOMERIC - COLOR 1	KELLY-MOORE	ELASTOMERIC	CHARCOAL

APPL. NO. P20-02558 EXHIBIT E DATE 08/07/2020
PLANNING REVIEW BY DATE
TRAFFIC ENG. DATE
APPROVED BY DATE
CITY OF FRESNO DARM DEPT

SEE SHEET A-4.0 FOR CANOPY SCHEDULE AND SPECIFICATIONS

REVISIONS	BY

SETHI MANAGEMENT
GURAV DEEP SETHI, CHA
PO BOX 235927 ENCINITAS, CA 92023
PH (760) 652-4010

PROJECT : CONVENIENCE STORE & GAS STATION
CLIENT : SETHI MANAGEMENT
LOCATION : NORTH MAPLE AVENUE AND EAST BEHYMER FRESNO, CA
A.P.N.: 578-040-15

DRAWN Author
DATE 3/31/2020 3:28:09 PM
JOB NO. 19-149
TITLE EXTERIOR ELEVATIONS
SHEET
A-5.0
OF SHEETS

Revise to match revised site plan.

**Maple & Behymer Service Station & Convenience Store – Type 21 – Off-Sale General
Operational Statement**

Applicant:	Sethi Management Inc. PO Box 235927 Encinitas, CA 92023	
Representative:	Precision Civil Engineering	
APN:	578-040-15 Area = +/- 11.57 acres	
Location:	NEC of North Maple Avenue & East Behymer Avenue, Fresno, CA	
Zoning:	CC Commercial – Community	
Existing Land Use:	Vacant	
Proposed Land Use:	Service station with convenience store and drive-through for an eating/drinking establishment.	
Project Description	<p>The Conditional Use Permit Application is filed by Precision Civil Engineering on behalf of Sethi Management Inc. and pertains to approximately +/- 11.57 acres of property located at the northeast corner of North Maple and East Behymer Avenues (APN 578-040-15) and is zoned CC Commercial – Community with a planned land use of CC Commercial – Community. The project site consists of the development of three future parcels that will be proposed in a subsequent Conditional Use Permit Application. The subject Conditional Use Permit Application pertains to a request for authorization to operate a Type 21 – Off-Sale General ABC license for a proposed convenience store on Future Parcel 1 (corner parcel). Only the alcohol use is being considered with this application, and no development is proposed.</p> <p>Once this alcohol conditional use permit is through this process, the applicant intends to submit an application to develop the +/- 1.4-acre corner Future Parcel 1 with a service station that will include a 5,094 square foot (sf) fuel canopy and 16 fuel pump stations. This service station will include a convenience store that is proposed at +/- 3,460 sf with a 2,000 sf sit down quick serve restaurant within the same building, for a total of 5,234 square feet.</p>	
Hours of operation:	<i>Convenience Store:</i>	Sunday to Thursday, 5 am to midnight Friday and Saturday, 5 am to 2 am
	<i>Service Station:</i>	24 hours
Daily visitors:	Approximately 1,200 total visitors per day are anticipated.	
Employees:	Approximately 18 total employees are anticipated to serve the convenience store and service station.	
Service deliveries:	Approximately 10 total service deliveries per week are expected.	
Security and lighting:	Camera system and LED lighting. Alarm system with Matson alarm.	

APPL. NO. P20-02558 EXHIBIT O DATE 08/07/2020

PLANNING REVIEW BY _____ DATE _____

TRAFFIC ENG. _____ DATE _____

APPROVED BY _____ DATE _____

CITY OF FRESNO DARM DEPT



September 22, 2020

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

Attn. Marisela Martínez, Planning & Development

Re: SPECIAL PERMIT NO. P-20-02558
Snappy Food Store, #1015
10061 N. Maple Ave.
Fresno, Ca 93720
A.P.N. 578-040-15

Dear Ms. Marisela Martínez,

Pursuant to your Department's request, the Fresno Police Department has reviewed the special permit application for property located at **10061 N. Maple Ave.** The property has been zoned **CC (Community Commercial)**. The Fresno Police Department's primary concern with the application is the propensity of the operations on the premises to generate calls for police service, and therefore, be detrimental to the public welfare.

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

1. All applicable provisions of the Fresno Municipal Code are complied with and the site of the proposed use is adequate in size and shape to accommodate the use, and all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,
2. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,

3. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. This third finding shall not apply to uses which are subject to the provisions of **Section 15-2705** of the Fresno Municipal Code (Regulating Adult Businesses).

The conditions are established to ensure public safety, and to minimize any impact to the surrounding area. If approved, this Conditional Use Permit would allow for establishment of a **Type 21 Alcoholic Beverage Control License - Off Sale General** (*Package Store – authorized the sale of beer, wine and distilled spirits for consumption off the premises where sold*)

We request the following conditions be included as Conditions of Approval for **Conditional Use Permit Application No. P-20-02558**. 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.

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., **P-20-02558** 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 Danny Kim #1049 with notice of the Director's decision regarding this Conditional Use Permit as well as a complete copy of the conditions of approval, if the Director approves the Conditional Use Permit.

Requested Conditions of Approval:

1. Fresno Municipal Codes

The applicant shall comply with all applicable provisions of the Fresno Municipal Codes ("FMC"), including but not limited to:

- FMC 9-502 (Amusement Devices - Permit Required)
- FMC 9-1803 (Hours of Operation of Billiard Hall)
- FMC 9-1804 (Restriction on Attendance of Minors in Billiard Rooms)
- FMC 9-1805 (Minors allowed: Family Billiard Rooms)
- FMC 9-1905 (Public Dancing - Permit Required)
- FMC 10-105 (Noise Ordinance)
- FMC 10-708 (Unlawful Nuisances - High Calls for Police Service)
- FMC 12-224 (C-M Zone, Adult Theater activities not permitted, see 12-105-T-1.1 for definition of Adult Theater, and 12-306-N-30 for additional limitations on Adult Business activities.)

A current version of the Fresno Municipal Code may be viewed at the City of Fresno's website: www.Fresno.gov. The link to the FMC is located on the Home Page of that website.

2. State and Federal Law

The applicant shall comply with all applicable state and federal law, rules and regulations, including but not limited to the following California Business and Professions Code sections and ABC rules:

- BP 24046 (Required to Post ABC License on Premises)
- BP 25612.5 (Loitering, Open Alcoholic Beverage Containers, Consuming Alcoholic Beverages on Premises, Exterior Lighting, Litter Removal, Graffiti Removal, Signs and Barriers in Windows and Doors, Public Phones Blocked From Incoming Calls, Areas to Display Harmful Matter, Required Copies of Operating Standards Available for Public Viewing)
- BP 25631 (No sale of alcoholic beverages between 2:00 a.m. and 6:00 a.m.)
- BP 25665 (Minors Remaining in Public Premises)
- ABC Act Rule 106 (No Buy One Get One Free Drinks)
- ABC Act Rule 107 (No One Under 21 Allowed Signs Posted)
- ABC Act Rule 139 (Interior Lighting Required for Identification of Patrons)

3. Video Camera

Prior to exercising any privileges granted by CUP No. **P-20-02558** the applicant must install a fully functional color digital video camera system ("System") that meets the following requirements:

- 3.1 The System must continuously record, store, be capable of playing back images and be fully functional at all times, including during any hours the business is closed. The System must be maintained in a secured location inside of the business.
- 3.2 The System shall have the correct date and time stamped onto the image at all times.
- 3.3 The camera storage capacity should be for at least one week (seven calendar days). Such cameras must be capable of producing a retrievable and identifiable image than can be made a permanent record and that can be enlarged through projection or other means.
- 3.4 Digital video recorder must be capable of storing at least **fourteen (14)** days of real-time activities.
- 3.5 The System shall be capable of producing a CD or digital playback feature and may be provided to an authorized representative of the Fresno Police Department within 24 hours of the initial request relating to a **criminal investigation only**.
- 3.6 The interior of the business must have at least one camera placed to focus on each cash register transaction to include the clerk as well as the customer waiting area.

3.7 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.

3.8 All interior cameras shall record in color.

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

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

4. ABC Education

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

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

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

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

5. Sale of Malt and Wine-Cooler Alcoholic Beverages

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

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

6. Wine Alcohol Per Volume

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

7. Non-refrigerated Alcoholic Beverages

Non-refrigerated "hard" liquor or "distilled spirits," shall be placed within the cashier's area or, shall be located either in a locked cabinet, or other locked shelving system, with access controlled with either manual, remote control locking devices or other appropriate and acceptable locking systems approved in writing by the Fresno Police Department. During the hours of midnight and 2:00 a.m. the cabinet or shelving system shall be locked and opened only after an authorized employee has verified that the customer seeking to purchase items within the cabinet or shelving system is of "legal age." Anti-theft security devices ***shall*** be utilized on **ALL** non-refrigerated "hard" liquor or "distilled spirits" (*regardless of size*) in lieu of being in a locked cabinet or other locked shelving system.

8. Posting Property

The applicant shall post the property with the appropriate Fresno Municipal Code signs advising that consumption of alcoholic beverages, gambling, trespassing or loitering will be in violation of municipal ordinances. The applicant must send a letter to the Fresno Police Department, signed and dated by the applicant, every 180 days that authorizes FPD peace officers to enter the applicant's real property and/or establishment to enforce against the aforementioned activities at the business. The owners and employees are responsible for abating those activities when they occur during business hours.

9. Consumption of Alcoholic Beverages and Loitering.

- 9.1 The establishment shall not allow alcoholic beverages to be consumed outside the building premises or any other adjacent property under its control. No alcoholic beverage will be consumed on any property adjacent to the premises (i.e., parking lot and sidewalks). If the alcoholic beverages are consumed on the exterior portion of adjacent property not owned or controlled by the applicant, the applicant shall immediately report such consumption to the Fresno Police Department.
- 9.2 The establishment shall not allow any loitering on building premises or any adjacent property under its ownership or control.
- 9.3 The establishment shall not allow any gambling on building premises or any adjacent property under its control.

10. Property Responsibility

“Frequent” responses by the Fresno Police Department arising out of or relating to the operation or management of the real property owned or controlled by the permittee causing any combination of the following: animal disturbances; violent criminal acts; illegal consumption of intoxicants in public view; gaming activities; and juvenile disturbances, or any of the other activities set forth in the Fresno Municipal Code section 10-708(g) may result in an FPD recommendation to the Director of Planning and Development to commence proceedings to revoke the Conditional Use Permit for violation of the Management of Real Property Ordinance. In addition to recommending the commencement of revocation proceedings, the FPD may pursue any of the other remedies set forth in FMC, section 10-710, including assessing fines against the proprietor for the violations of the Management of Real Property Ordinance.


“Frequent” means response by the Fresno Police Department is occurring more than 1.5 times the average number of such responses (3 calls for every 2) for property of a similar size and character within the same policing district.


11. 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.”

12. 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: 09/23/2020
Detective **Danny Kim P1049**
Northeast District POP

 Date: 9/23/2020
Sergeant **Craig Attkisson**
Northeast District-Det/POP

 Date: 9-23-20
Acting Captain **Jerardo Chamalbide**
Northeast District Commander