



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII-A COMMISSION MEETING 08-18-10
APPROVED BY
 DEPARTMENT DIRECTOR

August 18, 2010

FROM: JERRY D. BISHOP, Assistant Director
Development & Resource Management Department 

KEITH BERGTHOLD, Assistant Director
Development & Resource Management Department

THROUGH: MIKE SANCHEZ, Planning Manager
Development Services/Planning 

BY: ISRAEL TREJO, Planner
Development Services/Planning 

SUBJECT: CONSIDERATION OF CONDITIONAL USE PERMIT APPLICATION NO. C-10-118
AND ENVIRONMENTAL FINDING FOR ENVIRONMENTAL ASSESSMENT NO.
C-10-118

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. APPROVE the finding of a Categorical Exemption for Environmental Assessment No. C-10-118 issued August 11, 2010.
2. APPROVE Conditional Use Permit Application No. C-10-118 to allow for the operation of a "Night Club" in a 7,000 square foot building (patio included), allow the proposed hours of operation from 2:00 p.m. to 2:00 a.m., daily and approve the establishment of a State of California, Alcohol Beverage Control license for the sale of beer and wine and distilled spirits for on-premises consumption where sold (ABC Type 48 license), subject to the following conditions:
 - a. Development shall comply with Exhibits A and F dated May 12, 2010.
 - b. Development shall comply with the conditions of approval for the project dated August 18, 2010.

EXECUTIVE SUMMARY

The applicant, Jeff Hough, filed Conditional Use Permit Application No. C-10-118 requesting authorization to allow for the operation of a "Night Club" in a 7,000 square foot building (patio included), allow the proposed hours of operation from 2:00 p.m. to 2:00 a.m., daily and approve the establishment of a State of California, Alcohol Beverage Control license for the sale of beer and wine and distilled spirits for on-premises consumption where sold (ABC Type 48 license). No food sales are proposed with the operation. The subject site is located on the southwest corner of North Maroa and East Simpson Avenues. The site is zoned C-2 (*Community Shopping Center District*). The project was reviewed under the provisions of the recently adopted text amendment as related to restaurants, taverns and nightclubs. Pursuant to that text amendment, this project has been scheduled for review by the Fresno City Planning Commission. Staff recommends that the Planning Commission approve Conditional Use Permit Application No. C-10-118, subject to the conditions of approval noted above.

PROJECT INFORMATION

PROJECT	Conditional Use Permit Application No. C-10-118 requests authorization to allow for the operation of a "Night Club" in a 7,000 square foot building (patio included), allow the proposed hours of operation from 2:00 p.m. to 2:00 a.m., daily and approve the establishment of a State of California, Alcohol Beverage Control license for the sale of beer and wine and distilled spirits for on-premises consumption where sold (ABC Type 48 license). No food sales are proposed with the operation	
APPLICANT	Jeff Hough	
LOCATION	Southwest corner of North Maroa and East Simpson Avenues (3075 North Maroa Avenue) (Council District 7, Councilmember Perea)	
SITE SIZE	7,000 square foot vacant building	
LAND USE	Existing	- Neighborhood Commercial
	Proposed	- Neighborhood Commercial
ZONING	Existing	- C-2 (<i>Community Shopping Center District</i>)
PLAN DESIGNATION AND CONSISTENCY	The request to allow for the operation of a "Night Club" in a 7,000 square foot building (patio included), allow the proposed hours of operation from 2:00 p.m. to 2:00 a.m., daily and approve the establishment of a State of California, Alcohol Beverage Control license for the sale of beer and wine and distilled spirits for on-premises consumption where sold (ABC Type 48 license) under the night club designation is consistent with both the existing C-2 zone district and the neighborhood commercial planned land use designation of the 2025 General Plan, the Fresno High-Roeding Community Plan and the Tower District Specific Plan, subject to Section 12-607-A-1 of the Fresno Municipal Code	
ENVIRONMENTAL FINDING	Categorical Exemption, dated August 11, 2010	
PLAN COMMITTEE RECOMMENDATION	The District 7 Plan and Implementation Committee reviewed and recommended approval of the project on June 14, 2010	
STAFF RECOMMENDATION	Approve Conditional Use Permit Application No. C-10-118	

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Neighborhood Commercial	C-5 <i>General Commercial District</i>	Commercial
South	Neighborhood Commercial	C-2 <i>Community Shopping Center District</i>	Commercial
East	General-heavy Commercial	C-2 and C-5 <i>Community Shopping Center District and General Commercial District</i>	Office
West	Department of Public Utilities – Streets	C-2 <i>Community Shopping Center District</i>	Railroad

ENVIRONMENTAL FINDING

The proposed project was determined to be exempt from CEQA on August 11, 2010, under a Class 1 and Class 32 Categorical Exemption. The Section 15301/Class1 exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. Under the Section 15332/Class 32 exemption, in-fill development that meets the following conditions is exempt from the California Environmental Quality Act (CEQA): a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations, b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses, c) the project site has no value as habitat for endangered, rare or threatened species, d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and e) the site can be adequately served by all required utilities and public services. The proposed project consists of a proposed nightclub use in an existing vacant building within the City limits and is consistent with the 2025 Fresno General Plan policies. The property is zoned C-2 which is consistent with the 2025 General Plan, Fresno High-Roeding Community Plan and the Tower District Specific Plan land use designation of neighborhood commercial pursuant to section 12-607-A-1 of the FMC. The operation of a night club on this 1.25 acre site is allowed within the designated zone district. The site has no value as habitat for endangered, rare or threatened species and complies with the conditions of the Class 1 and Class 32 Categorical Exemptions. No adverse environmental impacts would occur as a result of the proposed project.

BACKGROUND / ANALYSIS

The applicant, Jeff Hough, filed Conditional Use Permit Application No. C-10-118 requesting authorization to allow for the operation of a “Night Club” in a 7,000 square foot building (patio included), allow the proposed hours of operation from 2:00 p.m. to 2:00 a.m., daily and approve the establishment of a State of California, Alcohol Beverage Control license for the sale of beer and wine and distilled spirits for on-premises consumption where sold (ABC Type 48 license). No food sales are proposed with the operation. The subject site is located on the southwest corner of North Maroa and East Simpson Avenues. The site is zoned C-2 (*Community Shopping Center District*). The granting authority for a night club in the C-2 zone district is the Planning Commission.

The applicant is proposing to have one billiard table and three coin operated electronic amusement devices within the subject building. Pursuant to the Policies & Procedures of the Development and Resource Management Department, two (or fewer) billiard tables does not classify as a billiards hall. Additionally, four (or fewer) coin operated electronic amusement devices is not considered an arcade. As such, the one billiard table and three coin operated electronic amusement devices are permitted subject to the obtainment of a business tax permit.

A night club is defined, per section 12-105.N.0.5 of the FMC, as a facility that provides a dance floor and live or recorded music for customer dancing, and may or may not provide entertainment, such as live performances of the arts (music, comedy, readings, dance, plays, etc.). A Night Club differs from either a Restaurant or Tavern in that dancing by the customer is permitted. The serving of food or alcoholic beverages is optional.

Off-street parking

Pursuant to Fresno Municipal Code 12-306.I.2.2.d, the general requirement for parking for a night club is one space per 75 square feet of gross floor area. Site Plan Exhibit A dated May 12, 2010 depicts a building with 7,000 square feet of gross floor area and 98 parking spaces. Said amount of floor area requires 94 parking stalls [7,000 /75].

Floor Area

The project was reviewed under the provisions of the recently adopted text amendment as related to restaurants, taverns and nightclubs. Table III under section 12-326.E.3 of the FMC indicates that for a night club, within the C-2 zone district, when the horizontal distance between the (subject) building and the closest property line of existing residential uses is more than 200 ft, but less than 300-ft, the maximum floor area of a night club is 4,000 sq. ft. The subject building is approximately 290 feet away from the nearest residential uses and the building contains 7,000 square feet. As such, pursuant to section 12-326.G.1.c of the Fresno Municipal Code (FMC), an application for a Night Club located in the C-2 District that does not comply with either the setback or floor area, shall be subject to a Neighborhood Meeting.

Time to Stop Sales, Service and Consumption of Alcohol

Table III under section 12-326.E.3 of the FMC indicates that for a night club, within the C-2 zone district, the time to stop sales, service and consumption of alcohol is 12:30 am, Sunday thru Thursday and 2:00 am Friday and Saturday. The project applicant is requesting an operation time of 2:00 p.m. to 2 a.m., daily. As such, pursuant to section 12-326.G.1.c of the FMC, an application for a Night Club located in the C-2 District that does not comply with the time to stop alcohol service, shall be subject to a Neighborhood Meeting.

NEIGHBORHOOD MEETING

An application for a night club located in the C-2 District that does not comply with either the setback, floor area, or time to stop alcohol service, shall be subject to a Neighborhood Meeting. The applicant shall conduct a public meeting; the purpose of this meeting is to acquaint the neighborhood with the proposed operation and to receive comment. The applicant shall provide participants with a detailed operational statement which shall be submitted to the City. A detailed report of the meeting shall be submitted to the city with a night club application. Notices of the meeting shall be mailed by first class mail, a minimum 10 days prior to the meeting date, to every owner whose name and address appears on the last equalized County Assessment Roll for any property within 500 feet of the exterior boundaries of the subject property. Proof shall be submitted to the City that such a notice was mailed. The meeting shall be held at a place acceptable to the Director. The meeting shall begin between the hours of 6:00

p.m. and 7:00 p.m. The meeting shall not be held on a Friday, Saturday, Sunday, or on any of the Special Days of Celebration.

On Monday, May 10, 2010, at 6:30 p.m., the applicant conducted a neighborhood meeting at the subject property. The applicant has submitted to the Development and Resource Management Department (DARM) a report of the meeting (attached), which outlined information presented at the meeting, including, the proposed operation (night club) and hours of operation. The report indicates that the two attendees of the neighborhood meeting did not oppose the project. The applicant has also submitted to DARM a list of addresses that were sent notices informing property owners of the neighborhood meeting.

Fresno Police Department

The Fresno Police Department has conditioned the proposed project subject to their letter (enclosed) dated June 29, 2010. One of the conditions from the police department is that the applicant shall maintain a written security plan which is acceptable to the Fresno Police Department. The applicant has submitted a security plan dated August 2, 2010 (attached).

DISTRICT 7 PLAN IMPLEMENTATION COMMITTEE

The District 7 Plan Implementation Committee recommended approval of Conditional Use Permit Application No. C-10-118 at their meeting on June 14, 2010.

TOWER DISTRICT DESIGN REVIEW COMMITTEE

The Tower District Design Review Committee recommended approval of Conditional Use Permit Application No. C-10-118 at their meeting on June 15, 2010.

NOTICE OF PLANNING COMMISSION MEETING

The Development and Resource Management Department mailed notices of this Planning Commission hearing to all surrounding property owners within 500 feet of the subject property, pursuant to Section 12-326-G-2 of the Fresno Municipal Code.

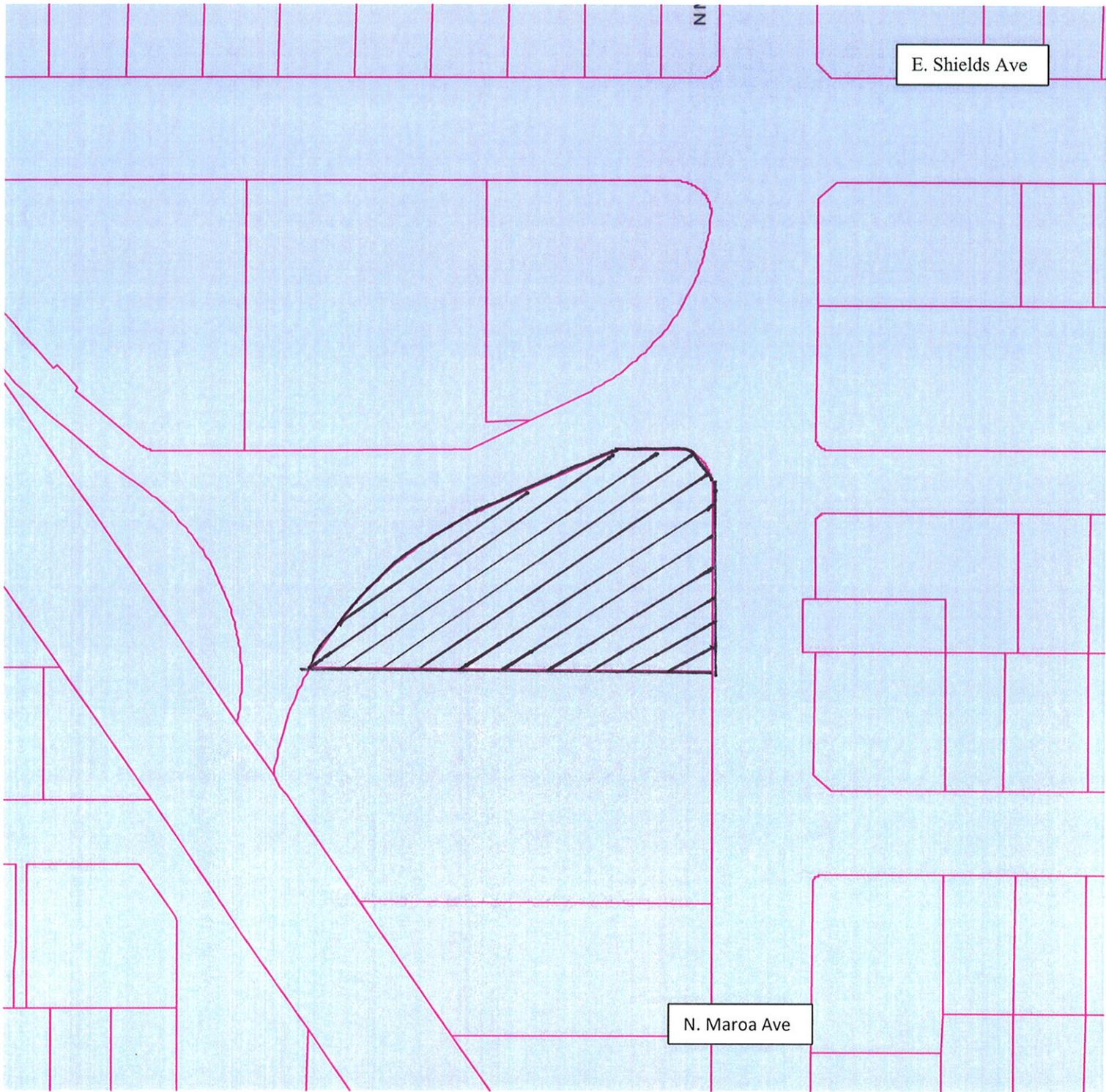
FINDINGS

The appropriateness of the proposed project has been examined with respect to its consistency with the goals and policies of the 2025 Fresno General Plan, the Fresno High-Roeding Community Plan and the Tower District Specific Plan; its compatibility with surrounding existing or proposed uses; and, its avoidance or mitigation of potentially significant adverse environmental impacts. Conditional Use Permit Application No. C-10-118 will comply with all applicable codes, including parking, landscaping, walls, etc.

No special permit may be issued unless it is found that the privilege exercised under the permit, conforms to the findings of 12-405-A-2 of the Fresno Municipal Code. Based upon analysis of the conditional use permit application, staff concludes that all of the required findings can be made for Conditional Use Permit Application No. C-10-118.

Findings per Fresno Municipal Code Section 12-405-A-2	
<p>a. <i>All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,</i></p>	
Finding a:	Conditional Use Permit Application No. C-10-118 will comply with all applicable codes, including parking, landscaping, walls, etc.
<p>b. <i>The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,</i></p>	
Finding b:	The subject property is adjacent to two collector streets (North Maroa and North Wishon Avenues); the adjacent streets were assessed during the initial development of the subject site to ensure that the development would have less than significant impacts on traffic and the surrounding neighborhood.
<p>c. <i>The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. The third finding shall not apply to uses which are subject to the provision of Section 12-306-N-30 of the FMC.</i></p>	
Finding c:	The subject site was intended to function with commercial uses. In addition, the applicant will be required to comply with the operational statement submitted for the project and the conditions of approval as required by the Police Department that will stipulate certain requirements that must be met by the applicant. These conditions are intended to help protect the public health, safety and welfare of patrons and neighbors, alike.

- Attachments:
- Vicinity Map
 - 2008 Aerial Photograph of site
 - Noticing Map (500 foot radius)
 - Exhibit A, Site Plan, dated May 12, 2010
 - Exhibit F, Floor Plan, dated May 12, 2010
 - Conditions of approval for the project dated August 18, 2010
 - Comments from Responsible Agencies
 - Results of Neighborhood Meeting (submitted by applicant)
 - Security Plan dated August 2, 2010 (submitted by applicant)
 - Environmental Assessment No. C-10-118 dated August 11, 2010



LEGEND



Subject Property

VICINITY MAP

CONDITIONAL USE PERMIT NO. **C-10-118**

PROPERTY ADDRESS

3075 North Maroa Avenue



Not To Scale

A.P.N.: 443-080-36

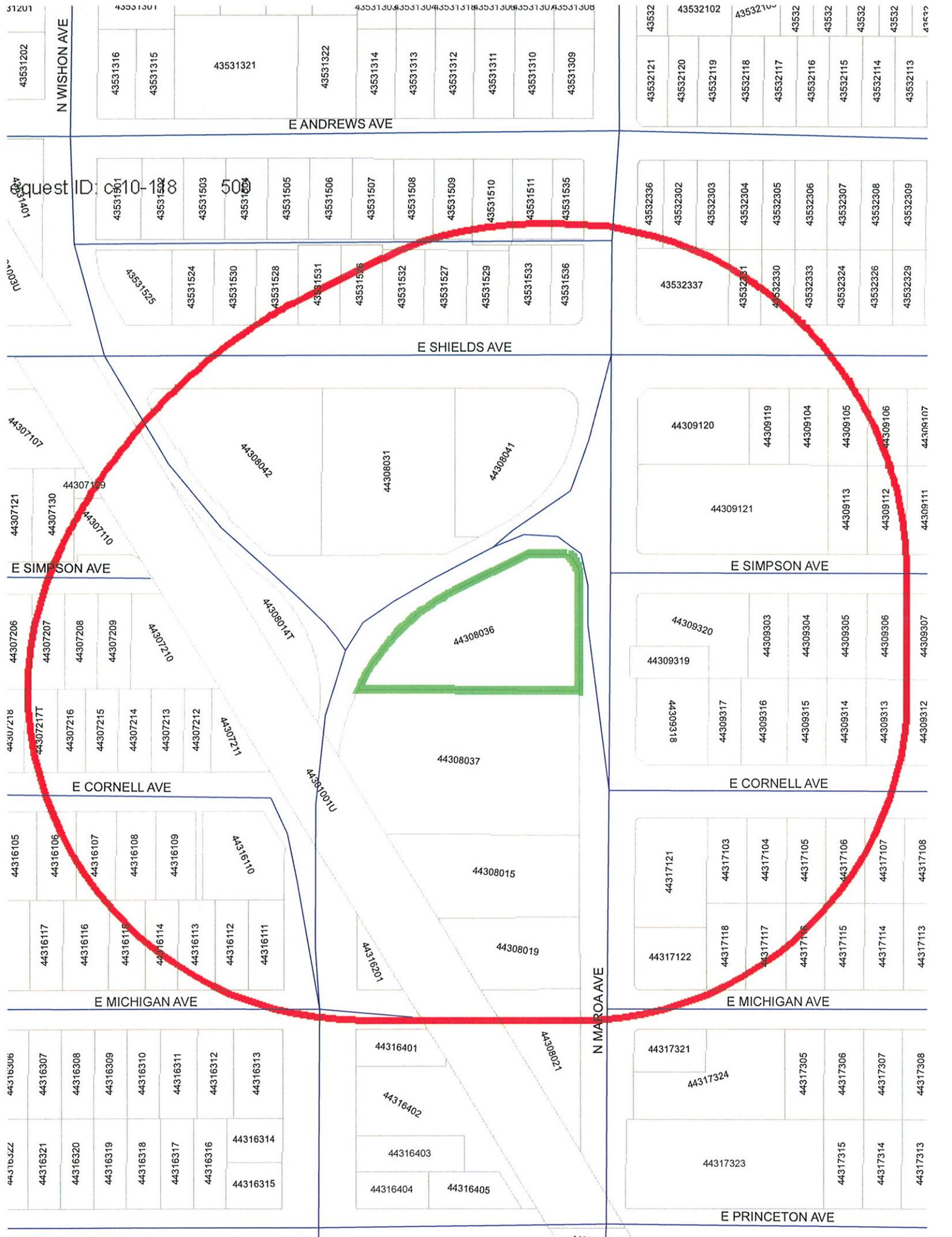
ZONE DIST.: C-2

BY/DATE: _____



2008 Aerial

Subject Property



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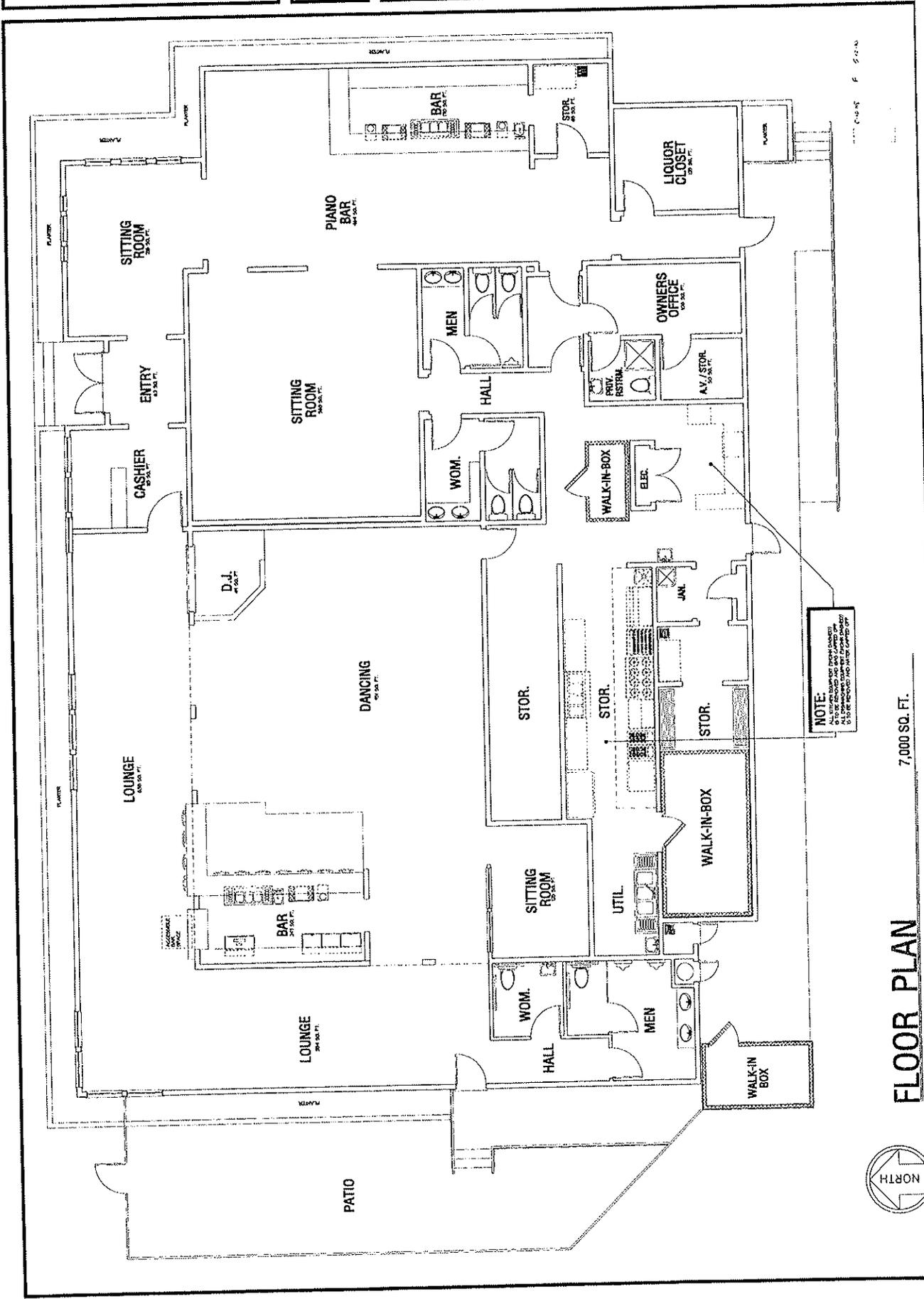
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NOTE:
 All structural work shall be in accordance with the approved structural drawings. All dimensions shall be taken as shown unless otherwise noted.

7,000 SQ. FT.

FLOOR PLAN



**CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT**

**CONDITIONS OF APPROVAL
AUGUST 18, 2010**

CONDITIONAL USE PERMIT APPLICATION NO. C-10-118

PART A - PROJECT INFORMATION

1. Assessor's Parcel No: 443-080-36
2. Zone Map No: 2149
3. Job Address: 3075 North Maroa Avenue
4. Street Location: Located on the southwest corner of North Maroa and East Simpson Avenues
5. Existing Zoning: C-2 (*Community Shopping Center District*) zone district
6. Planned Land Use: Neighborhood Commercial
7. Plan Areas: The 2025 Fresno General Plan and the Fresno High-Roeding Community Plan and Tower District Specific Plan
8. Project Description: Conditional Use Permit Application No. C-10-079 is a proposal operate a "Night Club" in a 7,000 square foot building (patio included), allow the proposed hours of operation from 2:00 p.m. to 2:00 a.m., daily and approve the establishment of a State of California, Alcohol Beverage Control license for the sale of beer and wine and distilled spirits for on-premises consumption where sold (ABC Type 48 license). No food sales are proposed with the operation

PART B - GENERAL CONDITIONS AND REQUIREMENTS

Subject to Planning Commission approval, the proposed project is approved subject to the enclosed list of conditions and Exhibits A and F, dated May 12, 2010.

Environmental Assessment No. C-10-118, resulting in a Categorical Exemption Class 31 and Class 32, was prepared for the project on August 11, 2010.

To complete the back-check process for building permit relative to planning and zoning issues, submit eight copies of this corrected, final site plan, together with six copies of the elevations, landscape, and irrigation plans, and any required covenants and/or studies or

analyses to the Planning Division, Current Planning Section, for final review and approval, ten days before applying for building permits.

Copies of this final approved site plan, elevations, landscape, and irrigation plans stamped by the Planning Division **must be substituted** for unstamped copies of same in each of the four sets of construction plans submitted for plan check prior to issuance of building permits. The final approved site plan must also include all corrections identified in the plan check process.

Be advised that on-site inspections will not be authorized unless the final stamped approved site plan, elevations, landscape, and irrigation plans are included in the plan check file copy.

Please call for an appointment for final sign-off for building permits following your receipt and substitution of the four copies of the stamped, corrected, approved exhibits in the plan check sets. Contact Israel Trejo at (559) 621-8044 or via e-mail at Israel.Trejo@fresno.gov to schedule an appointment.

IMPORTANT: PLEASE READ CAREFULLY

Please note that this project may be subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

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

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:

1. 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;
2. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property;
3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

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 plan not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.

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

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

The exercise of rights granted by this special permit must be commenced by August 18, 2014 (four years from the date of approval). There is no exception.

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 the imposition of the 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.

PART C - PUBLIC IMPROVEMENT REQUIREMENTS

The following requirements are based on city records and the accuracy of the existing and proposed on-site and off-site conditions depicted on the exhibits submitted. Requirements not addressed due to omission or misrepresentation of information, for which this review process is dependent, will be imposed whenever such conditions are disclosed. Questions relating to dedications, street improvements or off-street parking lot geometrics may be directed to Mario Rocha at (559) 621-8684 of the Public Works Department, Engineering Division.

TRAFFIC SIGNAL MITIGATION IMPACT FEE

- a) 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.

STREET ENCROACHMENT PERMITS, DEDICATIONS AND VACATIONS

- a) Exhibit A is required to include all street furniture, e.g.: public utility poles and boxes, guy wires, signs, fire hydrants, bus stop benches, mail boxes, news stands, trash

receptacles, tree wells, etc., within the existing and proposed public rights of way. Identify the required four feet minimum path of travel along the public sidewalk directly in front of the property, as required by the California Administration Code (Title 24). A pedestrian easement may be required if Title 24 requirements cannot be met.

OTHER AGENCIES IMPACT FEES

- a) Satisfy the Fresno County Facilities Impact Fee Obligation. Provide County Facilities Impact Fee receipt from the County Public Works and Planning Department (488-3496) as proof of payment or exemption prior to issuance of permits.
- b) Satisfy the Fresno County Regional Transportation Mitigation Fee (RTMF), as required by the RTMF Joint Powers Agency (559-233-4148). The RTMF Informational Summary and the Record of Payment forms are available at the Planning and Development public counter.
- c) The completed Record of Payment of the RTMF form of the must be submitted to the City prior to the issuance of building permits. Prior to issuance of the Certificate of Occupancy, the Record of Payment of the RTMF form must be signed indicating the Disposition of RTMF by the RTMF JPA.

PART D - PLANNING/ZONING REQUIREMENTS

1) PLANNING

- a) Development is subject to the following plans and policies:
 - i) C-2 (*Community Shopping Center District*) zone district
 - ii) Fresno High-Roeding Community Plan
 - iii) Tower District Specific Plan
 - iv) 2025 Fresno General Plan

2) FLOOR AREA

- a) The project was reviewed under the provisions of the recently adopted text amendment as related to restaurants, taverns and nightclubs. Table III under section 12-326.E.3 of the FMC indicates that for a night club, within the C-2 zone district, when the horizontal distance between the (subject) building and the closest property line of existing residential uses is more than 200 ft, but less than 300-ft, the maximum floor area of a night club is 4,000 sq. ft. The subject building is approximately 290 feet away from the nearest residential uses and the building contains 7,000 square feet. The night club with a floor area of 7,000 square feet is hereby approved.

On Monday, May 10, 2010, at 6:30 p.m., the applicant conducted a neighborhood meeting at the subject property. The applicant has submitted to the Development and Resource Management Department (DARM) a report of the meeting, which outlined information presented at the meeting, including, the proposed operation (night club) and hours of operation. The report indicates that the two attendees of the neighborhood meeting did not

oppose the project. The applicant has also submitted to DARM a list of addresses that were sent notices informing property owners of the neighborhood meeting.

3) TIME TO STOP SALES SERVICE AND CONSUMPTION OF ALCOHOL

- a) Table III under section 12-326.E.3 of the FMC indicates that for a night club, within the C-2 zone district, the time to stop sales, service and consumption of alcohol is 12:30 am, Sunday thru Thursday and 2:00 am Friday and Saturday. The project applicant is requesting an operation time of 2:00 p.m. to 2 a.m., daily, which is hereby approved.

On Monday, May 10, 2010, at 6:30 p.m., the applicant conducted a neighborhood meeting at the subject property. The applicant has submitted to the Development and Resource Management Department (DARM) a report of the meeting, which outlined information presented at the meeting, including, the proposed operation (night club) and hours of operation. The report indicates that the two attendees of the neighborhood meeting did not oppose the project. The applicant has also submitted to DARM a list of addresses that were sent notices informing property owners of the neighborhood meeting.

4) POPULATION DENSITY (Residential Projects)

- a) Not applicable.

5) ADDRESSING

- a) **Only those addresses assigned by the City of Fresno will be recognized as 'Official Addresses'. The Official Address for the site is 3075 North Maroa Avenue.** 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'.

6) BUILDING HEIGHT

- a) Pursuant to section 12-218.5.D of the FMC, the maximum allowable building height is 35 feet in the C-2 zone district. The existing building is not proposed to be added to in height.

7) LOT COVERAGE

- a) Pursuant to section 12-218.5.G of the FMC, the maximum lot coverage in the C-2 zone district is 33%. Exhibit A dated May 12, 2010, depicts lot coverage at 13%.

5) BUILDING SETBACK, OPEN SPACES AND LANDSCAPING

- a) Provide the following minimum landscaped areas:
- **Front yard (along North Maroa and North Wishon Avenues):** Pursuant to section 12-218.5.E.2 of the FMC, provide a minimum 10 foot landscaped setback along North Maroa and North Wishon Avenues.
 - All landscape setbacks on-site shall remain as existing.

- b) No structures of any kind (*including free standing signs and/or fences*) may be installed or maintained within the above-landscaped areas. No exposed utility boxes, transformers, meters, piping (excepting the backflow prevention device), etc., are allowed to be located in the landscape areas or setbacks or on the street frontages of the buildings. All transformers, etc., shall be shown on the site plan. The backflow device shall be screened by landscaping or such other means as may be approved. **(Include this note on the site plan.)**
- c) Trees shall be maintained in good health. However, trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for the health of the tree and public safety; or as may otherwise be approved by the Planning and Development Department. **(Include this note on the site and landscape plans.)** Remove the tree stumps located throughout the property.
- d) Landscaping must be in place before issuance of the certificate of occupancy. A Hold on Occupancy shall be placed on the proposed development until such time that landscaping has been approved and verified for proper installation by the Planning Division. **(Include this note on the site and landscape plans.)**

6) SPACE BETWEEN BUILDINGS

- a) No requirements, pursuant to section 12-218.5.F of the FMC.

7) FENCES, HEDGES, AND WALLS

- a) All existing fences or walls must comply with section 12-306.H of the FMC.
- b) Temporary fences to secure projects under construction are allowed. Any temporary fence shall be adequately secured and constructed to prevent overturning due to wind, vandalism, and/or casual contact by the general public. The construction shall be performed in such a manner as to minimize any potential safety hazard, which may occur as a result of improper fence installation or damage to the fence.
- c) Future fences shall be reviewed and approved by the Planning and Development Department prior to installation. **(Include this note on the site plan.)**

8) OFF-STREET PARKING

- a) Pursuant to Fresno Municipal Code 12-306.I.2.2.d, the general requirement for parking for a night club is one space per 75 square feet of gross floor area. Exhibit A dated May 12, 2010 depicts a building with 7,000 square feet of gross floor area and 98 parking spaces. Said amount of floor area requires **94** parking stalls [7,000 /75].
- b) A minimum of **4** automobile handicap parking stalls are required for the proposed use per State of California Building Code. Exhibit A, dated May 12, 2010 depicts 2 handicap parking stalls.

- c) All handicapped 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.)**
- d) All handicapped parking stalls shall be placed adjacent to facility access ramps or in strategic areas where the handicapped shall not have to wheel or walk behind parked vehicles while traveling to or from handicapped parking stalls and ramps. **(Include this note on the site plan.)**
- e) Lighting where provided to illuminate parking shall be hooded and so arranged and controlled so as not to cause a nuisance either to highway traffic or to the living environment. The amount of light shall be provided according to the standards of the Department of Public Works. **Depict all proposed lights on the site plan.**
- g) Section 12-306-I.2.1.c of the Fresno Municipal Code requires bicycle stalls to be provided at a percentage of 10 percent of the parking spaces provided, but not to exceed 10 parking spaces. Provide a minimum of **ten** bicycle parking spaces on the subject property. Bicycle parking spaces shall each consist of one slot in a bike rack. They shall be grouped in racks which allow four feet of clearance on all sides. There shall be adequate space between rack slots to park, lock, and remove bicycles. Bicycle parking spaces shall each consist of one slot in a bike rack. Bicycle parking spaces and the required four-foot clearance shall be protected from motor vehicle encroachment by means of fixed barriers not less than six inches or more than three in height. Bicycle parking spaces shall not encroach into pedestrian ways, landscaped areas, or other required open spaces, and shall be located proximal to structures. **Depict all proposed bicycle stalls on the site plan.**

9) LOADING SPACE REQUIREMENTS

- a) Comply with the loading zone requirement pursuant to Section 12-306-L of the FMC. Every commercial building when occupied by a use which involves pick-up and delivery of materials (other than normal solid waste collections) from trucks and tractor-trailers weighing more than two tons, shall provide and maintain a loading space(s) per the FMC. Provide a letter to the Development and Resource Management Department indicating if this site will accept pick-up and deliveries of material from trucks and tractor-trailers weighing more than two tons.

10) ACCESS

- a) There shall be pedestrian and vehicular access from a dedicated and improved street or alley to off-street parking and loading facilities on the property requiring off-street parking and loading. For non-residential uses, the design of the access shall be approved by the Department of Public Works as able to withstand commercial usage.

11) OUTDOOR ADVERTISING

- a) Signs, other than directional signs, are not approved for installation as part of this special permit. **(Include this note on the site plan.)** Should additional signs be required, the applicant must submit for a Sign Review Permit.

PART E - CITY AND OTHER SERVICES

12) BUILDING REQUIREMENTS

- a) Obtain permits for the proposed remodel of the interior of the building.

13) HEALTH PROTECTION REQUIREMENTS

- a) Comply with the requirements of the attached County of Fresno, Department of Public Health, letter dated June 9, 2010.

14) POLICE DEPARTMENT

- a) Comply with the letter from the Police Department dated June 29, 2010.

15) FIRE DEPARTMENT

- a) Comply with the letter from the Fire Department dated June 21, 2010.

16) FRESNO UNIFIED SCHOOL DISTRICT

- a) Comply with the letter from the Fresno Unified School District dated June 4, 2010.

PART F - MISCELLANEOUS

Approval of this site plan is contingent upon the submittal of corrected site plans showing all existing/proposed on-site conditions as reflected on all exhibits and the following:

- 1) Roof-mounted and detached mechanical equipment shall be screened from view and acoustically baffled to prevent the noise level rating for the equipment from exceeding 55 Ldn measured at the nearest property line. **(Include this note on the site plan.)**
- 2) 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.)**
- 3) 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 archaeological 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.)**
- 4) If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. A paleontologist shall conduct an assessment and, if the paleontologist determines the material to be significant, it shall be preserved. **(Include this note on the site plan.)**

City of
FRESNO
POLICE DEPARTMENT
Central Problem Oriented Policing
 3030 N Maroa
 Fresno, Ca. 93704
 (559) 621-6200



June 29, 2010

To: Israel Trejo
 Planning and Development Division
 2600 Fresno St. Third Floor
 Fresno, Ca. 93721

From: David Rady
 Central P.O.P., Fresno P.D.

Re: Permit No. C-10-118 ABCUP, Type 48 ABC On-Sale General – Public Premises
 Club Legends Night Club
 3075 N. Maroa Ave., 93704
 A.P.N. 443-080-36

The Central Problem Oriented Policing Team has been assigned to investigate an application for an alcoholic beverage / nightclub conditional use permit at the above named location. The primary concern for the Fresno Police Department at this location is for Public Safety and the propensity of an increase of police calls for service. It is our intention to support the operation of a business at the location and maintain an environment that is least likely to generate public complaints, disturbance to the surrounding neighborhood, disturbances at the location and customer calls for service.

Based on our findings we would not be in opposition of this application, provided the applicant agrees to the following conditional use restrictions:

1. Fresno Municipal Codes.

The applicant will not violate Federal, State or local laws to include Fresno Municipal Codes, specifically, but not limited to:

- FMC 9-502 (Amusement Device - Permit Required)
- FMC 9-1803 (Hours of operation Billiard Hall)
- FMC 9-1804 (Minors in Billiard Hall)
- FMC 9-1805 (Minors accompanied by parent or guardian in Billiard Hall)
- FMC 9-1905 (Public Dancing - Permit Required)
- FMC 10-105 (Noise ordinance)
- FMC 10-708 (Unlawful Nuisances - High calls for police service)

The applicant shall not operate or allow any amusement devices, coin operated amusement devices, game devices or billiard devices in the establishment, unless proper permits have been applied for and issued by the City of Fresno.

2. Happy Hours.

There shall be no "Happy Hours" where alcoholic beverages are *electronically advertised* at discounted prices which are less than the standard prices. There shall be no exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages which are clearly visible to the exterior shall constitute a violation of this condition.

3. Parking.

The petitioner shall provide adequate off street parking spaces for use by patrons of the premises. Applicant will discourage patrons from parking on property of adjoining landholders, unless applicant has written permission from the landholder. The Security team of the applicant will ensure NO disturbances occur from patrons coming and going from parking areas, whether on off street parking or in neighborhood areas.

4. ABC Education.

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

1. Taken training from the State of California Department of Alcoholic Beverage Control - Fresno District Office -administered "Leadership and Education in Alcohol and Drugs" (LEAD) Program in the form of an ABC issued certificate; or,
2. Take an accepted equivalent by 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,
3. The ABC licensed proprietors shall have confirmed with the Development Department within 15 days of the director's decision, or by final project approval that a date has been scheduled with the local ABC office to take the LEAD Program course.

Within 30 days of taking said course the employee(s) or responsible employer shall deliver each required LEAD Program certificate showing completion of said course.

5. Entertainment.

No; topless dancing, exotic dancing, go-go dancers, stage or pole dancing, nude dancing, strip shows, bikini/lingerie contests/dancing or nudity of any kind shall be permitted on the premises at any time. Entertainment provided **shall not** be audible from the exterior of the business. No amplified or acoustical music of any kind will be permitted on the outside patio at any time.

6. Illegal Drugs.

The establishment will not allow illegal drugs to be sold, ingested, injected or inhaled in the building premises or on any adjacent property under it's control.

7 Food Vendors.

No food vendors are to be allowed outside the business, or on neighboring properties anytime, (i.e., taco trucks, hot dog stands etc.), whether or not under control of the licensee.

8 Security Plan.

The establishment will develop and maintain a written security plan for the licensed location which is acceptable to the Fresno Police Department's District Commander or designee. The plan may be amended as circumstances warrant from time to time by obtaining the agreement of such Police Department representative.

The plan will include:

- Identify the designated contact person for the establishment for all safety and security management and shall provide the phone numbers where the contact person may be reached 24 hours a day, seven days a week.
- Confirm that a manager will be on duty during business hours and will be responsible for monitoring and controlling the behavior of patrons.
- Identify all managers of the establishment and their contact telephone numbers.
- Confirm that all bartenders and other employees shall be trained to recognize the symptoms of an obviously intoxicated patron, to refuse serving alcoholic beverages to obviously intoxicated patrons, and to report emergencies to the manager on duty and to law enforcement.
- Confirm that first aid supplies and operational fire extinguishers are located in the kitchen, service areas and the manager's office.
- Confirm that the burglar and fire alarm is monitored by a security company 24 hours a day, seven days a week.
- Identify an adequate number of acceptable interior security personnel and exterior security personnel who will monitor and control the behavior of customers inside and outside the building, in the parking lot, and any adjacent property under the establishment's control and any area around the establishment that the patrons from the establishment are coming or going to or from. The security personnel may be employees of the establishment or security personnel retained from a security firm.
- **There shall be a minimum of THREE (3) state licensed, uniformed security guards on the premises at all times while dancing is permitted. The total number of guests is limited by the permitted occupancy as determined by the Fresno Fire Department. The Fresno Fire Department, Rick Fultz, Supervising Fire Inspector, has established the "occupancy load" of this establishment, 3075 N. Maroa, to be 280 persons. This**

occupancy load will require the Applicant to have three (3) "state licensed" uniformed guard card carrying persons, in addition to any other "event staff" security personnel.

The establishment can employ additional security personnel if desired for normal nightly dancing, however, if a special event has been requested and granted by the District Commander. The establishment/applicant will need to provide additional/adequate security as deemed by the Fresno Police Department for the safety of the public.

Confirm that the security personnel will regularly monitor the parking lot and any adjacent property under the establishment's control to ensure the areas are (a) free of people loitering or causing a disturbance and (b) are cleared of patrons and their vehicles one-half hour after closing.

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

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

9 Business and Professions Code.

The applicant will not violate any Business and Professions Code, specifically, but not limited to:

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 25655 (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)

10 Occupancy.

The establishment will control its total occupancy to comply with Fresno Fire Department's requirements (280 occupants). It will be the applicant's responsibility to keep an accurate count of patrons at all times dance and entertainment activities are being conducted. The approved allowable occupancy level shall be posted in a conspicuous manner. Based on the license type at this location, **Type**

48, there shall be **NO PERSONS UNDER THE AGE OF 21 YEARS OLD AT ANY TIME OR AT ANY FUNCTION FOR THIS BUSINESS FOR ANY REASON.**

11 Display of Conditions.

The applicant will maintain a copy of these conditions and all applicable licenses and permits issued by the city, county, state and federal government at the premises. The applicant must present these conditions immediately upon the request of any law enforcement or city official. The applicant will ensure all employee's are aware of these conditions.

12 Real property Responsibility.

The petitioner will agree that no more than twenty-five (25%) percent in excess over the rate of similar calls for police service (as described in F.M.C. Section 10-708, "unlawful nuisances") in the immediate (½ mile) area generated directly by said business is acceptable. Unrelated police calls at the business will be exempt. The petitioner should understand that upon determination by the Police Department that the number and type of calls for police service at this location are excessive can constitute grounds for possible revocation of the conditional use permit.

13 Contests and Promotions.

No contest, promotion, or special event shall be conducted unless applicant has obtained, at least two weeks prior thereto, the written approval of the District Commander or his/her designee. If any promotions or special event are approved, the establishment may be required to increase their security personnel, based on the event type.

14 Structure and Exits.

The doors to the business shall remain closed at all times while entertainment or any other events are being conducted. The exterior of the business shall not be used for any entertainment purposes and will only be used for the ingress and egress from the interior and the parking of vehicles. No additions or modifications to the building (i.e. exterior doors or patio areas) shall be made without the proper permits and the prior approval of the District Commander or designee. NO music or any other type of event noise shall be audible from the outside of the establishment at any time. It will be the applicant's responsibility to ensure this does not occur.

15 Lighting.

Exterior.

The parking lot premises shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the parking lot.

Interior.

Areas inside the establishment open to customers will be illuminated sufficiently to allow the identification of persons.

16 Drinking Outside.

The establishment will not allow alcoholic beverages to be consumed outside the building premises or any other adjacent property under its control.

(See Patio #21)

17 Loitering.

Petitioner shall not permit any loitering on building premises or any adjacent property under its control or on any City of Fresno Streets.

18 Litter.

The establishment will collect litter in the immediate area of operation and complete such litter control by no later than one hour after closing on each evening of operation.

19 Graffiti.

Any graffiti painted or marked upon the premises or any adjacent area under its control shall be removed or painted (non obtrusive) over within 48 hours.

20 Posting of Property.

The petitioner shall post the property with the appropriate municipal code signs advising that 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 every 180 days that authorizes officers to enforce the aforementioned activities at the business. The owners and employees are responsible for abating these activities when they occur during business hours.

21 Patio

There will be a patio for this establishment and alcoholic beverages may be consumed from this patio area. The applicant and establishment shall establish a security person for the patio area when patrons are outside in this area. There shall be NO audible noise, music, acoustical or amplified noise on the patio area at any time. There shall be no dancing or special events on the patio area at any time.

22 Amendments.

The above listed conditions are subject to amendment by the Fresno Police Department at any time. This conditional use permit may be re-evaluated after a period of six month after issuance, based on any problems at the location; this ABC CUP may be suspended and or revoked by the Fresno Police Dept. for violations of the CUP.

23 Hours of Operation

This establishment shall have the hours of serving alcohol from 2:00 p.m. to 2:00 a.m. for the days of Sunday through Saturday. There **SHALL BE NO** "after hours" events, special programs or "after hours" parties of any kind. Because this is strictly a nightclub bar and there is no "food service", there will be no extended hours of operation.

The Fresno Police Department will require acceptance of these listed conditions by the applicant for approval of the application. Absent such acceptance, we would be in opposition of this application as we feel all are in the public's best interest.

By signing below the applicant acknowledges that he or she has read the above listed conditions and agrees to comply with such conditions and obey all laws. The applicant acknowledges that violating the above conditions will cause a review, which may lead to modification or revocation of this Conditional Use Permit.

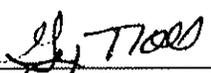
FRESNO POLICE DEPARTMENT



Captain Michael Reid
Central District Commander

7/7/10

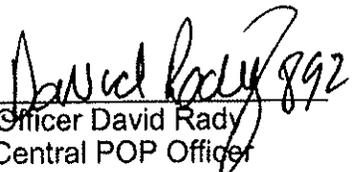
Date



Sergeant Greg Noll
Central POP Supervisor

7/5/2010

Date

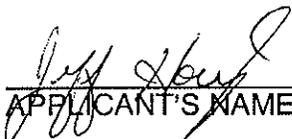


Officer David Rady
Central POP Officer

6/29/10

Date

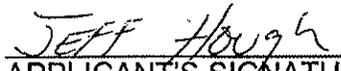
Responsible Party for 3075 N. Maroa Ave.
Jeff Hough



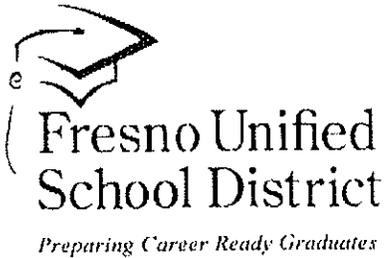
APPLICANT'S NAME (PRINT)

8-2-10

Date



APPLICANT'S SIGNATURE



REVISED

BOARD OF EDUCATION

Valerie F. Davis, President
Michelle A. Asadoorian, Clerk
Lindsay Cal Johnson
Carol Mills, J.D.
Larry A. Moore
Janet Ryan
Tony Vang, Ed.D

SUPERINTENDENT

Michael E. Hanson

June 4, 2010

Israel Trejo, Development Services/Planning
Planning & Development Department
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

**SUBJECT: CONDITIONAL USE PERMIT NO. C-10-118-ABCUP
 3075 N. MAROA AVE.**

Dear Mr. Trejo,

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

The proposed 'Club Legends' located at 3075 North Maroa Avenue, is requesting to establish a bar/nightclub with a Type 48 (Bar, Nightclub – sale of beer, wine, and distilled spirits for consumption on the licensed premises) ABC liquor license. It is located within approximately 2,520 feet from Fort Miller Middle 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." Although schools are not within close proximity to the establishment, FUSD still has concerns regarding potentially dangerous interaction between our students and the proposed operation. FUSD's response on this project is subject to the Alcohol Beverage Control Act and the Fresno Police Department's review and support of the project with regard to the concentration and use of alcohol-related business in close proximity to school sites.

Any new commercial/industrial development which occurs, may ultimately affect the District by generating employees. The children of those employees living in the District will need to be housed in District schools.

The Fresno Unified School District levies a commercial/industrial development fee of \$0.47 per square foot. If the proposed project is to be located in an existing building without adding any additional square footage, no development fee would be charged. Any new development on the property will be subject to the development fee prior to issuance of a building permit.

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

Sincerely,

Lisa LeBlanc, Executive Director
Facilities Management and Planning

LL:hh
c: Debbie Buckman, Principal, Fort Miller Middle School



County of Fresno

Department of Public Health

Edward L. Moreno, M.D., M.P.H., Director-Health Officer

June 9, 2010

FA0002106
LU0015663
PE 2602

Israel Trejo
City of Fresno
Development Department
2600 Fresno Street
Fresno, CA 93721

Dear Mr. Trejo:

PROJECT NUMBER: C-10-118 ABCUP Revised, Club Legends

Conditional Use Permit Application No. C-10-118 ABCUP was filed as a minor amendment by Kent Rodrigues on behalf of Club Legends and pertains to 1.13 acres of property located on the west side of North Maroa Avenue, south of East Shields Avenue. The applicant requests authorization to establish a bar/nightclub with a State of California Alcoholic Beverage Control Type 48 license (*Bar, Night Club - sale of beer, wine, and distilled spirits for consumption on the licensed premises*) and to operate as a full bar/nightclub from 2 p.m. to 4 a.m. Monday through Sunday. Club Legends is proposed within an existing vacant building that was previously a restaurant. The property is zoned C-2 (*Community Shopping Center*).

APN: 443-080-06

ZONING: C-2

ADDRESS: 3075 North Maroa Avenue

Recommended Conditions of Approval:

- Prior to operation, the applicant shall obtain a final construction inspection and apply for and obtain a permit to operate the two bar facilities 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) 445-3392 for more information.
- Prior to operation, the applicant shall contact the California Alcoholic Beverage Control Department at (559) 225-6334 for information relative to the transfer of ABC license to the proposed location.

REVIEWED BY:

Janet Gardner

R.E.H.S., M.P.H.
Environmental Health Specialist

Digitally signed by Janet Gardner
DN: cn=Janet Gardner, o=Environmental Health Division, ou=Fresno County Public
Health Department, email=jgardner@co.fresno.ca.us, c=US
Date: 2010.06.09 07:42:21 -07'00'

(559) 445-3271

cc: Baruti/Casagrande/Tolzmann/Morgan, Environmental Health Division
Kent P Rodrigues, Architect (kentparch1@comcast.net)

C-10-118 Revised Club Legends

3

City of



FIRE DEPARTMENT

Date: June 21, 2010

To: ISREAL TREJO, Planner II
Planning and Development Department

From: RICHARD FULTZ, Senior Fire Prevention Inspector
Fire Department, Fire Prevention & Investigative Services

Subject: C-10-118 ABCUP was filed as a minor amendment by Kent Rodrigues on behalf of Club Legends and pertains to 1.13 acres of property located on the west side of North Maroa Avenue, south of East Shields Avenue, 3075 North Maroa Avenue, APN 443-080-36. The applicant requests authorization to establish a bar/nightclub with a State of California Alcoholic Beverage Control Type 48 license, ~~restaurant~~ - sale of beer, wine, and distilled spirits for consumption on the licensed premises, and to operate as a full bar-nightclub from 2 p.m. to ~~2~~ a.m. Monday through Sunday. Club Legends is proposed within an existing building that was previously a restaurant. The property is zoned C-2, Community Shopping Center.

General

Existing access and water supply meet fire department requirements and there are no additional site requirements for this project. The interior of the building will be reviewed when the building plan is submitted to the Planning and Development Department. Please note that changes to the interior that increase the occupant may trigger additional requirements such as fire sprinklers.

CLUB LEGENDS
3075 NORT MAROA AVE
FRESNO, CA 93704

RE: Meeting for the neighborhood

On May 10, 2010, at 6:30 p.m., I held a meeting for anyone interested in the opening and operating of Club Legends. On the day of the meeting, I had two people come and discuss the club. One person, who owns the business across from Club Legends on Maroa Avenue, was Ken Rush. The other person who attended the meeting was Bridgette Gibson. Bridgette was a little late to the meeting, but she was given all the information that was addressed with Ken Rush.

The information given to the people that attended the meeting was as follows:

1. I was opening a Night Club/Dance Club
2. The hours of operation would be from 2 p.m. to 2 a.m.
3. I would not be serving food.
4. There were advised that I had owned and operated a Bar and Grill in the Tower District.
5. I gave both parties my business card with my telephone number in case they had to contact me for any reason.
6. I advised the attendees that I would have security patrolling in and around the business and would do my best to keep people from loitering.
7. I stated I did not like HIP HOP music and was not looking for that type of crowd.
8. I told the attendees that I wanted a nice safe place for people to come and enjoy themselves.

9. The two attendees were shown the premises and were both given a first hand look at what I had planned for the business. .

10. At the end of the meeting, the two attendees seemed to be very comfortable with the plans I had for the business and what I had said during the meeting. They wished me luck and made positive comments about the improvements I had made and the improvement I planned on completing.

CLUB LEGENDS INCORPORATED
3075 North Maroa Ave.

This is our security plan that Club Legends has put in place for safety and security.

I Jeff Hough will be the main contact person for anything that occurs at Club Legends. I will be the General Manager and will over see all aspects of the day to day operations, which will include the Club's security. I can be contacted at telephone number 559-709-3189 night or day.

My Assistant Managers will be Ray Martinez and Thomas Fitzgerald. One of the three of us will be at the bar anytime it is open for operation. Ray Martinez 559-708-8206
Thomas Fitzgerald 559-214-0349

All bartenders hired for Club Legends will have prior bartending experience, which will include on how to deal with patrons. I will not be training new bar tenders. The bar tenders must have and show proof of prior employment as a bartender and they must have at a minimum of two year of experience. No Exception.

Myself and all the managers have prior bartending experience and have learned what to look for in a person that has had to much to drink. All staff will be educated at to signs of when a patron has had to much to drink and when to cut them off from having any addition drinks. Any employee who serves a person that has had to much to drink, will be dismissed immediately. Any problems on the property must be reported to on duty manager immediately.

The alarm company that monitors the alarm system at Club Legends is Matson Alarm Company. They are located at 8401 North Fresno Street Fresno, CA 93720. Their telephone number is 559-438-8000, They will be monitoring the building 24 hours a day, 7 days a week.

Legends will provide a minimum of (2) lic, uniform security guards in and around the property as requested by the City fire dept. based on the occupancy of the building. The property will be fenced and all gates will be locked when the business is closed. The gates will remain open during regular business hours. The fence and gates will insure people do not loiter around the business after closing and will keep the building more secure at night.

Legends has installed a 32 camera system that monitors inside and out, the system records 7 days a week , 24 hours a day and saves to memory for up to 90 days.

The patio has been redone we took down the 4ft iron fence and installed a 6ft wooden fence for more security, there are (2) cameras over looking it 24-7 . Anytime the patio is open there will be security monitoring the patio as well.

1 Jeff Hough 8-2-10

**CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT NO. C-10-118**

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

APPLICANT: Jeff Hough
3075 North Maroa Avenue
Fresno, CA 93704

PROJECT LOCATION: 3075 North Maroa Avenue, southwest corner of North
Maroa and East Simpson Avenues
(APN: 443-080-36)

PROJECT DESCRIPTION: Conditional Use Permit Application No. C-10-118 is a request to allow for the operation of a "Night Club" in a 7,000 square foot building (patio included), allow the proposed hours of operation from 2:00 p.m. to 2:00 a.m., daily and approve the establishment of a State of California, Alcohol Beverage Control license for the sale of beer and wine and distilled spirits for on-premises consumption where sold (ABC Type 48 license)

This project is exempt under Sections 15301/ Class 1 and 15332/Class 32 of the State of California CEQA Guidelines.

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

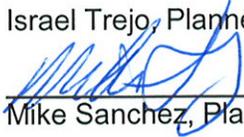
Section 15332/Class 32 consists of projects characterized as in-fill development meeting the conditions described in this Section. (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.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

The proposed project consists of a proposed nightclub use in an existing vacant building within the City limits and is consistent with the 2025 Fresno General Plan policies. The property is zoned C-2 which is consistent with the 2025 General Plan, Fresno High-Roeding Community Plan and the Tower District Specific Plan land use designation of neighborhood commercial pursuant to section 12-607-A-1 of the FMC. The operation of a night club on this 1.25 acre site is allowed within the designated zone district. The site has no value as habitat for endangered, rare or threatened species and complies with the conditions of the Class 1 and Class 32 Categorical Exemptions. No adverse environmental impacts would occur as a result of the proposed project.

Date: August 11, 2010

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