

Fresno County Environmental Health dated August 27, 2020

- The applicant shall obtain final construction inspection approval from plans previously submitted and apply for and obtain a permit to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Prior to alcohol sales, the applicant shall first obtain their license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.
- Prior to the issuance of building permits, the applicant shall obtain final plan check approval from plans previously submitted regarding the installation of underground storage tanks to the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
- Prior to operations, the fuel facility applicant shall apply for and secure a Permit to Operate an Underground Storage Tank System from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
- Facilities that use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Your proposed business will handle hazardous materials and/or hazardous waste and will be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 (<http://cers.calepa.ca.gov/>). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
- The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to conformance with the Noise Element of the City's municipal code.
- As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
- Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.



April 16, 2021

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

Attn. Jennifer Clark, Planning Division

**Re: SPECIAL PERMIT NO. CUP P20-02456
7-11
2020 W. Shaw Ave
Fresno, CA 93711
A.P.N. 41507015S**

Dear Jennifer Clark,

This memo is in regards to the verbiage in the original ABCUP P20-02834 and CUP P20-0246. The finding is the proposed use is **not** located within an area in which the Chief of Police has determined, based upon quantifiable information, that the proposed use: (a) would be detrimental to the public health, safety, or welfare of persons located in the area; or (b) would increase the severity of existing law enforcement or public nuisance problems in the area, according to FMC Section 15-2706-F-6.

This memo will service as an amendment to the ABCUP and CUP as the verbiage "The Fresno Police Department is not in opposition of the Conditional Use Permit" and then subsequently, "The Fresno Police Department's primary concern with the application is the propensity of the premises to generate calls for police service, and therefore, be detrimental to the public welfare."

A handwritten signature in black ink, appearing to read "Sean E. Calvert", followed by a long horizontal line.

Detective Sean E. Calvert
Northwest District Investigations / POP



September 09, 2020

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

Attn. Erik Young, Planning Division

**Re: SPECIAL PERMIT NO. ABCUP P20-02834
7-11
2020 W. Shaw Ave
Fresno, CA 93711
A.P.N. 41507015S**

Dear Mr. Young,

The City of Fresno has requested that the Fresno Police Department review the application of the property development at **2020 W. Shaw Ave.** The property has been zoned CMX (Corridor/Center Mixed Use). The Fresno Police Department's primary concern with the application is the propensity of the premises to generate calls for police service, and therefore, be detrimental to the public welfare. We understand that the applicant requests authorization to establish a **Type 20 Alcoholic Beverage Control license (sale of beer and wine for consumption off the premises were sold).**

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

1. All applicable provisions of the Fresno Municipal Code are complied with and the site of the proposed use is adequate in size and shape to accommodate the use, and all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,
2. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,
3. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. This third finding

shall not apply to uses which are subject to the provisions of Section 12-306-N-39 of the Fresno Municipal Code (Regulating Adult Businesses).

The conditions are established to ensure public safety, and to minimize any impact to the surrounding area. We request the following conditions be included as Conditions of Approval for Conditional Use Permit Application No. P20-02834. These conditions will help to insure maintain an environment that is least likely to generate criminal activity, public complaints and police calls for service.

The Fresno Police Department **is not in opposition of this Conditional Use Permit**. If the Planning Commission approves the Conditional Use Permit, the Fresno Police Department has included the listed conditions. As such, we request that you provide Detective S. Calvert #P1624 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. P20-02834 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 seven 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. There

should be at least one camera focused on the entrance and the camera view should clearly show an image of the color coded height tape installed on the inside of the door jamb.

3.7 There shall be 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.

5.3 Single Sales of any other beer product, of any size, is permitted.

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. 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.

To prevent the unwanted loitering, camping, or trespassing of unwanted person or people, this establishment shall ensure that all exterior power outlets and water spigots are locked or turned off and install motion-activated exterior lighting for after hours. Canopies of mature trees are maintained at least 8 feet above the ground and bushes trimmed to eliminate hiding places. Landscapes around lighting fixtures shall be trimmed, maintained, or removed to prevent blocking the light output of its designated area. The dumpster enclosure shall be locked and secured after business hours and properly maintained.

8. Consumption of Alcoholic Beverages and Loitering.

- 8.1 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.
- 8.2 The establishment shall not allow any loitering on building premises or any adjacent property under its ownership or control.
- 8.3 The establishment shall not allow any gambling on building premises or any adjacent property under its control.


9. 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.

- 10. 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: 9/9/20

Captain Burke Farrah
Northwest District Commander

 Date: 9/9/2020

Sergeant Brian Pierce
Northwest District Supervisor

 Date: 9.9.20

Detective Sean Calvert
Northwest POP

COUNCIL DISTRICT 2 PROJECT REVIEW COMMITTEE
PROJECT REVIEW

9/14/2020
Project Record

PROJECT INFORMATION

Conditional Use Permit Application No. P20-02834

Conditional Use Permit Application No. P20-02834 was filed by Bill Robinson of Sol Development Associates LLC and pertains to the 0.46 acres located at 2020 W. Shaw. The applicant requests authorization to obtain a Type 20 alcohol license for a proposed 7-11 convenience store and gas station. The parcel is zoned CMX. Related Application: CUP P20-02456

COMMITTEE RECOMMENDATION

APPROVE

APPROVE WITH CONDITION(S)

DENY

NO ACTION

	Rodriguez	Faeth	Lindemann	Westburg Absent	Buffington Absent
Approve	Second (Aye)	Aye	Motion (Aye)	-	-
Deny				-	-
Abstain				-	-
Absent				-	-

COMMITTEE CONDITIONS / COMMENTS

No comments or questions from the committee.

Committee **recommended approval** with a 3-0 vote.

Staff Facilitator: KG



Preparing Career Ready Graduates

August 24, 2020

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

**SUBJECT: APPLICATION NO. P20-02834
2020 W. SHAW AVE.**

Dear Ms. Vang,

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.

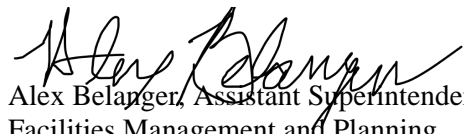
The proposed '7-Eleven' convenience store to be located at 2020 West Shaw Avenue is requesting authorization to establish a State of California Alcoholic Beverage Control Type 20 (*Package Store – sale of beer and wine for consumption off the premises where sold*) alcohol license. It is located within approximately 4,322 feet from Gibson Elementary School.

As per the State of California's Alcohol Beverage Control Act, an alcohol license can be refused by the State if the location is "within at least 600 feet from schools." Per California Business and Professions Code Section 23789(b), "The department is specifically authorized to refuse the issuance, other than renewal or ownership transfer, of any retail license for premises located within at least 600 feet of schools and public playgrounds or nonprofit youth facilities, including, but not limited to, facilities serving Girl Scouts, Boy Scouts, or Campfire Girls. This distance shall be measured pursuant to rules of the department." The District **does not support** the alcohol license request and continues to have concerns regarding potentially dangerous interaction between our students and the proposed operation. FUSD's response on this project is subject to the Alcohol Beverage Control Act and the Fresno Police Department's review and support of the project with regard to the concentration and use of alcohol-related business in close proximity to school sites.

The District levies a commercial/industrial development fee and the current fee rate is \$0.66 per square foot. Any new development on the property will be subject to the development fee prior to issuance of a building permit and fees will be calculated pursuant to the rate effective at the time of payment.

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: Antonio Sanchez, Principal, Gibson Elementary School

DWC

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