City of FRESNO

REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII-A

COMMISSION MEETING 02.20.13

APPROVED BY

DEPARTMENT DIRECTOR

February 20, 2013

FROM: MIKE SANCHEZ, Planning Manager
Development Services Division

THROUGH: SOPHIA PAGOULATOS, Supervising Planner
Development Services Division

BY: MCKENCIE CONTRERAS, Planner III
Development Services Division

SUBJECT: CONSIDERATION OF VARIANCE APPLICATION NO. V-13-001, CONDITIONAL USE PERMIT APPLICATION NO. C-12-145, AND ENVIRONMENTAL FINDING FOR ENVIRONMENTAL ASSESSMENT NO. V-13-001/C-12-145 LOCATED ON THE SOUTH SIDE OF EAST OLIVE AVENUE BETWEEN NORTH FULTON AND NORTH BROADWAY AVENUES

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. APPROVE the finding of a Class 1 and 32 Categorical Exemption for Environmental Assessment No. V-13-001/C-12-145 dated February 8, 2013.

2. APPROVE Variance Application No. V-13-001 to reduce the required front yard setback from 10 feet to 1 foot-10 inches.

3. APPROVE Conditional Use Permit Application No. C-12-145 to establish a State of California Alcoholic Beverage Control Type 48 liquor license (Bar, Night Club – sale of beer, wine, and distilled spirits for consumption on the premises where sold) at the proposed FAB Bar/Night club located within an existing building and the addition of a new patio, subject to the following conditions:

    a. Development shall comply with Exhibits A, C, F-1, and F-2 dated January 10, 2013 and Exhibit E dated December 4, 2012;
    b. Development shall comply with the revised operational statement for the project dated January 10, 2013;
    c. Development shall comply with the Conditions of Approval dated February 20, 2013.

EXECUTIVE SUMMARY

The applicant, Terry G. Story, filed Variance Application No. V-13-001 to reduce the required front yard setback from 10 feet to 1 foot-10 inches for the proposed outdoor patio and Conditional Use Permit Application No. C-12-145 requesting authorization to establish a State of California Alcoholic Beverage Control Type 48 liquor license (Bar, Night Club – sale of beer, wine, and distilled spirits for consumption on the premises where sold) at the proposed FAB Bar/Night club located within an existing building and the addition of a new patio. The site is zoned C-6 (*Heavy Commercial District*).

The variance application is typically granted by the Director. However, the granting authority for the related conditional use permit is the Planning Commission. Therefore, the applications have been scheduled for a public hearing.

Staff recommends that the Planning Commission approve Variance Application No. V-13-001 and Conditional Use Permit Application No. C-12-145, subject to the conditions of approval noted above. The variance and conditional use permit applications are appropriate for the site and all findings required by Fresno Municipal Code (FMC) Sections 12-405-A-1 and 2 can be made. In addition, granting of the requested special permit would not result in a significant impact under the California Environmental Quality Act (CEQA).

PROJECT INFORMATION

PROJECT	The applicant requests authorization to reduce the required front yard setback from 10 feet to 1 foot-10 inches for the proposed outdoor patio, establish a State of California Alcoholic Beverage Control Type 48 liquor license (Bar, Night Club – sale of beer, wine, and distilled spirits for consumption on the premises where sold) at the proposed FAB Bar/Night club located within an existing building, and add an approximately 279 square foot patio.		
APPLICANT	Terry G. Story		
LOCATION	716 East Olive Avenue; Located on the south side of East Olive Avenue between North Fulton and North Broadway Avenues in the historic Tower District (APN: 452-032-24). **(Council District 3, Councilmember Baines)**		
SITE SIZE	±0.12 acres		
LAND USE	Existing	-	*Heavy Commercial*
ZONING	Existing	-	C-6 *(Heavy Commercial)* zone district
PLAN DESIGNATION AND CONSISTENCY	The request is consistent with both the existing C-6 zone district and the heavy commercial planned land use designation of the 2025 Fresno General Plan, the Fresno High-Roeding Community Plan, and the Tower District Specific Plan.		
ENVIRONMENTAL FINDING	Categorical Exemption, dated February 8, 2013		
PLAN COMMITTEE RECOMMENDATION	The Tower District Specific Plan Design Review Committee recommended approval at their meeting on September 14, 2012. The District 3 Plan Implementation Committee recommended approval at their meeting on August 27, 2012.		
STAFF RECOMMENDATION	Approve Variance Application No. V-13-001 and Conditional Use Permit Application No. C-12-145 subject to the Conditions of Approval dated February 20, 2013.		

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	General Heavy Commercial	***C-6*** *Heavy Commercial District*	Retail & Restaurant
South	Medium-High Density Residential	***R-2*** *Low Density Multiple Family Residential District*	Parking Lot
East	General Heavy Commercial	***C-6*** *Heavy Commercial District*	Retail
West	General Heavy Commercial	***C-6*** *Heavy Commercial District*	Retail

ENVIRONMENTAL FINDING

Variance Application No. V-13-001 and Conditional Use Permit Application No. C-12-009 are not expected to have an adverse impact on the environment and are categorically exempt pursuant to the California Environmental Quality Act (CEQA) Sections 15301/Class 1 and 15332/Class 32. None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project.

BACKGROUND / ANALYSIS

Variance Application

The applicant requests approval of a variance to the front yard setback requirement. The C-6 zone district requires 10 feet; however, the existing building is located within the setback. The building was constructed prior to the FMC; therefore, the building is nonconforming to the yard requirement.

The applicant is proposing to build the patio 1 foot-10 inches from the property line and therefore requests the variance to allow the setback to be reduced, as mentioned above. Approval of the variance would allow the patio to be built 1 foot-10 inches from the property line.

The Tower District Specific Plan states new commercial construction is to be built to the front and side property lines. Therefore, a setback for the patio would be incompatible with the Tower District, where buildings are built to the property line. The request to process a variance is recommended by the Tower District Specific Plan.

Conditional Use Permit Application

Conditional Use Permit Application No. C-12-145 requests authorization to establish a State of California Alcoholic Beverage Control Type 48 liquor license (Bar, Night Club – sale of beer, wine, and distilled spirits for consumption on the premises where sold) at the proposed FAB Bar/Night club located within

an existing building, and add an approximately 279 square foot patio. The night club will be for patrons 21 years and over only.

The project is being processed under the provisions of the recently adopted text amendment as related to restaurants, taverns, and night clubs. Pursuant to that text amendment, a night club proposed within the C-6 zone district is required to be considered by the Fresno City Planning Commission. Therefore, staff has scheduled this matter for consideration by the Planning Commission and noticed the surrounding property owners of this hearing.

A night club is defined 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.

Hours of Operation

Based on the applicant's revised operational statement, dated January 10, 2013, the nightclub will operate between the following hours:

Sunday through Saturday: 11:30 a.m. to 2:00 a.m.

Dancing is permitted until 2:00 a.m. for establishments which have patrons who are 21 years of age and older. On New Year's Day, the establishment may have dancing until 5:00 a.m.

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-6 zone district, the time to stop sales, service, and consumption of alcohol is 2:00 a.m.

Noise

No music shall be played in the patio. The noise in the patio shall comply with the noise requirements of the FMC. Pursuant to Section 10-106 of the FMC, any sound exceeding the ambient noise level at the property line by more than five decibels (dbs) shall be deemed to be prima facie evidence of a violation. The ambient noise level for commercial property is 65 dbs; therefore, more than 70 dbs at property line is considered a violation.

Pursuant to the conditions of approval for the project, music is limited to the indoor area of the night club.

An acoustical analysis is not required when the patio area is located within the boundaries the designated special area of the Tower District Specific Plan.

Parking

The subject property is located within the Tower District Specific Plan Area and shall comply with the Tower District Specific Plan Area Design Guidelines. The parking requirement in the Tower District is different than other areas of the City. The guidelines state that "the amount of parking allowed should be limited, because too much surface parking degrades the pedestrian experience and dilutes the neighborhood's 'critical mass.'" Therefore, the parking requirement minimum may be reduced to 40% of the minimum parking requirement of the C-5 zone district. The C-5 zone district requires at least one

square foot of off-street parking area for each one square foot of floor area. See calculation below for parking requirement:

3,894 square feet/370 square feet = 11 parking spaces
40% of 11 parking spaces = 5 parking spaces

Therefore, the project shall provide a minimum of five parking spaces. The subject property currently has three parking spaces on-site. The applicant has obtained an agreement from the property owner of the parking lot to the south of the property (APN 452-032-22) to use two of the parking spaces. Therefore, the applicant complies with the requirement.

PLAN CONSISTENCY

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. Variance Application No. V-13-001 and Conditional Use Permit Application No. C-12-145 will comply with all applicable codes, including parking, landscaping, walls, etc. (excluding the front yard setback as requested in the variance).

COMMITTEE REVIEW

The Tower District Specific Plan Design Review Committee recommended approval at their meeting on September 14, 2012 with no requirements.

The District 3 Plan Implementation Committee recommended approval at their meeting on August 27, 2012 with no requirements.

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 FMC. No comments or correspondence has been received to date.

CONDITIONS OF APPROVAL

Standard conditions of approval for restaurants, taverns, and night clubs were developed after the adoption of the text amendment to ensure uniform application of requirements on a citywide basis. Those conditions are included and shall be applied to Variance Application No. V-13-001 and Conditional Use Permit Application No. C-12-145. These conditions address a myriad of issues related to the operation of alcohol-related uses, including employee education, security, video surveillance, and enforcement procedures. The applicant must show compliance with all conditions prior to commencing operation as proposed and issuance of building permits.

FINDINGS

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-1 and 2 of the FMC. Based upon analysis of the variance and conditional use permit applications, staff concludes that all of the required findings can be made for Variance Application No. V-13-001 and Conditional Use Permit Application No. C-12-145.

Variance Application Findings

Findings per Fresno Municipal Code Section 12-405-A-1	
a. *Because of special circumstances (other than monetary hardship) applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges (not including the privilege of maintaining a nonconforming use or status) enjoyed by other property in the vicinity and in an identical zoning district.*	
Finding a:	The subject property is located within the Tower District Specific Plan, which has created a special circumstance for property within the Tower District. Property within the Tower District is recommended to be built to the front or side property line. The strict application of the Zoning Ordinance would deprive the property of the privileges others enjoy within the Tower District.
b. *The grant of variance will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone district in which the property is situated.*	
Finding b:	The granting of this variance application would not constitute a special privilege because the subject site is within the Tower District. Property within the Tower District is recommended to be built to property line.
c. *The grant of variance will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located.*	
Finding c:	The approval of this variance application will not be detrimental to the public welfare or injurious to property or improvements in the area since it complies with the specific plan.
d. *The grant of variance will not be in conflict with established general and specific plans and policies of the city.*	
Finding d:	The proposed project is consistent with the objectives and goals of the 2025 Fresno General Plan, the Fresno-Roeding Community Plan, and the Tower District Specific Plan, which recommends construction to property line. The granting of this variance would allow modification to the required setback of the C-6 zone district. No general plan policies prohibit the approval of this variance.
e. *The granting of variance from existing development standards will encourage infill development within designated inner city area as defined by FMC 12-105-I.*	
Finding e:	The property is located within the designated inner city area and therefore encourages infill development.

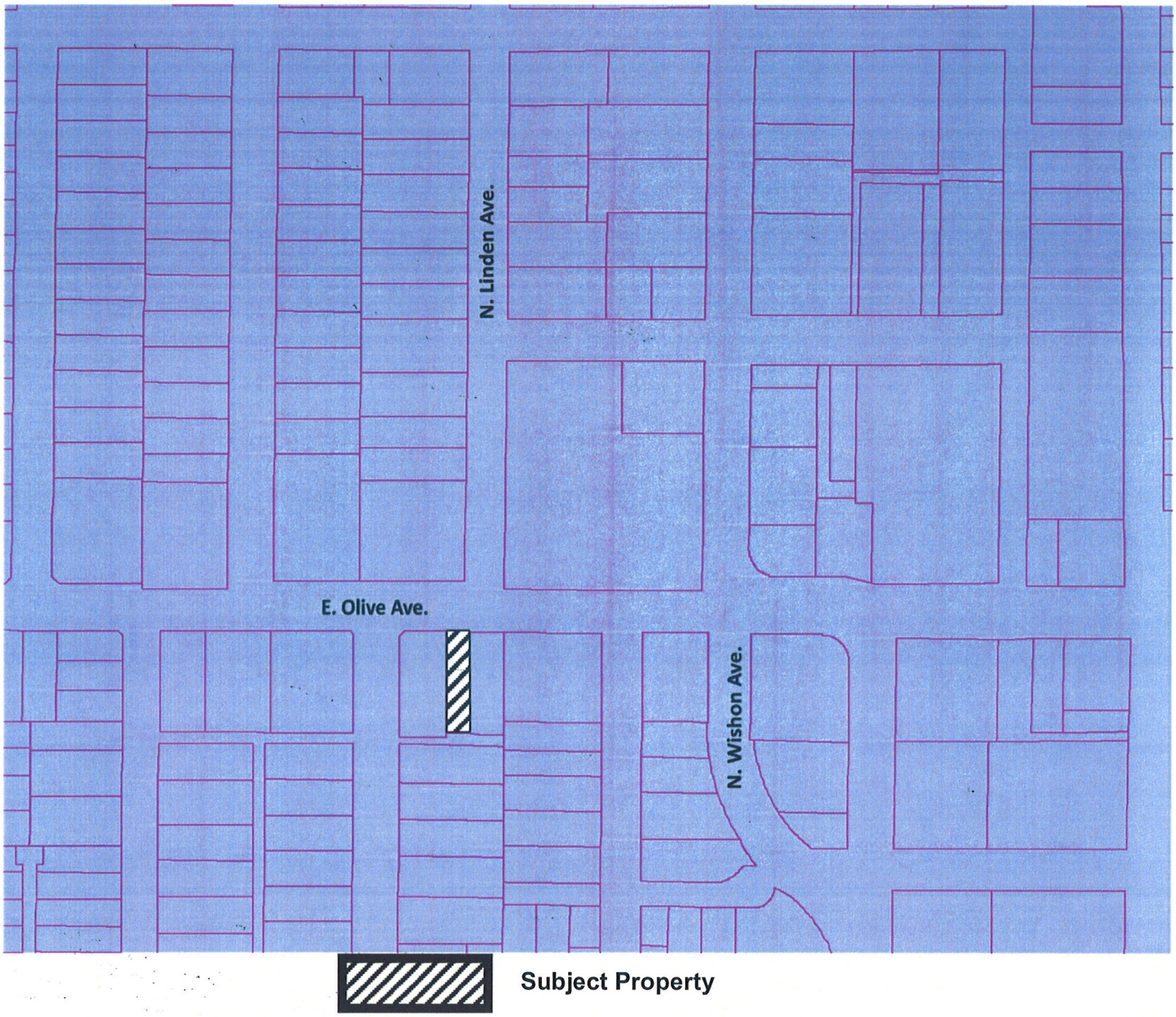
Conditional Use Permit Findings

Findings per Fresno Municipal Code Section 12-405-A-2
a. *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,*

Finding a:	Conditional Use Permit Application No. C-12-145 will comply with all applicable codes, including parking, landscaping, walls, etc. (excluding the front yard setback as requested in the variance). The conditions of approval shall be complied with prior to issuance of building permits or operation of proposed use.
b. *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,*	
Finding b:	Adjacent streets were assessed during the initial development of the subject property to ensure that the development would have less than significant impacts on traffic and the surrounding community. The addition of the patio will not have a significant impact.
c. *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.*	
Finding c:	The proposed project will not have a negative impact given that there are similar uses in the area. The subject property 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
- 2012 Aerial Photograph of site
- Noticing Map (500 foot radius)
- Operational Statement dated January 10, 2013
- Security Plan dated August 17, 2012
- Exhibit A, Site Plan, dated January 10, 2013
- Exhibit C, Cover Sheet, dated January 10, 2013
- Exhibit E, Elevation, dated December 4, 2012
- Exhibits F-1 and F-2, Floor Plan, dated January 10, 2013
- Conditions of Approval dated February 20, 2013 and Agency Comments
- Environmental Assessment No. V-13-001/C-12-145 dated February 8, 2013

Vicinity Map



VICINITY MAP

DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

Variance Application No. V-13-001 and Conditional Use Permit Application No. C-12-145

PROPERTY ADDRESS

716 East Olive Avenue

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NW NE
W E
SW SE
S
Not To Scale

APN: **452-032-24**

Zone District: C-6 (*Heavy Commercial District*).

By: M. Contreras, February 11, 2013

2012 Aerial Photograph of Site

Aerial Photograph

Noticing Map

Request ID: C-12-145
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Operational Statement & Security Plan

OPERATIONAL STATEMENT
submitted by
Terry G. Story
Revised Jan. 10, 2013

BUSINESS NAME:
FAB
716 E. Olive Ave.
Fresno, CA 93728
APN 452-032-24
Built: 1957

SERVICE:
Our goal is to add a new aspect of life and vibrancy to the already thriving Tower community. FAB is to be a full service nightclub, for ages 21 and over, featuring dancing with live DJs and recorded music. It will also contain a performance stage for guest artists.

ANTICIPATED TRAFFIC-CUSTOMERS:
During the day, FAB will be a community nightclub during the day where locals will come to enjoy the openness of the bar and patio while visiting with friends and neighbors. It will also become the place to bring clients for comfortable business transaction.
In the evening, FAB will be the place to come for fun, dancing, tasty libations, and great entertainment. Music and dancing will be provided throughout the day during business hours, 11:30 am to 2:00 am. FAB will have no diverse affect on the existing traffic situation.

DELIVERIES:
Deliveries will be made to the back of the building, which has 4 parking stall, an alley easement, and an additional area for general parking. Day time deliveries will create no problems to the flow of residential or commercial traffic in the Tower district and no night time deliveries are anticipated.

SPECIAL EVENTS:
Not only do we plan on being part of and sponsoring some of the special Fresno events in the Tower (such as Rouge Fest, Art Hop, Gay Pride Fresno, Mardi Gras, Pooch Parade, car shows, bike rallies, and so much more), FAB plans to bring in artist from Los Angeles, San Francisco, and other places across the United States and the world.

NUMBER OF EMPLOYEES:
The following reflects FAB's employment:
5 security personal
1 bar manager
2 bartenders
2 bar backs
2 cocktail servers
REQUIRED EQUIPMENT:
No special equipment is required, only what is needed to run a full service, highly entertaining bar/nightclub.

ON-SITE STORAGE:
No additional on site storage is needed.

DEMOLITION/ADAPTIVE REUSE OF EXISTING STRUCTURE:
There are only 2 major adaptive/demolition items and they are:

- Enlarging a tattoo sanitation room into an additional 1 stall/2 urinal handicap restroom.
- Removing the front glass wall and expanding out to create a non-dining, outdoor patio area with large sliding glass doors to separate the interior from the exterior. The patio will be 279 sq. ft. and will be built entirely on private property.

The other adaptive/demolition project is minor and consists of:

- Removing prefabricated walls.

NOISE GENERATION:
Nights at FAB will create a festive atmosphere with noise being generated due to a party like setting. However, due to FAB's location, noise should not be an issue to the community or nearby residences. FAB is located in the heart of the Tower. It faces north and other commercial businesses with a large buffer zone between it and its' northern nearest residence. The southern end of FAB, itself, is office, storage, and restroom facilities which create an internal buffer zone to the outside world. However, there is an additional parking lot south of FAB that adds an even greater buffer zone between it and the nearest residence. To the East of FAB is the Tower Tattoo parlor (which has been supportive of our project since day one) and to the west is La Tienda Guild thrift store which hours of operation are from 10 am to 4 pm Tuesday through Friday and 11 am to 3 pm on Saturday. This means La Tienda Guild will be closed during our special event times.

HAZARDOUS MATERIALS:
No hazardous materials will be produced by FAB. On the contrary, FAB will be involved in recycling programs on the use of recycled and "GREEN" products.

PARKING:
Parking will be addressed with current, existing parking established for this commercially zoned area and a shared parking lot with Tower Tattoo. (See documentation)

Security Plan for FAB
August 17, 2012

In order to provide a safe and secure environment for the patrons of FAB, the following security plan will be put into place:

1.) **The contact person for safety and security will be:**
Terry G. Story

837 E. Carmen Ave.

Fresno, CA 93728

Ph. 559-349-5842

2.) **An owner or manager will be on duty during business hours and will be responsible for the monitoring and controlling of patrons.**
Owner – Terry G. Story
Owner – Cisco Mendez
Nightclub managers – (information will be provided once hired)

3.) **All bartenders and employees will be able to provide proof of training to recognize intoxicated patrons and will be required to refuse serving alcoholic beverages to intoxicated patrons. They will also be required to report emergencies to the manager on duty, law enforcement, and club owners.**

4.) Adequate first aid supplies will be on the premises and easily accessible to staff on duty.

5.) Operational fire extinguishers, as required by the fire marshal and city ordinances, will be throughout the premises, including the manager's office, and will be easily accessible to staff on duty.

6.) Burglar and fire alarms will be installed surveillance provided 24 hour-7 days a week. (Service provider yet to be determined.)

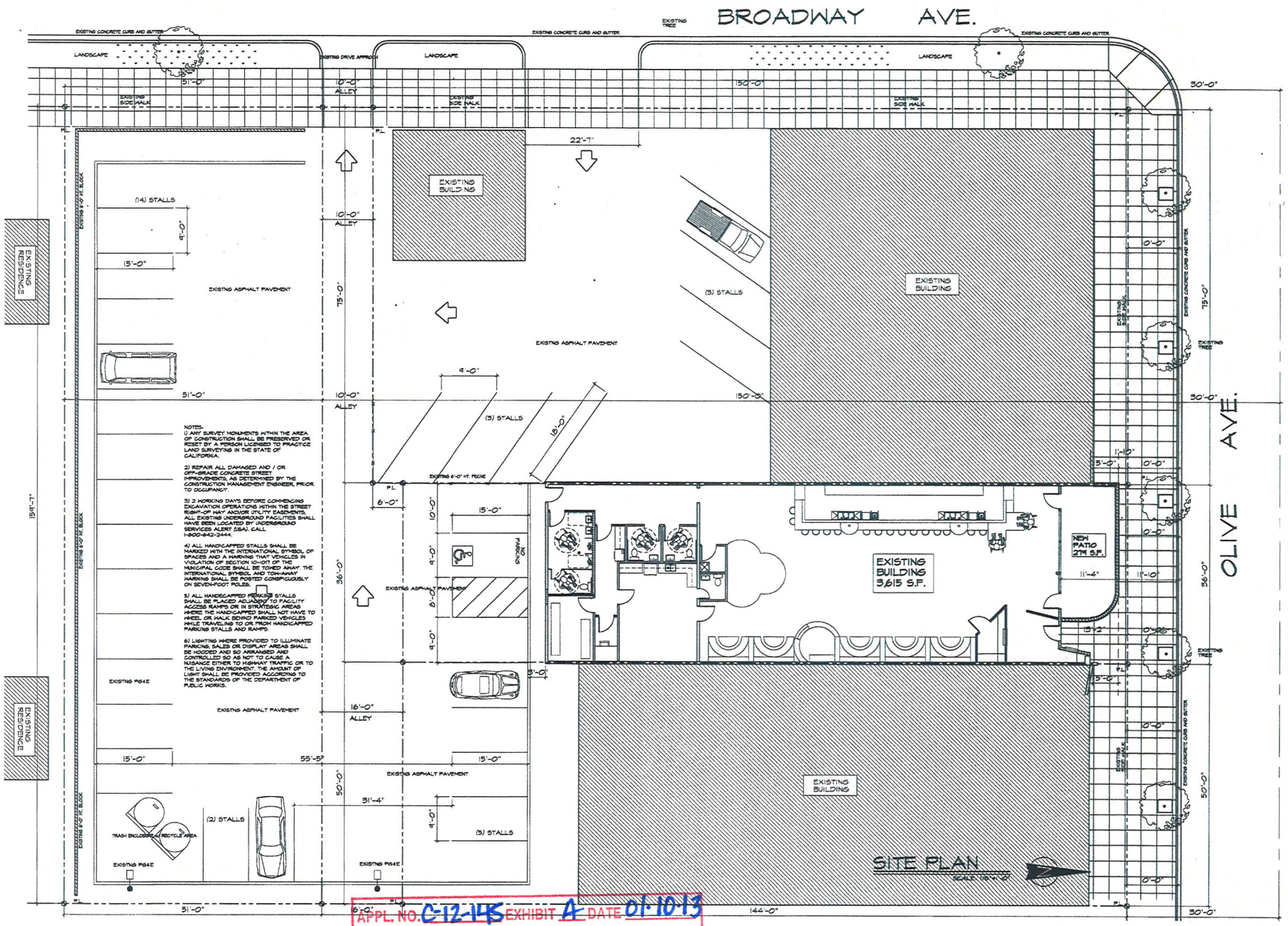
7.) Security personnel will consist of a minimum of 2 easily identified, state licensed security guards. One monitoring the front interior/exterior of the club and the other monitoring the back interior/exterior (parking lot) of the club.

    In the evening the security personnel will increase to 3 in number; one located in the front, one in the back, and one within the club.

    On Fridays, Saturdays, and special event nights, the security personnel will increase to 6; one at the front exterior, one at the door/interior, two in the club, one in the rear/backdoor area, and one in the back parking lot.

8.) FAB is a 21 and over day club/nightclub with the occupancy to be determined by the Fresno Fire Department.

Exhibits



NOTES:

1) ANY SURVEY MONUMENTS WITHIN THE AREA OF CONSTRUCTION SHALL BE PRESERVED OR RESET BY A PERSON LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF CALIFORNIA.

2) REPAIR ALL DAMAGED AND / OR OFF-GRADE CONCRETE STREET IMPROVEMENTS, AS DETERMINED BY THE CONSTRUCTION MANAGEMENT ENGINEER, PRIOR TO OCCUPANCY.

3) 2 WORKING DAYS BEFORE COMMENCING EXCAVATION OPERATIONS WITHIN THE STREET RIGHT-OF WAY AND/OR UTILITY EASEMENTS, ALL EXISTING UNDERGROUND FACILITIES SHALL HAVE BEEN LOCATED BY UNDERGROUND SERVICES ALERT (USA). CALL 1-800-642-2444.

4) ALL HANDICAPPED STALLS SHALL BE MARKED WITH THE INTERNATIONAL SYMBOL OF SPACES AND A WARNING THAT VEHICLES IN VIOLATION OF SECTION 10-1011 OF THE MUNICIPAL CODE SHALL BE TOWED AWAY. THE INTERNATIONAL SYMBOL AND TOW-AWAY WARNING SHALL BE POSTED CONSPICUOUSLY ON SEVEN-FOOT POLES.

5) 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.

6) LIGHTING WHERE PROVIDED TO ILLUMINATE PARKING, SALES OR DISPLAY AREAS 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.

REVISIONS	BY
BACK CHECK 1 08-28-12	R.S.
BACK CHECK 2 01-08-13	R.S.

Drafting & Design

SITE PLAN

MARK T. CHIN ENGINEERI
CIVIL AND STRUCTURAL ENGINEE
4905 E. Dunn St. (93727) • Fresno, California 93703
PH. (559) 228-4948 FAX. (559) 228-4

REGISTERED PROFESSIONAL ENGINEER
MARK T. CHIN
No. 2515
Expires 3-31-14
STRUCTURAL
STATE OF CALIFORNIA

Proposed Tenant Improvement For:
TERRY G. STORY
716 E. Olive Ave.
Fresno, CA 93728

DRAWN	RAMON SANCHEZ
CHECKED	MARK T. CHIN
DATE	04-26-12
SCALE	AS NOTED
JOB NO.	12-68
SHEET	A1.0

APPL. NO. C-12-145 EXHIBIT A DATE 01-10-13
PROJ ENG. _____ DATE _____
TRAFFIC ENG. _____ DATE _____
COND. APPROVED BY _____ DATE
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

Proposed Tenant Improvement for:

TERRY G. STORY

716 E. Olive Ave.
Fresno, California 93728

Symbol	Description
Office 101	ROOM NAME / NUMBER
101	DOOR SYMBOL
◇	WINDOW SYMBOL
⊗	KEYNOTE SYMBOL
△	PLAN REVISION SYMBOL
☒	WALLMARK SYMBOL
ELEVATION MARK / DIRECTION / SHEET NUMBER (X/A-X)	INTERIOR ELEVATION SYMBOL
DETAIL NUMBER / SHEET NUMBER (X / A-X)	DETAIL CUT SYMBOL
X / A-X	SECTION CUT SYMBOL
PROJECT NORTH	PROJECT NORTH SYMBOL
VARIES / EXISTING FRAMING	ELEVATION MARK

ALL HANDICAPPED PARKING STALLS SHALL BE MARKED WITH THE INTERNATIONAL SYMBOL OF SPACES AND A WARNING SIGN THAT VEHICLES IN VIOLATION OF SECTION 10-1017 OF THE MUNICIPE CODE SHALL BE TOWED AWAY. THE INTERNATIONAL SYMBOL AND TOW-AWAY SHALL BE POSTED CONSPICUOUSLY ON 7-FOOT POLES OR ON THE BUILDING IN FRONT OF THE STALLS, 7 FEET ABOVE THE GROUND.

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.

LIGHTING WHERE PROVIDED TO ILLUMINATE PARKING, WALKS, OR ASSEMBLY AREAS SHALL BE HOODED AND ARRANGED AND CONTROLLED SO AS NOT TO CAUSE A NUISANCE EITHER TO HIGHWAY TRAFFIC OR TO THE LIVING ENVIROMENT. THE AMOUNT OF LIGHT SHALL BE PROVIDED ACCORDING TO THE STANDARDS OF DEVELOPMENT SERVICES DEPARTMENT.

ALL CONSTRUCTION WORK ON THIS PROJECT IS SUBJECT TO INTERRUPTION IF THE ROAD SYSTEM BECOMES IMPASSABLE FOR FIRE APPARATUS DUE TO RAIN OR OTHER OBSTACLES.

TWO WORKING DAYS BEFORE COMMENCING EXCAVATION OPERATIONS WITHIN THE STREET RIGHT-OF-WAY AND/OR UTILITY EASEMENTS, ALL EXISTING UNDERGROUND FACILITIES SHALL HAVE BEEN LOCATED BY U.S.A., CALL TOLL FREE AT 1-800-642-2444.

MAXIMUM HEIGHT OF ANY STRUCTURES, i.e. LIGHTING, BUILDINGS, ETC. SHALL BE 35 FEET.

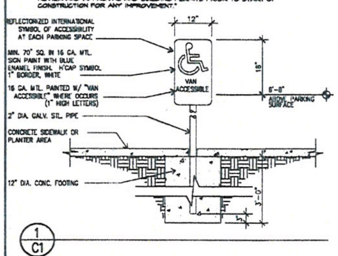
ALL STORM WATER FROM THIS PROJECT, INCLUDING STREET RUNOFF SHALL BE DIRECTED TO THE EXISTING F.M.F.C.D. FACILITIES AT THE CORNER OF CENTRAL AND CHESTNUT AVENUES.

"INSTALL STREET ADDRESS NUMERALS, AT LEAST 12" HIGH WITH MINIMUM 3/8" STROKE, MOUNTED ON A CONTRASTING BACKGROUND CLEARLY VISIBLE FROM THE STREET".

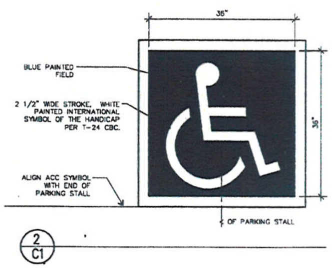
ALL DECORATIVE MATERIAL MUST BE FLAME RETARDANT TREATED.

"THIS PERMIT DOES NOT INCLUDE ANY HIGH PILE STORAGE (PER UFC) OR RACK STORAGE OVER 8 FEET HIGH. ANY SUCH PROPOSED STORAGE WILL REQUIRE PLANS SUBMITTED FOR REVIEW AND APPROVAL AND ISSUANCE OF PERMITS." 2001 CFC ARTICLE 81

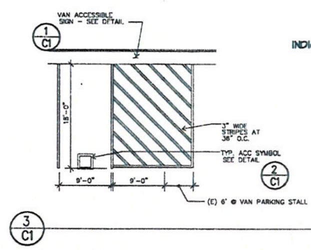
"ALL FUTURE TENANTS ARE REQUIRED TO HAVE PLANS SUBMITTED FOR REVIEW AND APPROVAL AND BUILDING PERMITS PRIOR TO START OF CONSTRUCTION FOR ANY IMPROVEMENT."



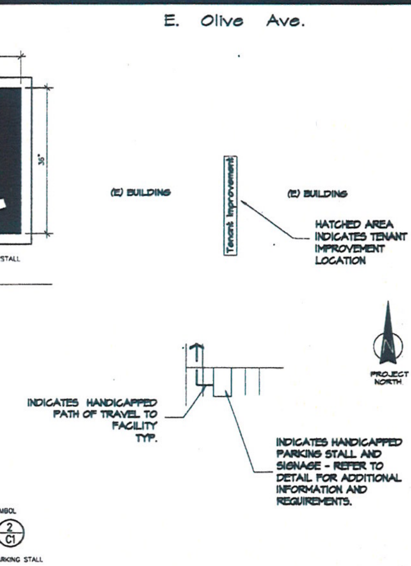
1/C1



2/C1



3/C1

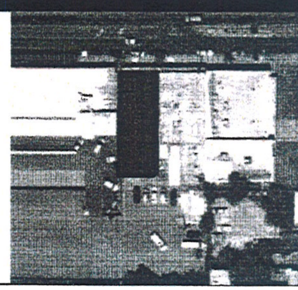


THE ORGANIZATION OF THESE DRAWINGS IS NOT INTENDED TO CONTROL THE DIVISION OF WORK AMONG SUBCONTRACTORS. IT SHALL BE THE GENERAL CONTRACTORS RESPONSIBILITY TO DIVIDE THE WORK.

COPIES OF THESE DRAWINGS ARE SUPPLIED TO THE OWNER, THE CONTRACTOR AND OTHERS FOR USE ON THIS PARTICULAR PROJECT. ALL DRAWINGS, SPECIFICATIONS, AND COPIES OF SUCH PREPARED BY TRY DRAFTING & DESIGN. ARE THE PROPERTY OF TRY DRAFTING & DESIGN
THE DRAWINGS ARE NOT TO BE REPRODUCED, CHANGED, OR COPIED IN ANY WAY, NOR ARE THEY TO BE ASSIGNED TO A THIRD PARTY WITHOUT FIRST OBTAINING THE WRITTEN PERMISSION OF TRY DRAFTING & DESIGN.

IT IS THE INTENT OF THE PLANS AND SPECIFICATIONS TO COVER ALL THINGS REQUIRED TO MAKE COMPLETE AND OPERATIVE SYSTEMS. CONTRACTOR IS TO FURNISH ALL LABOR, MATERIALS, TRANSPORTATION, EQUIPMENT, AND ANY OTHER MISCELLANEOUS SERVICES REQUIRED TO COMPLETE THE PROJECT. ANYTHING WHICH MAY BE REASONABLY CONSTRUCED AS A NECESSARY PART OF THE PROJECT IS TO BE INCLUDED WHETHER SPECIFICALLY SHOWN, MENTIONED OR NOT. THE CONSULTANT WILL GIVE ANY INTERPRETATIONS NECESSARY FOR THE CONTRACTOR TO PROPERLY ESTIMATE THE PROJECT.

IT IS THE CONTRACTORS RESPONSIBILITY TO VERIFY ALL FIELD MEASUREMENTS AND CONDITIONS FOR CONFORMANCE WITH THE PLANS SHOULD THE CONTRACTOR FIND ANY ERRORS, OMISSIONS OR DISCREPANCIES IN THE PLANS WITH RESPECT TO THE FIELD OBSERVATIONS OR OTHER PARTS OF THE PLANS THE ERRORS, OMISSIONS OR DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE PROJECT CONSULTANT, THE CONTRACTOR AND CONSULTANT SHALL RESOLVE ALL ERRORS, OMISSIONS AND DISCREPANCIES BEFORE COMMENCING THAT PORTION OF THE WORK. DIMENSIONS GOVERN ANY DISCREPANCES. ALL CHANGES TO THE PLANS SHALL REQUIRE THE APPROVAL OF THE OWNER.



Project Scope:
TENANT IMPROVEMENT

Project Data:

SITE ADDRESS:	716 E. Olive Ave.
BUILDING OCCUPANCY:	A-2
TYPE OF CONSTRUCTION:	V-B
(E) PROJECT AREA:	5,615 S.F.

STRUCTURAL ENGINEER:

DESIGNER:
TRY DRAFTING & DESIGN
224 MORTON AVE.
SANGER, CA 93657
(559) 399-5161
RAMON SANCHEZ

PLUMBING ENGINEER:
TRY DRAFTING & DESIGN
224 MORTON AVE.
SANGER, CA 93657
(559) 399-5161
RAMON SANCHEZ

ARCHITECTURAL SHEETS

C1 COVER SHEET / REFERENCE SITE PLAN
A1 EXISTING FLOOR PLAN
A2 PROPOSED FLOOR PLAN
A3 ELEVATIONS

1. GENERAL CONTRACTOR SHALL VISIT THE PROJECT SITE AND VERIFY ALL EXISTING BUILDING & SITE DIMENSIONS FOR ACCURACY WITH CONSTRUCTION DOCUMENTS. HE SHALL NOTIFY TRY DRAFTING OF ANY DISCREPANCIES PRIOR TO SUBMISSION OF BIDS AND START OF CONSTRUCTION.
2. NO THUMB LATCHES OR KEYED CYLINDER DEAD BOLTS ALLOWED ON ANY DOORS UNLESS OPERATED BY A SINGLE ACTION WITH A LEVER.
3. THE LATEST ADOPTED EDITIONS OF CODES, STANDARDS, AND REGULATIONS REQUIRED BY THE LOCAL JURISDICTION SHALL GOVERN ALL WORK SHOWN IN CONSTRUCTION DOCUMENTS.
4. CONSTRUCTION DOCUMENTS (DRAWINGS) ARE NOT TO BE SCALED. WRITTEN DIMENSIONS SHALL GOVERN.
5. THE DEVELOPMENT SHALL MEET THE LATEST ADOPTED ADDITIONS OF THE CALIFORNIA BUILDING CODE (CBSC) TITLE 24 WHICH INCLUDES: THE UNIFORM BUILDING CODE, UNIFORM MECHANICAL CODE, UNIFORM PLUMBING CODE, UNIFORM FIRE CODE, THE NATIONAL ELECTRICAL CODE, CALIFORNIA ENERGY CODE, AND DISABILITY ACCESS STANDARDS AS APPROVED BY THE BUILDING INSPECTION DIVISION.
   - CALIFORNIA BUILDING CODE 2010
   - CALIFORNIA PLUMBING CODE 2010
   - CALIFORNIA MECHANICAL CODE 2010
   - CALIFORNIA ELECTRICAL CODE 2010
   - CALIFORNIA FIRE CODE 2010
   - CALIFORNIA ENERGY CODE 2010
   - NONRESIDENTIAL CALIFORNIA 2010 ENERGY STANDARDS
6. SURFACE SLOPES OF PARKING SPACES FOR THE PHYSICALLY HANDICAPPED SHALL BE THE MINIMUM POSSIBLE AND SHALL NOT EXCEED 1/4" PER FT. IN ANY DIRECTION.
7. NO THRESHOLDS OR CHANGE IN FLOORING MATERIAL SHALL EXCEED 1/2" OFFSET, PER A.D.A. REQUIREMENTS. PROVIDE A MINIMUM 10" HIGH SOLID PANEL AT THE BOTTOM OF ALL DOORS.
8. EXIT DOORS SHALL BE OPENABLE FROM THE INSIDE WITHOUT THE USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT. REFER TO FLOOR PLAN NOTES FOR MAIN ENTRANCE DOOR EXCEPTIONS.
9. ALL DOOR HARDWARE SHALL BE HANDICAPPED APPROVED LEVER OR PULL TYPE THROUGHOUT.
10. MANUALLY OPERATED EDGE OR SURFACE MOUNTED FLUSH BOLTS AND SURFACE BOLTS SHALL BE PROHIBITED.
11. PROVIDE AIRTIGHT CAULKING OR GASKETING AT ALL PERIMETER WALL SILL PLATES, JAMBS, ELECTRICAL OUTLETS AND SWITCHES, OR OTHER SOURCES OF AIR INFILTRATION. PROVIDE WEATHER-STRIPPING AT ALL EXTERIOR DOOR(S).
12. THE SURFACE OF FLOORS SHALL BE SLIP RESISTANT, WHEN TESTED IN ACCORDANCE WITH ASTM C1028 TEST PROCEDURE FOR COEFFICIENT OF FRICTION.
13. PRIOR TO MODIFICATION OF OR ADDITION TO EXISTING FIRE SPRINKLER SYSTEM, GENERAL CONTRACTOR SHALL CONTACT THE LOCAL FIRE DEPARTMENT TO IDENTIFY ALL REQUIREMENTS. GENERAL CONTRACTOR SHALL PROVIDE ALL DRAWINGS AND/OR CALCULATIONS TO THE FIRE DEPARTMENT PRIOR TO MODIFICATION OF FIRE SPRINKLER SYSTEM.
14. IF NOT EXISTING, PROVIDE 'KNOX BOX' IN LOCATION PER POLICE & FIRE DEPARTMENTS.
15. THESE DRAWINGS SHALL BE CONSIDERED SUBSTANTIALLY COMPLETE. HOWEVER, IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO PROVIDE ALL LABOR AND MATERIALS NECESSARY TO RENDER THE WORK COMPLETE, AS IS THE INTENT OF THESE DRAWINGS, EITHER SHOWN OR INFERRED HEREIN, THROUGH PROPER ESTABLISHED CONSTRUCTION PRACTICES.
16. PROVIDE MINIMUM (1) 2A-10BC FIRE EXTINGUISHER SO THAT THE MAXIMUM HORIZONTAL DISTANCE FROM ANY SPOT WITHIN THE SUITE TO THE EXTINGUISHER DOES NOT EXCEED 75 FEET.
17. THIS PERMIT DOES NOT INCLUDE ANY HIGH PILE STORAGE (PER UFC) OR RACK STORAGE OVER 8 FEET HIGH. ANY SUCH PROPOSED STORAGE WILL REQUIRE PLANS SUBMITTED FOR REVIEW AND APPROVAL AND ISSUANCE OF PERMITS.
18. WHERE WORK OF A HIGHER DEGREE IS INDICATED ON THE PLANS OR IN THE SPECIFICATIONS, THIS REQUIREMENT SHALL GOVERN.
19. COMPLY WITH 2010 CBC, CFC, CPC, CMC, CEC, AND THE NONRESIDENTIAL CEC ENERGY STANDARDS.

REVISIONS	BY
BACK CHECK △1 08-28-12	R.S.
BACK CHECK △2 01-08-13	R.S.

Drafting & Design
224 Morton Ave Sanger, California 93657

COVER SHEET

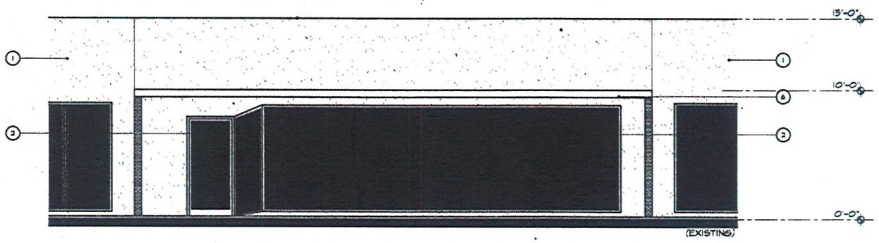
MARK T. CHIN ENGINEERING
CIVIL AND STRUCTURAL ENGINEER

REGISTERED PROFESSIONAL ENGINEER ★ MARK T. CHIN No.2515 Expires 3-31-14 STUCTURAL ★ STATE OF CALIFORNIA

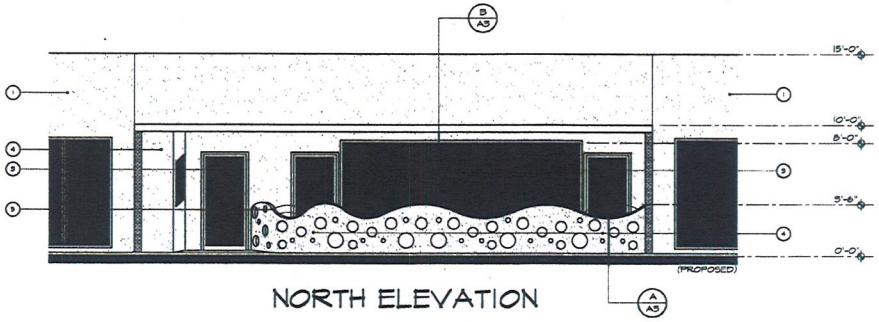
Proposed Tenant Improvement For:
TERRY G. STORY
716 E. Olive Ave.
Fresno, CA 93728

DRAWN	RAMON SANCHEZ
CHECKED	MARK T. CHIN
DATE	04-26-12
SCALE	AS NOTED
JOB NO.	12-66
SHEET	C1

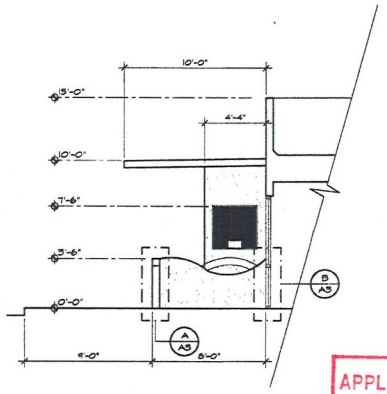
APPL. NO. C-12-145 EXHIBIT C DATE 01-10-13
PROJ ENG. ________ DATE ________
TRAFFIC ENG. ________ DATE ________
COND. APPROVED BY ________ DATE
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT



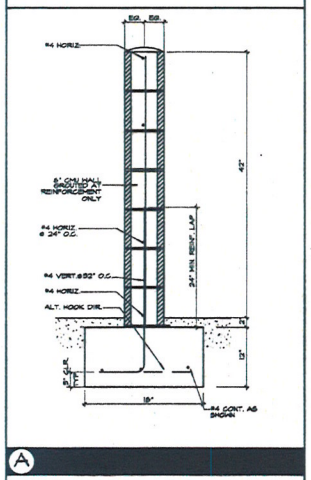
NORTH ELEVATION

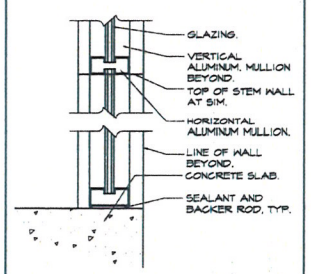


NORTH ELEVATION



1. EXISTING EXTERIOR STUCCO
2. EXISTING STOREFRONT SYSTEM
3. PROPOSED STOREFRONT SYSTEM
4. 7/8" THK. STUCCO O/ PAPER BACK WIRE W/ MESH SCREED
5. DECORATIVE PRE-CAST CAP TYP.
6. EXISTING LINE OF OVERHANG





REVISIONS	BY
BACK CHECK 08-28-12	R.S.

Drafting & Design

ELEVATION

MARK T. CHIN ENGINEERING
CIVIL AND STRUCTURAL ENGINEER
4965 N. Fresno St. (93726) • Fresno, California 93726-0259
PH. (559) 229-4049 FAX. (559) 229-4006

REGISTERED PROFESSIONAL ENGINEER
MARK T. CHIN
No.2615
Expires 3-31-14
STRUCTURAL
STATE OF CALIFORNIA

Proposed Tenant Improvement For:
TERRY G. STORY
716 E. Olive Ave.
Fresno, CA 93728

DRAWN	RAMON SANCHEZ
CHECKED	MARK T. CHIN
DATE	04-26-12
SCALE	AS NOTED
JOB NO.	12-68
SHEET	A3

APPL. NO. C-12-145 EXHIBIT E DATE 12.04.12
PROJ ENG. _____ DATE _____
TRAFFIC ENG. _____ DATE _____
COND. APPROVED BY _____ DATE
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

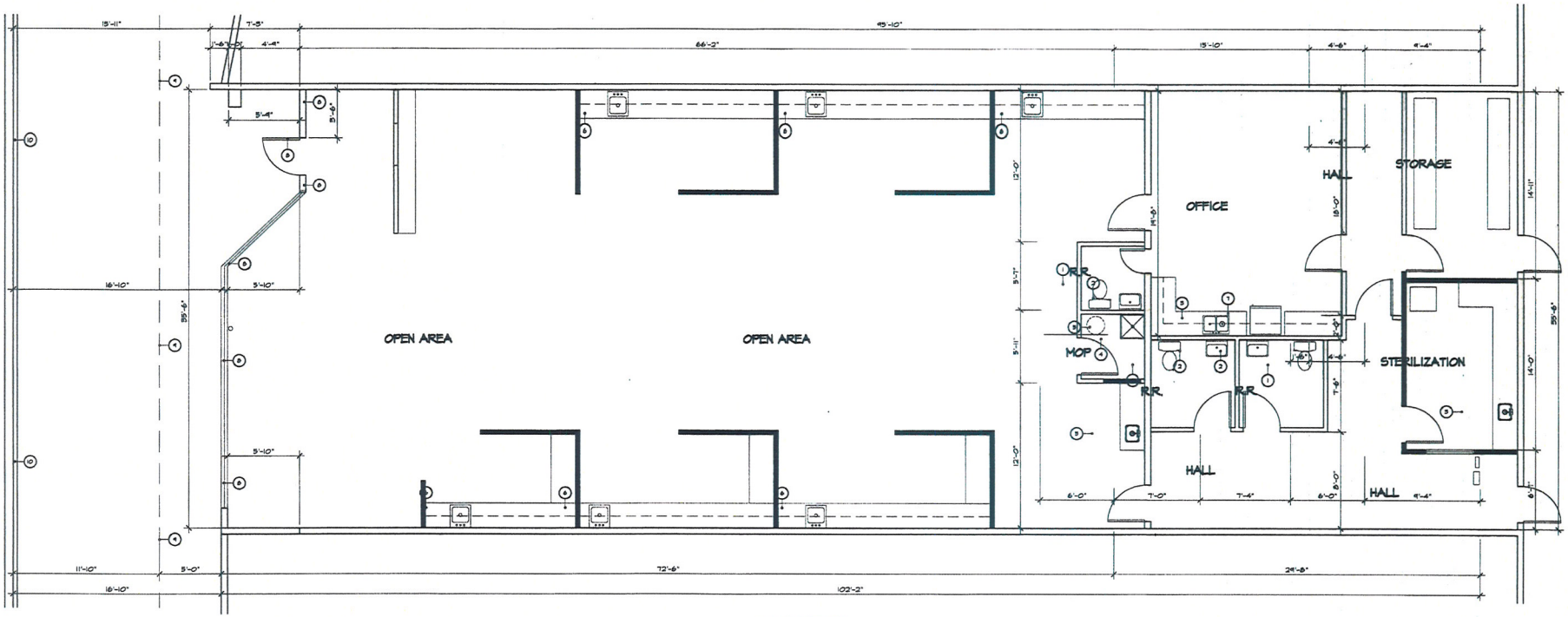
INDICATES EXISTING STOREFRONT SYSTEM

INDICATES EXISTING EXTERIOR BUILDING FRAMING TO REMAIN

INDICATES EXISTING 2X4 WALL FRAMING TO REMAIN

DEMO EXISTING 2X WALL

1. EXISTING WATER CLOSET TO REMAIN
2. EXISTING WALL HUNG LAVATORY TO REMAIN
3. DEMO EXISTING SINK AND COUNTER
4. EXISTING MOP SINK TO REMAIN (NOT A COLD WATER THROUGH A MIXING FAUCET EQUIPPED WITH A BACKFLOW PROTECTIN DEVICE)
5. EXISTING WH ABOVE TO REMAIN (50 GAL WH)
6. DEMO HAND SINK
7. EXISTING REF. TO REMAIN
8. DEMO EXISTING STOREFRONT WINDOWS
9. EXISTING LINE OF OVERHANG
10. EXISTING CONC. SIDEWALK



APPL. NO C-12-145 EXHIBIT F-1 DATE 01-10-13
PROJ ENG. _____ DATE _____
TRAFFIC ENG. _____ DATE _____
COND. APPROVED BY _____ DATE
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

(E) FLOOR PLAN
SCALE: 1/4"=1'-0"

REVISIONS	BY
BACK CHECK 08-28-12	R.S.
BACK CHECK 01-08-13	R.S.

Drafting & Design

EXISTING FLOOR PLAN

MARK T. CHIN ENGINEERING
CIVIL AND STRUCTURAL ENGINEER
4546 N. Fresno St. #103 ~ Fresno, California 93726-1608
PH. (559) 229-4646 FAX. (559) 229-4606

REGISTERED PROFESSIONAL ENGINEER
MARK T. CHIN
No.2515
Expires 3-31-14
STRUCTURAL
STATE OF CALIFORNIA

Proposed Tenant Improvement For:
TERRY G. STORY
716 E. Olive Ave.
Fresno, CA 93728

DRAWN	RAMON SANCHEZ
CHECKED	MARK T. CHIN
DATE	04-26-12
SCALE	AS NOTED
JOB NO.	12-66
SHEET	A1

1. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION OF ALL BLOCKING AND BACKING LOCATIONS AS REQUIRED BY EQUIPMENT, FURNISHINGS, & FIXTURE SUPPLIERS.
2. GENERAL CONTRACTOR SHALL PATCH, REPAIR, AND REPLACE ALL DAMAGED DOORS, WALLS, GLAZING SYSTEMS, CEILING TILES, ETC., SO AS TO ENSURE THE TENANT SPACE IS IN PROPER WORKING ORDER.
3. GENERAL CONTRACTOR SHALL INTERFACE WITH PLUMBING, MECHANICAL, AND ELECTRICAL PLANS TO CONFIRM ANY SPECIFIC REQUIREMENTS OF ALL FIXTURES/FURNISHINGS SHOWN ON PLANS.
4. PLANS ARE NOT TO BE SCALED - INDICATED DIMENSIONS SHALL GOVERN.
5. GENERAL CONTRACTOR SHALL NOTIFY THE ARCHITECT IMMEDIATELY IF ANY AMBIGUOUS OR UNCLEAR CONDITIONS ARE ENCOUNTERED.
6. GENERAL CONTRACTOR SHALL PREPARE EXISTING, OR NEW GYPSUM BOARD FOR GALVANIZED CORNER BEADS, TAPE, AND TEXTURE TYPICAL AT ALL EXISTING H.P. COLUMNS - REFER TO FINISH SCHEDULE FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
7. MANUALLY-OPERATED EDGE OR SURFACE-MOUNTED FLUSH BOLTS AND SURFACE BOLTS ARE PROHIBITED (C.B.C. 1008).
8. THIS PERMIT DOES NOT INCLUDE ANY HIGH PILE STORAGE (PER U.F.C.) OR RACK STORAGE OVER 8 FEET HIGH - ANY SUCH PROPOSED STORAGE WILL REQUIRE PLANS SUBMITTED FOR REVIEW AND APPROVAL AND ISSUANCE OF PERMITS (PER C.F.C. ARTICLE 81).
9. PROVIDE STREET VISIBLE ADDRESS W/ MIN. 6" HIGH LETTERS ON BLD'G PRIOR TO FINAL INSPECTION
10. PROVIDE 5'-0" MIN. SIZE LEVEL LANDINGS FOR EXTERIOR MAIN DOORS W/ NO MORE 1/2" DROP AT THE THRESHOLD. LANDINGS TO BE PLACED 2'-0" FROM STRIKE SIDE OF DOOR.
11. EXIT DOORS SHALL NOT BE EQUIPPED W/ EDGE BOLTS OR SURFACE BOLTS
12. EXIT DOORS SHALL BE OPENABLE FROM THE INSIDE WITHOUT USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT
13. EXIT DOORS SHALL BE CLEARLY MARKED W/ "EXIT" MIN. 6" HIGH LETTERS
14. POST A SIGN THAT READS "THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS" USE LETTERS 1" HIGH ON CONTRASTING BACKGROUND
15. INTERIOR WALL COVERINGS SHALL MEET FLAME SPREAD CLASS 3
16. WEATHER STRIP ALL EXTERIOR DOORS AND OPENINGS
17. ALL GLASS SUBJECT TO HUMAN IMPACT SHALL BE APPROVED SAFETY GLAZING MATERIALS CONFORMING TO THE LATEST U.B.C. REQUIREMENTS
18. PROVIDE PORTABLE FIRE EXTINGUISHER MIN. 2A10BC AS PER N.F.P.A. 10 W/ A 75' MAX. TRAVEL DISTANCE
19. ALL INSULATION SHALL HAVE A MAX. FLAME SPREAD OF 25 AND A SMOKE RATING OF 450
20. INSTALL 5" SQUARE HANDICAP LOGO ON FRONT ENTRY
21. RESTROOMS SHALL BE LABELED FOR BOTH SEXES BY APPROVED INTERNATIONAL SYMBOL
22. NAILING SHALL COMPLY W/ U.B.C. TABLE 25-F
23. PROVIDE "NO SMOKING" SIGN 40" SQ. MIN. RED SIGN W/ WHITE LETTERS. FRESNO CITY ORDINANCE 9-1801. SIGN SHALL BE MOUNTED W/ TWO (2) #6 SCREWS. LOCATE SIGN 60" ABOVE FINISHED FLOOR AS PER PLANS
24. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS
25. ALL HALLWAYS TO HAVE A MIN. WIDTH OF 44"
26. PROVIDE 18" MIN. CLEARANCE FROM CENTERLINE OF LAVATORIES TO THE EDGE OF WALL
27. PROVIDE 18" MIN. CLEARANCE AT STRIKE SIDE OF ALL INTERIOR DOORS AND 24" AT EXTERIOR DOORS
28. THE BOTTOM 10" OF ALL DOORS (EXCEPT AUTOMATIC AND SLIDING) SHALL HAVE A SMOOTH UNINTERRUPTED SURFACE
29. NO THUMB LATCHES OR KEYED CYLINDERHEAD BOLTS ARE ALLOWED UNLESS OPERATED BY A SINGLE ACTION WITH A LEVER. CBC 1003
30. POST A SIGN THAT READS: " THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS." USE LETTERS 1 HIGH HIGH ON A CONTRASTING BACKGROUND AT THE MAIN EXIT.
31. PROVIDE AN ACCESSIBLE LANDING (MAX. SLOPE OF 2% IN ANY DIRECTION) AT THE NEW EXTERIOR DOOR. FOR MANEUVERING CLEARANCES, THE DEPTH OF THE LEVEL LANDING MUST BE 60" CLEAR ON THE PULL SIDE AND THE MIN. WIDTH SHALL BE THE WIDTH OF THE DOOR PLUS 24" CLEAR FROM THE STRIKE EDGE OF THE DOOR TO THE EDGE OF THE LANDING.
32. EACH DOOR IN A MEANS OF EGRESS FROM AN 'A' OCCUPANCY HAVING AN OCCUPANT LOAD OF 50 OR GREATER SHALL BE FITTED WITH PANIC HARDWARE AND MUST SWING IN THE DIRECTION OF EGRESS TRAVEL.
33. PROVIDE MIN. 32" CLEAR OPENING WIDTH WITH 18" CLEAR AT THE STRIKE EDGE FOR A LENGTH OF 60" ON THE PULL SIDE AT ALL INTERIOR DOORS.

INDICATES NEW STOREFRONT SYSTEM

INDICATES EXISTING EXTERIOR BUILDING FRAMING TO REMAIN

INDICATES EXISTING 2X4 WALL FRAMING TO REMAIN

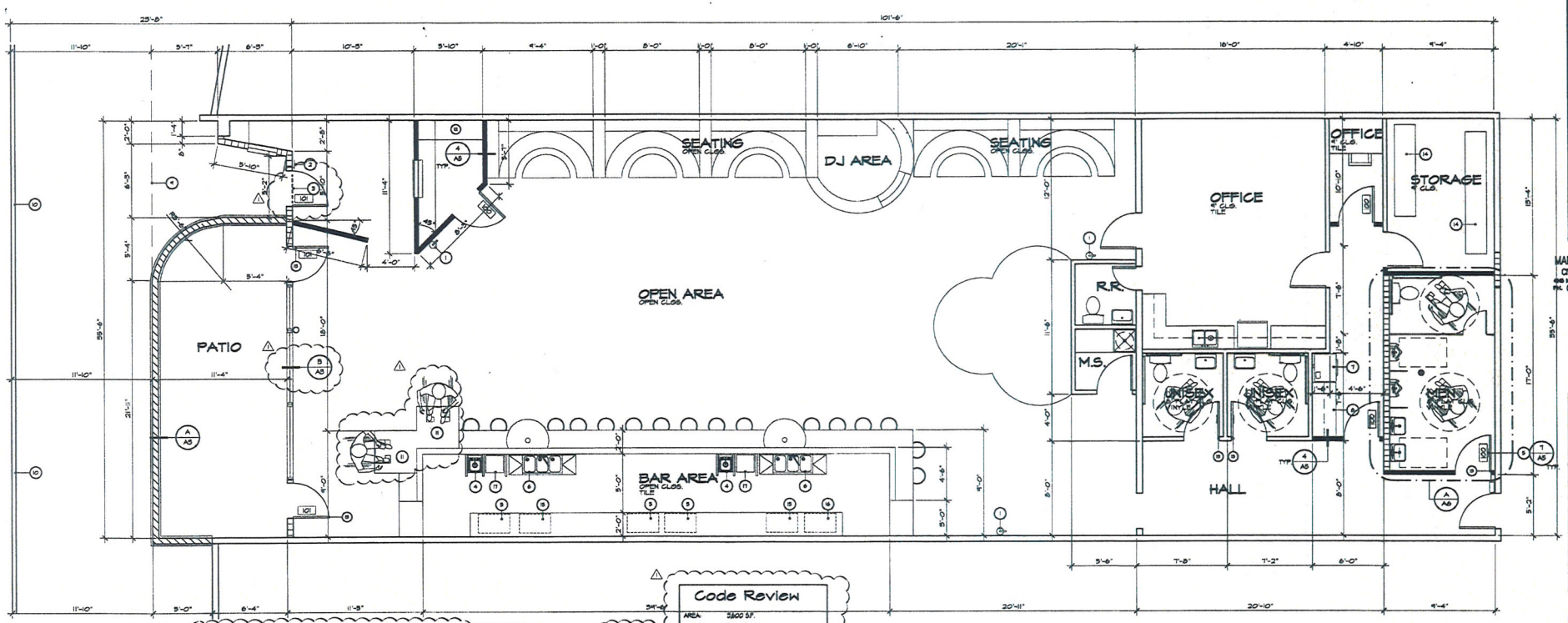
NEW WALL: 3 5/8" X 25 GA. MTL. STUDS @ 16" O.C. OR 2 X 4 STUDS @ 16" O.C. W/ 5/8" GYPBD.

NEW WALL: 6" X 20 GA. MTL. STUDS @ 16" O.C. OR 2X6 STUDS @ 16"O.C. W/ 5/8" GYPBD.

NEW 2x MTL. STUD WALL, 3'-0" H.

1. EQUIPMENT MANUFACTURERS AND SUPPLIERS SHALL PROVIDE ALL NECESSARY DATA FOR COMPLIANCE. DATA SHALL INCLUDE FULL AND PARTIAL CAPACITY INPUTS AND PERFORMANCE DATA UNDER ALL MODES OF OPERATIONS AND AMBIENT CONDITIONS. PROVIDE COMPLIANCE CERTIFICATES WITH EQUIPMENT SUBMITTALS.
2. ALL DUCT WORK SHALL BE CONSTRUCTED, ERECTED AND TESTED IN ACCORDANCE WITH THE UMC AND SHALL COMPLY WITH THE STATE OF CALIFORNIA ENERGY CONSERVATION STANDARDS.
3. SUBMIT ENERGY CERTIFICATION OF COMPLIANCE AFTER THE INSTALLATION OF THE REQUIRED EQUIPMENT AND/OR MATERIAL AND PRIOR TO REQUEST FOR A FINAL INSPECTION.
4. ALL EQUIPMENT SHALL COMPLY WITH THE STATE OF CALIFORNIA ENERGY CONSERVATION STANDARDS.
5. ALL SPACE HEATING AND WATER PIPING AND SUPPLY AIR DUCTS SHALL BE INSULATED IN ACCORDANCE WITH THE STATE OF CALIFORNIA ENERGY CONSERVATION STANDARDS.
6. MAINTENANCE LABEL SHALL BE AFFIXED TO MECHANICAL EQUIPMENT AND A MAINTENANCE MANUAL SHALL BE PROVIDED FOR THE OWNER'S USE. THE LABEL SHALL CLEARLY INDICATE THE ROUTINE MAINTENANCE ACTIONS WHICH MUST BE PERFORMED TO MAINTAIN THE EQUIPMENT IN EFFICIENT OPERATING CONDITIONS OR INDICATE BY NUMBER WHICH MAINTENANCE OR OPERATIONAL MANUALS EXPLAIN THE MAINTENANCE REQUIREMENTS IN GREATER DETAIL.

1. FIRE EXTINGUISHER
2. NO SMOKING SIGN
3. PROVIDE SIGN ABOVE DOOR STATING "THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED" IN LETTERS A MINIMUM OF 1" HIGH ON CONTRASTING BACKGROUND
4. HAND SINK W/ MOUNTED SOAP & TOWEL DISPENSER
5. BACK BAR REFRIGERATOR
6. THREE COMPARTMENT SINK
7. WASHER / DRYER SPACE W/ EXHAUST FAN. VENT THRU WALL
8. COUNTER TOP W/ UPPER & LOWER CABS.
9. EXISTING LINE OF OVERHANG
10. EXISTING CONC. SIDEWALK
11. MIN. 30" WIDE SECTION OF COUNTER SPACE 28" TO 34" HIGH, WITH KNEE SPACE MIN. 27" HIGH, 30" WIDE, 19" DEEP 30" TO 34" WIDE
12. COAT HOOKS W/ SHELF
13. SELF-CLOSING DEVICES ON DOOR
14. STORAGE SHELVING
15. SODA DISPENSER
16. ICE MACHINE
17. ICE BIN



AREA	FLOOR	FLOOR BASE OR COVER	WALLS (FINISH AND COLORS)	CEILINGS (FINISH AND COLORS)	CEILINGS NOTES	WALLS NOTES
BAR AREA	RED COVE QUARRY TILE	SUMFOOT SUMMITVILLE STRATA 07-5965 BASE	F.R.P.	OPEN		MARLITE BRAND F.R.P.
STORAGE	V.C.T.	SUMFOOT SUMMITVILLE STRATA 07-5965 BASE	FLAT	SMOOTH WASHABLE CEILING		
RESTROOMS	CERAMIC TILE	SUMFOOT SUMMITVILLE STRATA 07-5965 BASE	F.R.P. WHITE	SEMI-GLOSS ENAMEL PAIN-WHITE	SEMI-GLOSS ACOUSTICAL TILE 2	MARLITE BRAND F.R.P.

Code Review

AREA: 5,600 S.F.

OCCUPANT LOAD:

BAR AREA		18
OPEN AREA	2100/50	42
PATIO AREA	2200/50	8
SEATING AREA		25
UNOCC. AREA *	1500/0	0
TOTAL		93

* UNOCCUPIED AREA = COOLER, STORAGE, MOP SINK, TOILET ROOMS, MILLWORK & WALLS.

EXITING WIDTH:

.6N = 0.2 = 18"

(7'/2 = 1'-0" L.F. REQ'D.

PROVIDED 2 EXITS @ 5'-0" EA. = 8'-0" L.F.

FLOOR PLAN

SCALE: 1/4"=1'-0"

APPL. NO. C-12-145 EXHIBIT F-2 DATE 01-10-13

PROJ ENG. _____ DATE _____

TRAFFIC ENG. _____ DATE _____

COND. APPROVED BY _____ DATE

CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

REVISIONS	BY
BACK CHECK	
1 08-28-12	R.S.
BACK CHECK	
2 01-08-13	R.S.

Drafting & Design

FLOOR PLAN

MARK T. CHIN ENGINEERI
CIVIL AND STRUCTURAL ENGINEE
4146 N. Fresno St. (93726) • Fresno, California 93726
PH. (559) 226-4046 FAX. (559) 226-4

REGISTERED PROFESSIONAL ENGINEER
MARK T. CHIN
No.2515
Expires 3-31-14
STRUCTURAL
STATE OF CALIFORNIA

Proposed Tenant Improvement For:
TERRY G. STORY
716 E. Olive Ave.
Fresno, CA 93728

DRAWN RAMON SANCHEZ
CHECKED MARK T. CHIN
DATE 04-28-12
SCALE AS NOTED
JOB NO. 12-66
SHEET A2

Conditions of Approval

CITY OF FRESNO
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

CONDITIONS OF APPROVAL
FEBRUARY 20, 2013

VARIANCE APPLICATION NO. V-13-001 AND CONDITIONAL USE PERMIT APPLICATION NO. C-12-145
716 EAST OLIVE AVENUE

Variance Application No. V-13-001 and Conditional Use Permit Application No. C-12-145 are scheduled to be heard by the Fresno Planning Commission on February 20, 2013. The applications are subject to the following conditions of approval:

1. Development shall take place in accordance with the C-6 (*Heavy Commercial*) zone district as defined in Section 12-222 of the Fresno Municipal Code (FMC).

2. Development shall comply with Sections 12-326 and 12-327 of the FMC related to restaurants, taverns, night clubs, and dancing.

3. Exercise of the special permit shall comply with Exhibits A, C, F-1, and F-2 dated January 10, 2013 and Exhibit E dated December 4, 2012. Transfer all comments and conditions on Exhibits to the corrected exhibit(s) and submit to planner at least 15 days prior to issuance of building permits.

4. Exercise of the special permit shall comply with the revised Operational Statement dated January 10, 2013 to the extent that it is not inconsistent with the conditions of approval.

5. Exercise of the special permit shall comply with the Security Plan dated August 17, 2012.

6. Exercise of the special permit shall take place in accordance with all city, county, state and federal laws and regulations, including ABC licensing requirements.

7. Comply with the following hours of operation:

   Sunday through Saturday: 11:30 a.m. to 2:00 a.m.

8. Dancing is permitted until 2:00 a.m. for establishments which have patrons who are 21 years of age or older. Dancing is allowed within the interior of the building only. Dancing on the patio is not allowed.

9. Music is limited to the indoor area of the night club. No music shall be played in the patio. The noise in the patio shall comply with the noise requirements of the FMC. Pursuant to Section 10-106 of the FMC, any sound exceeding the ambient noise level at the property line by more than five decibels (dbs) shall be deemed to be prima facie evidence of a violation. The ambient noise level for commercial property is 65 dbs;

therefore, more than 70 dbs at property line is considered a violation.

10. All signs shall be reviewed and approved by the Tower District Specific Plan Design Review Committee and the Development and Resource Management Department.

11. The time to stop sales, service, and consumption of alcohol is 2:00 a.m.

12. Plans and permits are required to be submitted to the Building and Safety Division. The applicant shall also submit for a change of occupancy.

13. Comply with the Fresno Police Department memorandum dated July 26, 2012.

14. Comply with the Fresno Fire Department memorandum dated August 1, 2012.

15. Comply with the County of Fresno Department of Public Health memorandum dated July 26, 2012.

16. Comply with the Fresno Unified School District memorandum dated July 24, 2012.

17. Comply with the Public Works Department, Traffic and Engineering Services Division memorandum dated December 18, 2012.

18. Comply with the "Project Comments from Planning dated February 8, 2013."

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project.

This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. This special permit is granted, and the conditions imposed, based upon the Operational Statement provided by the applicant. The Operational Statement is material to the issuance of this special permit. Unless the conditions of approval specifically require operation inconsistent with the Operational Statement, a new or revised special permit is required if the operation of this establishment changes or becomes inconsistent with the Operational Statement. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the special permit or any other enforcement remedy available under the law. The Development and

Resource Management 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.

To complete the back-check process relative to planning and zoning issues, submit two copies of the corrected, final site plan, elevations, and floor plan to the Development Services Division, for final review.

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.

Discretionary conditions may be appealed. All code requirements, are mandatory and may only be modified by variance, provided the findings pursuant to FMC Section 12-405.A can be made. All discretionary conditions of approval will ultimately be deemed mandatory unless appealed to the Planning Commission.

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;

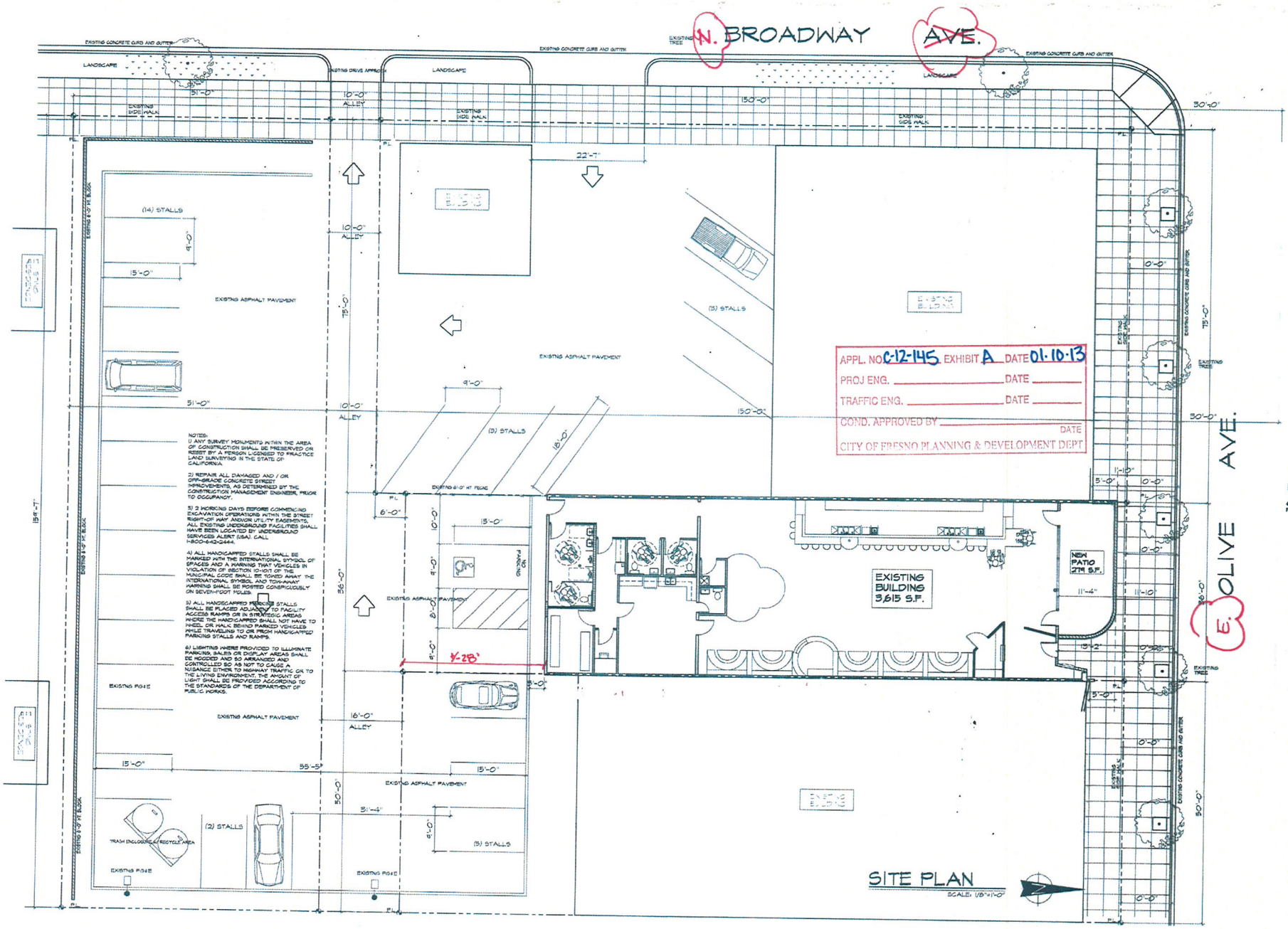
2. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,

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

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 February 20, 2017 (four years from the date of approval). There is no exception.


N. BROADWAY AVE.
E. OLIVE AVE.
EXISTING CONCRETE CURB AND GUTTER
LANDSCAPE
EXISTING DRIVE APPROACH
EXISTING SIDE WALK
EXISTING TREE
EXISTING BUILDING
EXISTING ASPHALT PAVEMENT
(14) STALLS
(3) STALLS
(2) STALLS
(5) STALLS
TRASH ENCLOSURE & RECYCLE AREA
EXISTING P.G.&E.
EXISTING 6'-0" HT. BLOCK
EXISTING 6'-0" HT. FENCE
NO PARKING
EXISTING BUILDING 3,615 S.F.
NEW PATIO 279 S.F.
APPL. NO. C-12-145 EXHIBIT A DATE 01.10.13
PROJ ENG. DATE
TRAFFIC ENG. DATE
COND. APPROVED BY DATE
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT
NOTES:
1) ANY SURVEY MONUMENTS WITHIN THE AREA OF CONSTRUCTION SHALL BE PRESERVED OR RESET BY A PERSON LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF CALIFORNIA.
2) REPAIR ALL DAMAGED AND / OR OFF-GRADE CONCRETE STREET IMPROVEMENTS, AS DETERMINED BY THE CONSTRUCTION MANAGEMENT ENGINEER, PRIOR TO OCCUPANCY.
3) 2 WORKING DAYS BEFORE COMMENCING EXCAVATION OPERATIONS WITHIN THE STREET RIGHT-OF WAY AND/OR UTILITY EASEMENTS, ALL EXISTING UNDERGROUND FACILITIES SHALL HAVE BEEN LOCATED BY UNDERGROUND SERVICES ALERT (USA). CALL 1-800-642-2444.
4) 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.
5) 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.
6) LIGHTING WHERE PROVIDED TO ILLUMINATE PARKING, SALES OR DISPLAY AREAS 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.
SITE PLAN
SCALE: 1/8"=1'-0"

ROOM NAME / NUMBER

DOOR SYMBOL

WINDOW SYMBOL

KEYNOTE SYMBOL

PLAN REVISION SYMBOL

WALLMARK SYMBOL

INTERIOR ELEVATION SYMBOL

DETAIL CUT SYMBOL

SECTION CUT SYMBOL

PROJECT NORTH SYMBOL

ELEVATION MARK

APPL. NO. C-12-145 EXHIBIT C DATE 01-10-13
PROJ ENG. ____ DATE ____
TRAFFIC ENG. ____ DATE ____
COND. APPROVED BY ____
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

Proposed Tenant Improvement for:

TERRY G. STORY

716 E. Olive Ave.
Fresno, California 93728.

ARCHITECTURAL SHEETS

- A1.0 SITE PLAN
- A1 EXISTING FLOOR PLAN
- A2 PROPOSED FLOOR PLAN
- A3 ELEVATIONS
- A4 REFLECTED CEILING / DOOR SCHEDULE
- A6 TOILET ROOM ELEVATIONS

PLUMBING SHEETS

- P1 PLUMBING FLOOR PLAN
- P2 PLUMBING CALCULATIONS / NOTES
- P3 PLUMBING DETAILS

ALL HANDICAPPED PARKING STALLS SHALL BE MARKED WITH THE INTERNATIONAL SYMBOL OF SPACES AND A WARNING SIGN THAT VEHICLES IN VIOLATION OF SECTION 10-1017 OF THE MUNICIPAL CODE SHALL BE TOWED AWAY. THE INTERNATIONAL SYMBOL AND TOW-AWAY SHALL BE POSTED CONSPICUOUSLY ON 7-FOOT POLES OR ON THE BUILDING IN FRONT OF THE STALLS, 7 FEET ABOVE THE GROUND

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.

LIGHTING WHERE PROVIDED TO ILLUMINATE PARKING, WALKS, OR ASSEMBLY AREAS SHALL BE HOODED AND ARRANGED AND CONTROLLED SO AS NOT TO CAUSE A NUISANCE EITHER TO HIGHWAY TRAFFIC OR TO THE LIVING ENVIROMENT. THE AMOUNT OF LIGHT SHALL BE PROVIDED ACCORDING TO THE STANDARDS OF DEVELOPMENT SERVICES DEPARTMENT.

ALL CONSTRUCTION WORK ON THIS PROJECT IS SUBJECT TO INTERRUPTION IF THE ROAD SYSTEM BECOMES IMPASSABLE FOR FIRE APPARATUS DUE TO RAIN OR OTHER OBSTACLES.

TWO WORKING DAYS BEFORE COMMENCING EXCAVATION OPERATIONS WITHIN THE STREET RIGHT-OF-WAY AND/OR UTILITY EASEMENTS, ALL EXISTING UNDERGROUND FACILITIES SHALL HAVE BEEN LOCATED BY U.S.A., CALL TOLL FREE AT 1-800-642-2444.

MAXIMUM HEIGHT OF ANY STRUCTURES, i.e. LIGHTING, BUILDINGS, ETC SHALL BE 35 FEET.

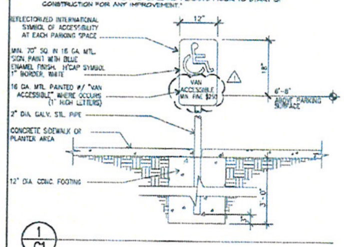
ALL STORM WATER FROM THIS PROJECT, INCLUDING STREET RUNOFF SHALL BE DIRECTED TO THE EXISTING F.M.F.C.D. FACILITIES AT THE CORNER OF CENTRAL AND CHESTNUT AVENUES.

"INSTALL STREET ADDRESS NUMERALS, AT LEAST 12" HIGH WITH MINIMUM 5/8" STROKE, MOUNTED ON A CONTRASTING BACKGROUND CLEARLY VISIBLE FROM THE STREET".

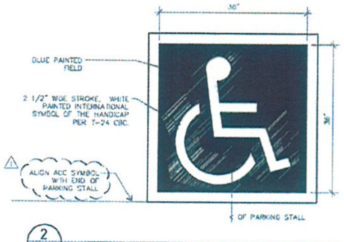
ALL DECORATIVE MATERIAL MUST BE FLAME RETARDANT TREATED

"THIS PERMIT DOES NOT INCLUDE ANY HIGH PILE STORAGE (PER UFC) OR RACK STORAGE OVER 8 FEET HIGH. ANY SUCH PROPOSED STORAGE WILL REQUIRE PLANS SUBMITTED FOR REVIEW AND APPROVAL AND ISSUANCE OF PERMITS." 2001 CFC ARTICLE 81

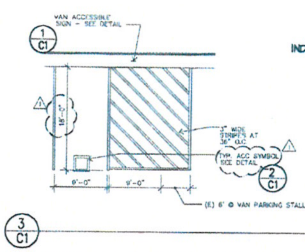
"ALL FUTURE TENANTS ARE REQUIRED TO HAVE PLANS SUBMITTED FOR REVIEW AND APPROVAL AND BUILDING PERMITS PRIOR TO START OF CONSTRUCTION FOR ANY IMPROVEMENT."



1/C1

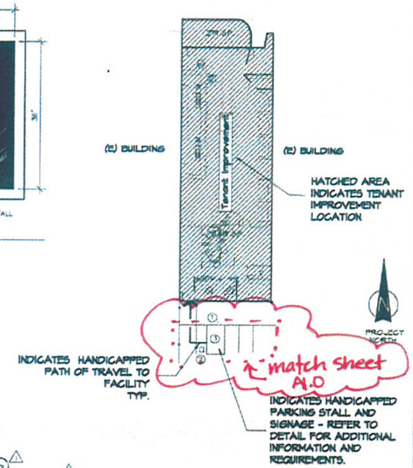


2/C1



3/C1

E. Olive Ave.



PROVIDE A SIGN (17-INCH BY 22-INCH MIN) AT THE ENTRANCE TO OFF-STREET PARKING FACILITIES THAT CLEARLY STATES "UNAUTHORIZED VEHICLES PARKED IN DESIGNATED ACCESSIBLE SPACES NOT DISPLAYING DISTINGUISHING PLEACARDS OR SPECIAL LICENSE PLATES ISSUED FOR PERSONS WITH DISABILITIES WILL BE TOWED AWAY AT THE OWNER'S EXPENSE. TOWED VEHICLES MAY BE RECLAIMED BY CONTACTING THE CITY OF FRESNO POLICE DEPARTMENT AT 621-700.

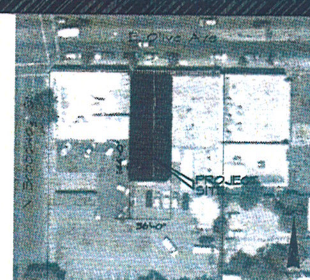
1. GENERAL CONTRACTOR SHALL VISIT THE PROJECT SITE AND VERIFY ALL EXISTING BUILDING & SITE DIMENSIONS FOR ACCURACY WITH CONSTRUCTION DOCUMENTS. HE SHALL NOTIFY TRY DRAFTING OF ANY DISCREPANCIES PRIOR TO SUBMISSION OF BIDS AND START OF CONSTRUCTION.
2. NO THUMB LATCHES OR KEYED CYLINDER DEAD BOLTS ALLOWED ON ANY DOORS UNLESS OPERATED BY A SINGLE ACTION WITH A LEVER.
3. THE LATEST ADOPTED EDITIONS OF CODES, STANDARDS, AND REGULATIONS REQUIRED BY THE LOCAL JURISDICTION SHALL GOVERN ALL WORK SHOWN IN CONSTRUCTION DOCUMENTS.
4. CONSTRUCTION DOCUMENTS (DRAWINGS) ARE NOT TO BE SCALED. WRITTEN DIMENSIONS SHALL GOVERN.
5. THE DEVELOPMENT SHALL MEET THE LATEST ADOPTED ADDITIONS OF THE CALIFORNIA BUILDING CODE (CBSC) TITLE 24 WHICH INCLUDES: THE UNIFORM BUILDING CODE, UNIFORM MECHANICAL CODE, UNIFORM PLUMBING CODE, UNIFORM FIRE CODE, THE NATIONAL ELECTRICAL CODE, CALIFORNIA ENERGY CODE, AND DISABILITY ACCESS STANDARDS AS APPROVED BY THE BUILDING INSPECTION DIVISION.
   - CALIFORNIA BUILDING CODE 2010
   - CALIFORNIA PLUMBING CODE 2010
   - CALIFORNIA MECHANICAL CODE 2010
   - CALIFORNIA ELECTRICAL CODE 2010
   - CALIFORNIA FIRE CODE 2010
   - CALIFORNIA ENERGY CODE 2010
   - NONRESIDENTIAL CALIFORNIA 2010 ENERGY STANDARDS
6. SURFACE SLOPES OF PARKING SPACES FOR THE PHYSICALLY HANDICAPPED SHALL BE THE MINIMUM POSSIBLE AND SHALL NOT EXCEED 1/4" PER FT. IN ANY DIRECTION.
7. NO THRESHOLDS OR CHANGE IN FLOORING MATERIAL SHALL EXCEED 1/2" OFFSET, PER A.D.A. REQUIREMENTS. PROVIDE A MINIMUM 10" HIGH SOLID PANEL AT THE BOTTOM OF ALL DOORS.
8. EXIT DOORS SHALL BE OPENABLE FROM THE INSIDE WITHOUT THE USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT. REFER TO FLOOR PLAN NOTES FOR MAIN ENTRANCE DOOR EXCEPTIONS.
9. ALL DOOR HARDWARE SHALL BE HANDICAPPED APPROVED LEVER OR PULL TYPE THROUGHOUT.
10. MANUALLY OPERATED EDGE OR SURFACE MOUNTED FLUSH BOLTS AND SURFACE BOLTS SHALL BE PROHIBITED
11. PROVIDE AIRTIGHT CAULKING OR GASKETING AT ALL PERIMETER WALL SILL PLATES, JAMBS, ELECTRICAL OUTLETS AND SWITCHES, OR OTHER SOURCES OF AIR INFILTRATION. PROVIDE WEATHER-STRIPPING AT ALL EXTERIOR DOOR(S).
12. THE SURFACE OF FLOORS SHALL BE SLIP RESISTANT, WHEN TESTED IN ACCORDANCE WITH ASTM C1028B TEST PROCEDURE FOR COEFFICIENT OF FRICTION.
13. PRIOR TO MODIFICATION OF OR ADDITION TO EXISTING FIRE SPRINKLER SYSTEM, GENERAL CONTRACTOR SHALL CONTACT THE LOCAL FIRE DEPARTMENT TO IDENTIFY ALL REQUIREMENTS. GENERAL CONTRACTOR SHALL PROVIDE ALL DRAWINGS AND/OR CALCULATIONS TO THE FIRE DEPARTMENT PRIOR TO MODIFICATION OF FIRE SPRINKLER SYSTEM.
14. IF NOT EXISTING, PROVIDE 'KNOX BOX' IN LOCATION PER POLICE & FIRE DEPARTMENTS.
15. THESE DRAWINGS SHALL BE CONSIDERED SUBSTANTIALLY COMPLETE. HOWEVER, IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO PROVIDE ALL LABOR AND MATERIALS NECESSARY TO RENDER THE WORK COMPLETE, AS IS THE INTENT OF THESE DRAWINGS, EITHER SHOWN OR INFERRED HEREIN, THROUGH PROPER ESTABLISHED CONSTRUCTION PRACTICES.
16. PROVIDE MINIMUM (1) 2A-10BC FIRE EXTINGUISHER SO THAT THE MAXIMUM HORIZONTAL DISTANCE FROM ANY SPOT WITHIN THE SUITE TO THE EXTINGUISHER DOES NOT EXCEED 75 FEET.
17. THIS PERMIT DOES NOT INCLUDE ANY HIGH PILE STORAGE (PER UFC) OR RACK STORAGE OVER 8 FEET HIGH. ANY SUCH PROPOSED STORAGE WILL REQUIRE PLANS SUBMITTED FOR REVIEW AND APPROVAL AND ISSUANCE OF PERMITS.
18. WHERE WORK OF A HIGHER DEGREE IS INDICATED ON THE PLANS OR IN THE SPECIFICATIONS, THIS REQUIREMENT SHALL GOVERN.
19. COMPLY WITH 2010 CBC, CFC, CPC, CMC, CEC, AND THE NONRESIDENTIAL CEC ENERGY STANDARDS

THE ORGANIZATION OF THESE DRAWINGS IS NOT INTENDED TO CONTROL THE DIVISION OF WORK AMONG SUBCONTRACTORS. IT SHALL BE THE GENERAL CONTRACTORS RESPONSIBILITY TO DIVIDE THE WORK.

COPIES OF THESE DRAWINGS ARE SUPPLIED TO THE OWNER, THE CONTRACTOR AND OTHERS FOR USE ON THIS PARTICULAR PROJECT. ALL DRAWINGS, SPECIFICATIONS, AND COPIES OF SUCH PREPARED BY TRY DRAFTING & DESIGN, ARE THE PROPERTY OF TRY DRAFTING & DESIGN
THE DRAWINGS ARE NOT TO BE REPRODUCED, CHANGED, OR COPIED IN ANY WAY, NOR ARE THEY TO BE ASSIGNED TO A THIRD PARTY WITHOUT FIRST OBTAINING THE WRITTEN PERMISSION OF TRY DRAFTING & DESIGN.

IT IS THE INTENT OF THE PLANS AND SPECIFICATIONS TO COVER ALL THINGS REQUIRED TO MAKE COMPLETE AND OPERATIVE SYSTEMS. CONTRACTOR IS TO FURNISH ALL LABOR, MATERIALS, TRANSPORTATION, EQUIPMENT, AND ANY OTHER MISCELLANEOUS SERVICES REQUIRED TO COMPLETE THE PROJECT. ANYTHING WHICH MAY BE REASONABLY CONSTRUCED AS A NECESSARY PART OF THE PROJECT IS TO BE INCLUDED WHETHER SPECIFICALLY SHOWN, MENTIONED OR NOT. THE CONSULTANT WILL GIVE ANY INTERPRETATIONS NECESSARY FOR THE CONTRACTOR TO PROPERLY ESTIMATE THE PROJECT.

IT IS THE CONTRACTORS RESPONSIBILITY TO VERIFY ALL FIELD MEASUREMENTS AND CONDITIONS FOR CONFORMANCE WITH THE PLANS SHOULD THE CONTRACTOR FIND ANY ERRORS, OMISSIONS OR DISCREPANCIES IN THE PLANS WITH RESPECT TO THE FIELD OBSERVATIONS OR OTHER PARTS OF THE PLANS THE ERRORS, OMISSIONS OR DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE PROJECT CONSULTANT. THE CONTRACTOR AND CONSULTANT SHALL RESOLVE ALL ERRORS, OMISSIONS AND DISCREPANCIES BEFORE COMMENCING THAT PORTION OF THE WORK. DIMENSIONS GOVERN ANY DISCREPANCIES. ALL CHANGES TO THE PLANS SHALL REQUIRE THE APPROVAL OF THE OWNER.



Project Scope:
TENANT IMPROVEMENT

Project Data:

SITE ADDRESS:	716 E. Olive Ave.
BUILDING OCCUPANCY:	A-2
TYPE OF CONSTRUCTION:	V-B
(E) PROJECT AREA:	3,615 S.F.
(N) PATIO AREA:	279 S.F.

STRUCTURAL ENGINEER:
MARK T. CHIN ENGINEERING
4045 N. FRESNO #109
FRESNO, CA 93726-4044
(559) 226-4040
MARK T. CHIN

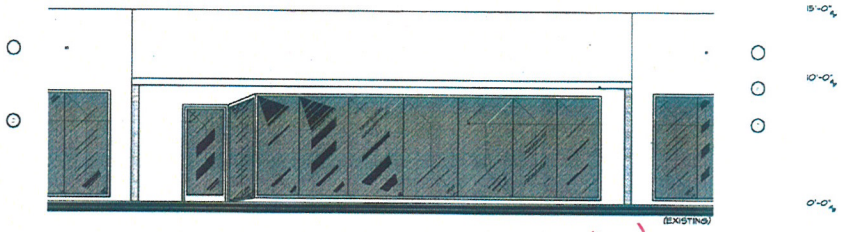
DESIGNER:
TRY DRAFTING & DESIGN
224 MORTON AVE
SANGER, CA 93657
(559) 348-0161
RAMON SANCHEZ

PLUMBING ENGINEER:
TRY DRAFTING & DESIGN
224 MORTON AVE
SANGER, CA 93657
(559) 348-0161
RAMON SANCHEZ

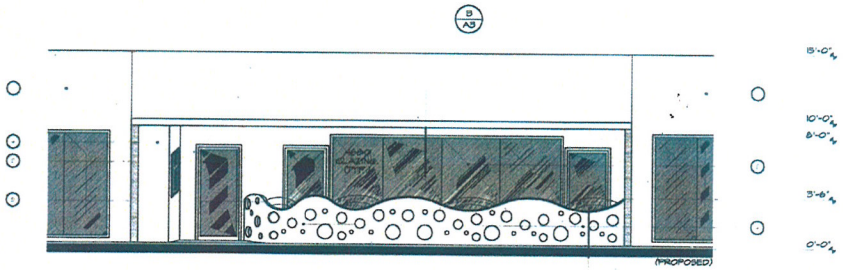
MARK T. CHIN
CIVIL AND STRUCTURAL

COVER SHEET

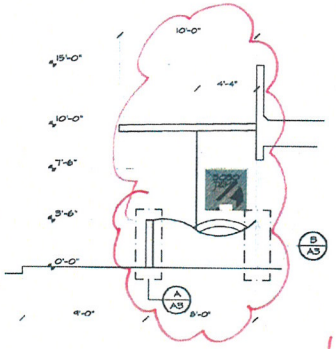
Proposed Tenant Improvement For:
TERRY G. STORY



NORTH ELEVATION (existing)



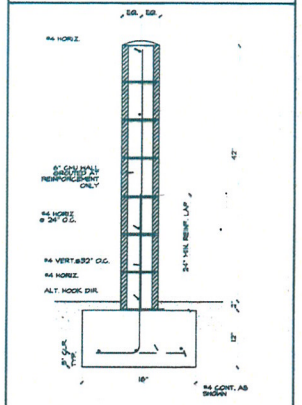
NORTH ELEVATION (proposed)



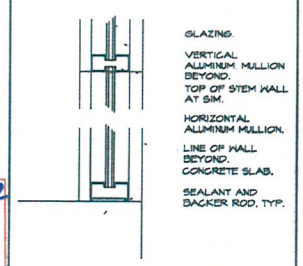
Depict as proposed addition.

Elevation Keyed Notes

- EXISTING EXTERIOR STUCCO
- EXISTING STOREFRONT SYSTEM
- PROPOSED STOREFRONT SYSTEM
- 7/8" THK. STUCCO O/ PAPER BACK WIRE W/ WEEP SCREED
- DECORATIVE PRE-CAST CAP TYP.
- EXISTING LINE OF OVERHANG



A 42" WALL



B EXTERIOR STOREFRONT

REVISIONS	BY
BACK CHECK 08-28-12	R.S.

Drafting & Design

ELEVATION

MARK T. CHIN ENGINEERING
CIVIL AND STRUCTURAL ENGINEER
4045 N. Fresno St. #103 • Fresno, California 93726-4026
PH. (559) 228-4848 FAX. (559) 228-4606

REGISTERED PROFESSIONAL ENGINEER
MARK T. CHIN
No. 2515
Expires 3-31-14
STRUCTURAL
STATE OF CALIFORNIA

Proposed Tenant Improvement For:
TERRY G. STORY

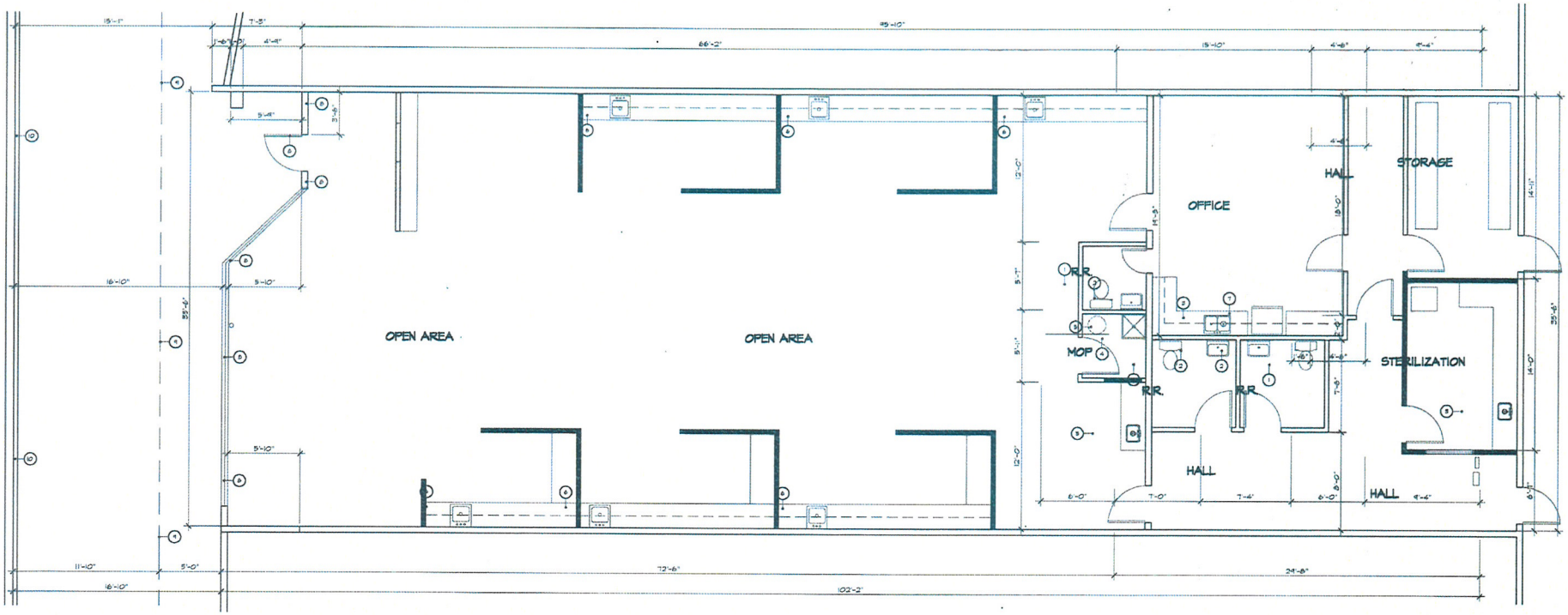
DRAWN	RAMON SANCHEZ
CHECKED	MARK T. CHIN
DATE	04-28-12
SCALE	AS NOTED
JOB NO.	12-68
SHEET	A3

APPL. NO. C-12-145 EXHIBIT E1 DATE 12-04-12
PROJ ENG. _____ DATE _____
TRAFFIC ENG. _____ DATE _____
COND. APPROVED BY _____ DATE
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

APPL. NO. C-12-145 EXHIBIT F-1 DATE 01-10-13
PROJ. ENG. _____ DATE _____
TRAFFIC ENG. _____ DATE _____
COND. APPROVED BY _____ DATE _____
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

INDICATES EXISTING STOREFRONT SYSTEM
INDICATES EXISTING EXTERIOR BUILDING FRAMING TO REMAIN
INDICATES EXISTING 2X4 WALL FRAMING TO REMAIN
DEMO EXISTING 2X WALL

1. EXISTING WATER CLOSET TO REMAIN
2. EXISTING WALL HUNG LAVATORY TO REMAIN
3. DEMO EXISTING SINK AND COUNTER
4. EXISTING MOP SINK TO REMAIN (HOT & COLD WATER THROUGH A MIXING FAUCET EQUIPPED WITH A BACKFLOW PROTECTIN DEVICE)
5. EXISTING WH ABOVE TO REMAIN (50 GAL WH)
6. DEMO HAND SINK
7. EXISTING REF. TO REMAIN
8. DEMO EXISTING STOREFRONT WINDOW
9. EXISTING CONC. SIDEWALK
10. EXISTING LINE OF OVERHAND



(E) FLOOR PLAN
SCALE: 1/4"=1'-0"

REVISIONS	BY
BACK CHECK 08-30-12	R.S.
BACK CHECK 01-08-13	R.S.

TRY Drafting & Design
224 Hollow Oak Court, Fresno, CA 93611
559-276-0576 Fax 559-276-0577
try@yahoo.com

EXISTING FLOOR PLAN

MARK T. CHIN ENGINEERIN
CIVIL AND STRUCTURAL ENGINEER
4265 N. Fresno St. (93726) • Fresno, California 93726-
PH. (559) 225-4848 FAX. (559) 229-4

REGISTERED PROFESSIONAL ENGINEER
MARK T. CHIN
No.2515
Expires 3-31-14
STRUCTURAL
STATE OF CALIFORNIA

Proposed Tenant Improvement For:
TERRY G. STORY
716 E. Olive Ave.
Fresno, CA 93728

DRAWN	RAMON SANCHEZ
CHECKED	MARK T. CHIN
DATE	04-26-12
SCALE	AS NOTED
JOB NO.	12-68
SHEET	A1

1. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION OF ALL BLOCKING AND BACKING LOCATIONS AS REQUIRED BY EQUIPMENT, FURNISHINGS, & FIXTURE SUPPLIERS.
2. GENERAL CONTRACTOR SHALL PATCH, REPAIR, AND REPLACE ALL DAMAGED DOORS, WALLS, GLAZING SYSTEMS, CEILING TILES ETC., SO AS TO ENSURE THE TENANT SPACE IS IN PROPER WORKING ORDER.
3. GENERAL CONTRACTOR SHALL INTERFACE WITH PLUMBING, MECHANICAL, AND ELECTRICAL PLANS TO CONFIRM ANY SPECIFIC REQUIREMENTS OF ALL FIXTURES/FURNISHINGS SHOWN ON PLANS.
4. PLANS ARE NOT TO BE SCALED - INDICATED DIMENSIONS SHALL GOVERN.
5. GENERAL CONTRACTOR SHALL NOTIFY THE ARCHITECT IMMEDIATELY IF ANY AMBIGUOUS OR UNUSUAL CONDITIONS ARE ENCOUNTERED.
6. GENERAL CONTRACTOR SHALL PREPARE EXISTING, OR NEW GYPSUM BOARD FOR GALVANIZED CORNER BEADS, TAPE, AND TEXTURE TYPICAL AT ALL EXISTING H.P. COLUMNS - REFER TO FINISH SCHEDULE FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
7. MANUALLY-OPERATED EDGE OR SURFACE-MOUNTED FLUSH BOLTS AND SURFACE BOLTS ARE PROHIBITED (C.B.C. 1003)
8. THIS PERMIT DOES NOT INCLUDE ANY HIGH PILE STORAGE (PER U.F.C.) OR RACK STORAGE OVER 8 FEET HIGH - ANY SUCH PROPOSED STORAGE WILL REQUIRE PLANS SUBMITTED FOR REVIEW AND APPROVAL AND ISSUANCE OF PERMITS (PER U.F.C. ARTICLE 81)
9. PROVIDE STREET VISIBLE ADDRESS W/ MIN. 6" HIGH LETTERS ON BLDG PRIOR TO FINAL INSPECTION
10. PROVIDE 5'-0" MIN. SIZE LEVEL LANDINGS FOR EXTERIOR MAIN DOORS W/ NO MORE 1/2" DROP AT THE THRESHOLD. LANDINGS TO BE PLACED 2'-0" FROM STRIKE SIDE OF DOOR.
11. EXIT DOORS SHALL NOT BE EQUIPPED W/ EDGE BOLTS OR SURFACE BOLTS
12. EXIT DOORS SHALL BE OPERABLE FROM THE INSIDE WITHOUT USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT
13. EXIT DOORS SHALL BE CLEARLY MARKED W/ "EXIT" MIN. 6" HIGH LETTERS
14. POST A SIGN THAT READS "THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS" USE LETTERS 1" HIGH ON CONTRASTING BACKGROUND
15. INTERIOR WALL COVERINGS SHALL MEET FLAME SPREAD CLASS 3
16. WEATHER STRIP ALL EXTERIOR DOORS AND OPENINGS
17. ALL GLASS SUBJECT TO HUMAN IMPACT SHALL BE APPROVED SAFETY GLAZING MATERIALS CONFORMING TO THE LATEST U.B.C. REQUIREMENTS
18. PROVIDE PORTABLE FIRE EXTINGUISHER MIN. 2A10BC AS PER N.F.P.A. 10 W/ A 75' MAX. TRAVEL DISTANCE.
19. ALL INSULATION SHALL HAVE A MAX. FLAME SPREAD OF 25 AND A SMOKE RATING OF 450
20. INSTALL 5" SQUARE HANDICAP LOGO ON FRONT ENTRY
21. RESTROOMS SHALL BE LABELED FOR BOTH SEXES BY APPROVED INTERNATIONAL SYMBOL
22. NAILING SHALL COMPLY W/ U.B.C. TABLE 25-P
23. PROVIDE "NO SMOKING" SIGN 40" SQ. MIN. RED SIGN W/ WHITE LETTERS FRESNO CITY ORDINANCE 4-801 SIGN SHALL BE MOUNTED W/ TWO (2) PE SCREWS. LOCATE SIGN 60" ABOVE FINISHED FLOOR AS PER PLANS
24. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS
25. ALL HALLWAYS TO HAVE A MIN WIDTH OF 44"
26. PROVIDE 18" MIN. CLEARANCE FROM CENTERLINE OF LAVATORIES TO THE EDGE OF WALL
27. PROVIDE 18" MIN. CLEARANCE AT STRIKE SIDE OF ALL INTERIOR DOORS AND 24" AT EXTERIOR DOORS
28. THE BOTTOM 10" OF ALL DOORS (EXCEPT AUTOMATIC AND SLIDING) SHALL HAVE A SMOOTH UNINTERRUPTED SURFACE
29. NO THUMB LATCHES OR KEYED CYLINDER/DEAD BOLTS ARE ALLOWED UNLESS OPERATED BY A SINGLE ACTION WITH A LEVER CBC 1003
30. POST A SIGN THAT READS: " THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS " USE LETTERS 1/INCH HIGH ON A CONTRASTING BACKGROUND AT THE MAIN ENT.
31. PROVIDE AN ACCESSIBLE LANDING (MAX. SLOPE OF 2% IN ANY DIRECTION) AT THE NEW EXTERIOR DOOR, FOR MANEUVERING CLEARANCES. THE DEPTH OF THE LEVEL LANDING MUST BE 60" CLEAR ON THE PULL SIDE AND THE MIN. WIDTH SHALL BE THE WIDTH OF THE DOOR PLUS 24" CLEAR FROM THE STRIKE EDGE OF THE DOOR TO THE EDGE OF THE LANDING
32. EACH DOOR IN A MEANS OF EGRESS FROM AN 'A' OCCUPANCY HAVING AN OCCUPANT LOAD OF 50 OR GREATER SHALL BE FITTED WITH PANIC HARDWARE AND MUST SWING IN THE DIRECTION OF EGRESS TRAVEL
33. PROVIDE MIN. 32" CLEAR OPENING WIDTH WITH 18" CLEAR AT THE STRIKE EDGE FOR A LENGTH OF 60" ON THE PULL SIDE AT ALL INTERIOR DOORS.

INDICATED NEW STOREFRONT SYSTEM

INDICATED EXISTING EXTERIOR BUILDING FRAMING TO REMAIN

INDICATED EXISTING 2X4 WALL FRAMING TO REMAIN

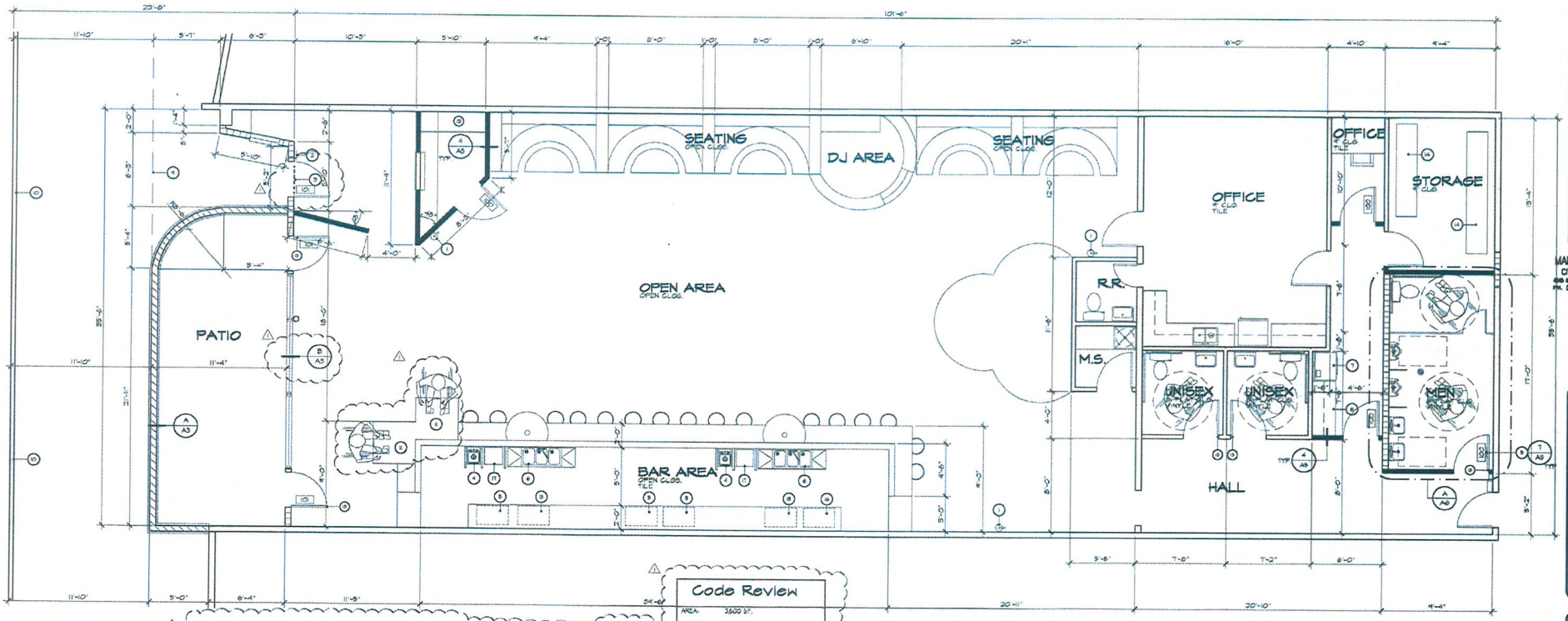
NEW WALL: 3 5/8" X 25 GA. MTL. STUDS @ 16" O.C. OR 2 X 4 STUDS @ 16" O.C. W/ 5/8" GYPBD.

NEW WALL: 6" X 20 GA. MTL. STUDS @ 16" O.C. OR 2X6 STUDS @ 16" O.C. W/ 5/8" GYPBD.

NEW 2x MTL. STUD WALL, 3'-0" H.

1. EQUIPMENT MANUFACTURERS AND SUPPLIERS SHALL PROVIDE ALL NECESSARY DATA FOR COMPLIANCE. DATA SHALL INCLUDE FULL AND PARTIAL CAPACITY UNITS AND PERFORMANCE DATA UNDER ALL MODES OF OPERATIONS AND AMBIENT CONDITIONS. PROVIDE COMPLIANCE CERTIFICATES WITH EQUIPMENT SUBMITTALS
2. ALL DUCT WORK SHALL BE CONSTRUCTED, ERECTED AND TESTED IN ACCORDANCE WITH THE UMC AND SHALL COMPLY WITH THE STATE OF CALIFORNIA ENERGY CONSERVATION STANDARDS.
3. SUBMIT ENERGY CERTIFICATION OF COMPLIANCE AFTER THE INSTALLATION OF THE REQUIRED EQUIPMENT AND/OR MATERIAL AND PRIOR TO REQUEST FOR A FINAL INSPECTION.
4. ALL EQUIPMENT SHALL COMPLY WITH THE STATE OF CALIFORNIA ENERGY CONSERVATION STANDARDS.
5. ALL SPACE HEATING AND WATER PIPING AND SUPPLY AIR DUCTS SHALL BE INSULATED IN ACCORDANCE WITH THE STATE OF CALIFORNIA ENERGY CONSERVATION STANDARDS.
6. MAINTENANCE LABEL SHALL BE AFFIXED TO MECHANICAL EQUIPMENT AND A MAINTENANCE MANUAL SHALL BE PROVIDED FOR THE OWNER'S USE. THE LABEL SHALL CLEARLY INDICATE THE ROUTINE MAINTENANCE ACTIONS WHICH MUST BE PERFORMED TO MAINTAIN THE EQUIPMENT IN EFFICIENT OPERATING CONDITIONS OR INDICATE BY NUMBER WHICH MAINTENANCE OR OPERATIONAL MANUALS EXPLAIN THE MAINTENANCE REQUIREMENTS IN GREATER DETAIL

1. FIRE EXTINGUISHER
2. NO SMOKING SIGN
3. PROVIDE 1INCH ABOVE DOOR STATING "THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED" IN LETTERS A MINIMUM OF 1" HIGH ON CONTRASTING BACKGROUND
4. HAND SINK W/ MOUNTED SOAP & TOWEL DISPENSER
5. BACK BAR REFRIGERATOR
6. THREE COMPARTMENT SINK
7. WASHER / DRYER SPACE W/ EXHAUST FAN. VENT THRU WALL
8. COUNTER TOP W/ UPPER & LOWER CABS
9. EXISTING LINE OF OVERHANG
10. EXISTING CONC. SIDEWALK
11. MIN. 60" WIDE SECTION OF COUNTER SPACE 28" TO 34" HIGH, WITH KNEE SPACE AT LEAST 27" HIGH, 30" WIDE BY 19" DEEP
12. COAT HOOKS W/ SHELF
13. SELF-CLOSING DEVICES ON DOOR
14. STORAGE SHELVING
15. SODA DISPENSER
16. ICE MACHINE
17. ICE BIN



AREA	FLOOR	FLOOR BASE OR COVER	WALLS (FINISH AND COLORS)	CEILINGS (FINISH AND COLORS)	CEILINGS NOTES	WALLS NOTES
BAR AREA	RED COVE QUARRY TILE	SUMFOOT SUMMITVILLE STRATA 07-3565 BASE	F.R.P.	OPEN		MARLITE BRAND F.R.P.
STORAGE	V.C.T	SUMFOOT SUMMITVILLE STRATA 07-3565 BASE	FLAT	SMOOTH WASHABLE CEILING		
RESTROOMS	CERAMIC TILE	SUMFOOT SUMMITVILLE STRATA 07-3565 BASE	F.R.P. WHITE	SEMI-GLOSS ENAMEL PAIN-WHITE	SEMI-GLOSS ACCOSTICAL TILE 2	MARLITE BRAND F.R.P.

Code Review

AREA: 3,600 S.F.

OCCUPANT LOAD:

BAR AREA		16
OPEN AREA	2100/50	42
PATIO AREA	200/50	8
SEATING AREA		23
UNOCC. AREA *	1500/10	0
TOTAL		91

* UNOCCUPIED AREA = COOLER, STORAGE MOP SINK, TOILET ROOMS, MILLWORK & WALLS.

EXITING WIDTH:

65in 0.2 = 13"

13"/12 = 1'-0" L.F. REQ'D.

PROVIDED 2 EXITS @ 5'-0" EA. = 8'-0" L.F.

APPL. NO. C-12-145 EXHIBIT F-2 DATE 01-10-13

PROJ ENG _____ DATE _____

TRAFFIC ENG. _____ DATE _____

APPD. APPROVED BY _____ DATE _____

FLOOR PLAN

SCALE: 1/4"=1'-0"

REVISIONS

BACK CHECK 08-28-12

BACK CHECK 01-08-13

Drafting & Design

FLOOR PLAN

MARK T. CHIN ENGINE
CIVIL AND STRUCTURAL EN
6125 N. Fresno St. (559) ■ Fresno, California
FAX. (559) 226-4646 EXT. (559)

REGISTERED PROFESSIONAL ENG. MARK T. CHIN No.2515 Expires 3-31-14 STRUCTURAL STATE OF CALIFORNIA

Proposed Tenant Improvements For:

TERRY G. STORY

716 E. Olive Ave.

Fresno, CA 93728

DRAWN RAMON SANCHEZ

CHECKED MARK T. CHIN

DATE 04-26-12

SCALE AS NOTED

JOB NO. 12-69

SHEET A2

City of
FRESNO

Mariposa Mall
P.O. Box 1271
Fresno, CA 93715-1271

Police Department
Jerry P. Dyer
Chief of Police

NIGHTCLUB CONDITIONAL USE PERMIT CONDITIONS

July 26, 2012

City of Fresno, Development Department
Director of Planning & Development.
CONDITIONAL USE PERMIT
2600 Fresno Street
Fresno, California, 93721-3604

Attn. Sophia Pagoulatos, Planning Division

Re: CONDITIONAL USE PERMIT NO. C-12-145 ABCUP
Applicant: Terry G. Story
DBA: FAB
Address: 716 E. Olive Avenue, Fresno, Ca. 93728
A.P.N. 452-032-24

Dear Mr. Story,

The City of Fresno has requested that the Fresno Police Department review the application for the operation of a Nightclub, as defined by Fresno Municipal Code, section 12-105-N-0.5 at 716 E. Olive Avenue. The property has been zoned **C-6** which permits Nightclubs, pursuant to FMC, sections 12-326 and 12-327. The applicant understands that if the Conditional Use Permit Upgrade to operate as a Nightclub is approved it only allows for the establishment to offer dancing to its patrons but does not, in and of itself, allow for the sale of alcoholic beverages. To sell alcoholic beverages it must be permitted by the City to operate as a Nightclub serving alcohol for on-site consumption and the applicant has obtained the necessary alcohol license from the State Department of Alcoholic Beverage Control.

We understand from the Operational Statement that the applicant intends to operate the business as stated below:

Nightclub operation:
Hours: 11:30 a.m. to 2:00 a.m.
Days of the week: Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday

The Fresno Police Department's primary concern with the application is the propensity of the premises to generate calls for police service.

As you know, to approve any Conditional Use Permit Upgrade, 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, including, 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 for the surrounding area. This Conditional Use Permit allows for an upgrade to an **ON-SALE TYPE 48 ABC License** and the operation of a Nightclub, pursuant to the requirements of FMC, section 12-326 and 12-327. We request the following conditions be included as Conditions of Approval for the Conditional Use Permit Application No. **C-12-145 ABCUP**. These conditions will maintain an environment that is least likely to generate public complaints and 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 for approval of this Conditional Use Permit No. **C-12-145 ABCUP,** 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 **Detectives Raymond Eddy** or **Jaime Campos** with notice of the Director's decision regarding this Conditional Use Permit as well as a complete copy of the conditions of approval, should the Director approve this 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 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 – Allowed in Nightclubs only)

FMC 10-105 (Noise Ordinance)
FMC 10-708 (Unlawful Nuisances - High Calls for Police Service)
FMC 12-306-N-30 - Limitations on Adult Business Activities. Applicant shall also verify with the Planning Division that Adult Business Activities are permitted in the zone district where the applicant seeks to operate his/her business.

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. **Dance Area**

Patrons may access any area used for dancing, from outside the premises of the establishment, only through entrances that are manned and controlled, at all times, by at least one employee of the establishment. **Pursuant to FMC section 12-327 – Restricted Dancing: No dancing shall be held between the applicable closing hour (2:00 a.m.) and 8 o'clock a.m. of any day.**

3. **Contests or Promotions**

At least two weeks prior to the event, the establishment shall notify the District Commander, or his/her designee of any promotional or special events. In addition, the establishment shall obtain written approval that the current Security Plan is adequate to address security issues that may arise from the event or promotion or approval of a new Security Plan that will be in place for the promotional or special event.

4. **Security Plan.**

Prior to the approval of this Conditional Use Permit, the establishment shall prepare and submit to the District Commander a security plan for approval. Approval of the security plan by the District Commander or his/her designee shall not be unreasonably denied. The contents of the Security Plan shall be incorporated as conditions of approval for Conditional Use Permit **C-12-145 ABCUP.** The establishment shall be responsible to have the District Commander or his/her designee re-approve the security plan annually running from the anniversary date of the final approval of the Conditional Use Permit. The establishment is responsible for providing both the District Commander and the Planning and Development Department a copy of the approved security plan.

All establishments Security Plan shall:

- Identify the establishment's designated contact person for all safety and security management and shall provide the telephone 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, the parking lot and any adjacent property under the establishment's control. The security personnel shall be state licensed uniformed security guards.

- Confirm that the security personnel shall 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.

- Confirm that a wall / fixed partition to separate the customers under the age of 21 years old from the customers over the age of 21 years old. Monitor and control the behavior of each group to prevent the unlawful access and consumption of alcoholic beverages by minors.

The establishment may receive from the Fresno Police Department a form of a security plan that the establishment may refer to in preparing its security plan.

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.

If it is determined that police calls for service become "Frequent" (see definition below) the Fresno Police Department may initiate proceedings to amend these conditions to require additional state licensed uniformed security and/ or to recommend suspension or revocation proceedings.

Additionally, during all hours the establishment operates the Nightclub there shall be a minimum of two (2) state licensed uniformed security guards. The establishment shall add two (2) additional state licensed uniformed security guards for every one hundred guests permitted on the premises at all times. The total number of guests is limited by the permitted occupancy as determined by the Fresno Fire Department.

For purposes of determining the total number of state licensed, uniformed security guards required, the applicant shall round to the nearest increment of 100 guests. For instance, if the permitted occupancy is 351 persons, the establishment shall be required to have four (4) state licensed, uniformed security guards. However, if the permitted occupancy is 345 persons, the establishment shall be required to have three (3) state licensed uniformed security guards.

All on-duty licensed security guards shall comply with the uniform requirements set forth in California Business & Professions code section 7582.26.

"Frequent" as used in this subsection means police response is occurring more than 1.50 times than the average number of such responses for property of a similar size in character in the same "policing district" established by the police chief. (See FMC Sections 10-708(g) and 12.326-H.)

5. **Video Camera**

A fully functional color digital video camera must be in place to record the activities of patrons on the premises. Additionally, there shall be at least one camera placed to focus on each of the following areas; front door(s) and/or entry area, any area outside where patrons wait to enter the establishment and the majority of the open floor space area in the establishment.

The camera storage capacity should be for at least one week (seven calendar days). The System must continuously record, store, be capable of playing back images and be fully functional at all times. Any recordings of criminal activity shall be provided to the Fresno Police Department within 24 hours of the initial request.

6. **Property Responsibility**

Frequent responses by the FPD 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 the commencement of Conditional Use Permit revocation proceedings pursuant to FMC, section 12-326-H and 12-405-E. 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" is defined by FMC Section 12-326-H-1-a.

7. **Revocation of the 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."

8. **Posting hours of operation and address**

The owner and/or proprietor and /or applicant shall be responsible to conspicuously post the hours of operation for each phase type (i.e., restaurant, nightclub) near the entrance of the establishment. It shall be 8.5x11 inches in size, to be provided for by the City. This posting shall be made available to City officials upon request. Additionally, the address of each facility shall be posted in compliance with all City codes.

9. **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.

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 property not owned or controlled by the applicant, the applicant shall immediately report such consumption to the Fresno Police Department.

The establishment shall not allow any loitering on building premises or any adjacent property under its ownership or control.

The establishment shall not allow any gambling on building premises or any adjacent property under its control.

There shall be no amusement devices or Billiard tables maintained upon the premises without the proper permits issued through the City of Fresno Business Tax Division.

10. **The establishment shall ensure that all employees 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

7/26/12 7/27/12

Captain Greg Garner **Date** **Terry G. Story Owner** **Date**
Southwest District Commander

City of
FRESNO

FIRE DEPARTMENT

DATE: August 1, 2012

TO: McKENCIE CONTRERAS, Planner III
Development and Resource Management Department

FROM: LAURIE SAWHILL, Fire Prevention Inspector II
Fire Department, Fire Prevention and Investigation Division

SUBJECT: 716 E Olive, C-12-145 ABCUP

The Fire Department's conditions of approval include the following:

This project was reviewed by the fire department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building and Safety Section of DARM when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building.

Be advised that the proposed use will require a "change of occupancy" from a B, to an A2 as the occupant load will exceed 49 as proposed. During a change of occupancy/use, there will be additional requirements, including exiting requirements. Based on the proposed seating and dance area as shown, occupant loads may exceed 100 at which time fire sprinklers will be required.

County of Fresno
Department of Public Health
Edward L. Moreno, M.D., M.P.H., Director-Health Officer

July 26, 2012

999999999
LU0016455
PE 2602

McKencie Contreras
City of Fresno
Development Department
2600 Fresno Street
Fresno, CA 93721

Dear Ms. Contreras:

PROJECT NUMBER: C-12-145 ABCUP **REVISED**

Conditional Use Permit Application No. C-12-145-ABCUP was filed by Terry G. Story and pertains to 0.12 acre of property located on the south side of East Olive Avenue between North Fulton and North Broadway Avenues in the historic Tower District. The applicant requests authorization to establish a State of California Alcoholic Beverage Control Type 48 liquor license (Bar, Night Club - sale of beer, wine, and distilled spirits for consumption on the premises where sold) at the proposed FAB Bar/Nightclub. The property is zoned C-6 (*Heavy Commercial*).

APN: 452-032-24 **ZONING: C-6** **ADDRESS: 716 East Olive Avenue**

Recommended Conditions of Approval:

- Prior to issuance of building permits, the applicant shall submit complete plans and specifications for the Bar/Night Club to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Consumer Food Protection Program at (559) 600-4058 for more information.

- Prior to operation, the applicant shall apply for and obtain a permit to operate a Bar 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) 600-4058 for more information.

- The applicant shall contact the California Alcoholic Beverage Control Department at (559) 225-6334 for information relative to applying for and obtaining a license to sell alcoholic beverages.

- The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.

The following comments pertain to remodeling of the existing structure:

- Should the structure have an active rodent or insect infestation, the infestation should be abated prior to remodeling of the structure in order to prevent the spread of vectors to adjacent properties.

- In the process of remodeling the existing structure, the contractor may encounter asbestos containing construction materials and materials coated with lead based paints.

- If asbestos containing materials are encountered, contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000 for more information.

- If the structure was constructed prior to 1979 or if lead-based paint is suspected to have been used in these structures, then prior to demolition and/or remodel work the contractor should contact the following agencies for current regulations and requirements:

  - California Department of Public Health, Childhood Lead Poisoning Prevention Branch, at (510) 620-5600.

  - United States Environmental Protection Agency, Region 9, at (415) 947-8000

  - State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) at (559) 454-5302.

- Any construction materials deemed hazardous as identified in the remodel process must be characterized and disposed of in accordance with current federal, state, and local requirements.

REVIEWED BY:

Kevin Tsuda Digitally signed by Kevin Tsuda
DN: cn=Kevin Tsuda, o, ou=Fresno County EH, email=ktsuda@co.fresno.ca.us, c=US
Date: 2012.07.26 10:16:38 -07'00'

R.E.H.S.
Environmental Health Specialist II

(559) 600-3271

kt

cc: Baruti/Casagrande/Tolzmann/Arnold, Environmental Health Division (CT 22.00)
Glenn Allen, Supervising Environmental Health Specialist
Terry Story, Owner (terry_story@hotmail.com)
Cisco Mendez, Applicant (ididtomuch@yahoo.com)
Ramen Sanchez, Try Drafting & Design (trydrafting@sbcglobal.net)

C-12-145 Revised ABC FAB Nightclub.docx

Fresno Unified School District
Preparing Career Ready Graduates

Facilities Management & Planning

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Michael E. Hanson

July 24, 2012

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

SUBJECT: **CONDITIONAL USE PERMIT NO. C-12-145-ABCUP**
716 E. OLIVE AVE.

Dear Ms. Contreras,

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 'FAB Bar/Nightclub' to be located at 716 East Olive Avenue is requesting authorization to establish a State of California Alcoholic Beverage Control Type 48 (*Bar, Night Club – sale of beer, wine and distilled spirits for consumption on the premises where sold)* liquor license. It is located within approximately 1,340 feet from Muir Elementary School.

As per the State of California's Alcohol Beverage Control Act, an alcohol license can be refused by the State if the location is "within at least 600 feet from schools." The District 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 no new square footage is constructed, no development fee will be charged. Any new development on the property will be subject to the development fee prior to issuance of a building permit. **Please note that fees for commercial development will increase to $0.51 per square foot on August 7, 2012.**

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 Officer
Facilities Management and Planning

LL:hh
c: Juan Garcia, Principal, Muir Elementary School

City of FRESNO

DATE: December 18, 2012

TO: McKencie Contreras
Development and Resource Management Department

FROM: Louise Gilio, Supervising Engineering Technician
Public Works Department, Traffic and Engineering Services Division

SUBJECT: Conditions of Approval for **C-12-145**
ADDRESS: **716 East Olive Avenue**
APN: **452-032-24** (452-032-22 & 26 Are adjacent parcels needed for parking?)

SITE PLAN REQUIREMENTS: This site plan does not match record information. Please provide the following information prior to Building Permits:

A. **General Requirements**
   1. **Parcel of Record:** The parcel configuration depicted for the proposed development does not conform to record information. Correctly identify and dimension all property line and street right of way. Resubmit a corrected exhibit.
   2. **Scope of work:** All items shall be listed as existing or proposed.

B. **Offsite Information:**
   1. **Section Lines:** Identify
   2. **Street Improvements/furniture:** Accurately, identify existing and proposed curb, gutter, sidewalks (provide width), driveway approaches (provide width), street lights utility poles, boxes, guy wires, signs, fire hydrants, tree wells, etc.

C. **Onsite Information:**
   1. **Buildings:** Provide square footage.
   2. **Parking Lots:**
      a. **Stalls:** Provide length and width. Provide the number that are required. Identify the 3' vehicular overhang adjacent to continuous curbing. No obstructions shall be within the 3' overhang.
      b. **Curbs:** 6" high
      c. **Circulation Aisles:** provide widths
      d. **Lighting:** (not to be within the 3' vehicular overhang)
      e. **Disability signage:** not to be within the 3' vehicular overhang
      f. **Paving:** per Public Works Standards **P-21,P-22, P-23**

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, on which this review process is dependent, will be imposed whenever such conditions are disclosed.

Questions relative to dedications, street improvements or off-street parking geometrics may be directed to Louise Gilio at (559) 621-8678 / Louise.Gilio@fresno.gov, in the Public Works Department, Traffic and Engineering Services Division.

When preparing Street Plans and/or Traffic Control Plans for projects in the City of Fresno contact the Traffic and Engineering Services Division (Randy Schrey) in advance to make sure that sidewalks or an approved accessible path remain open during construction.

Survey Monuments and Parcel Configuration

All survey monuments within the area of construction shall be preserved or reset by a person licensed to practice Land Surveying in the State of California.

Street Dedications, Vacations and Encroachment Permits

Identify 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 public right of way. Also, identify the required **4'** minimum path of travel along the public sidewalk directly in front of property, as required by the California Administration Code (Title 24). **A pedestrian easement may be required if Title 24 requirements cannot be met.**

The construction of any overhead, surface or sub-surface structures and appurtenances in the public rights-of-way is prohibited unless an encroachment permit is approved by the City of Fresno Public Works Department, Traffic and Engineering Services Division,(559) 621-8693. Encroachment permits must be approved **prior** to issuance of building permits.

Street Improvements

All improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a **45** MPH design speed for Collectors and **55** MPH for Arterials. Utility poles, street lights, signals, etc. shall be relocated as determined by the City Engineer. The performance of any work within the public street rights-of-way (including pedestrian and utility easements) requires a **STREET WORK PERMIT prior** to commencement of work. Contact the City of Fresno Public Works Department, Traffic and Engineering Services Division at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the city **prior** to occupancy.

Repair all damaged and/or off grade off-site concrete street and/or alley improvements as determined by the City of Fresno Public Works Department, Construction Management Division, (559) 621-5600.

Olive Avenue: Collector

1. Remove all existing and/or proposed unauthorized improvements from the street right of way. See **Exhibit "A"**.

Alley:

1. Remove the parking shown within the existing alley or contact Traffic and Engineering Services for an application to vacate the existing alley prior to permits. Contact Alan James at **559-621-8693** for additional information regarding the vacation process.

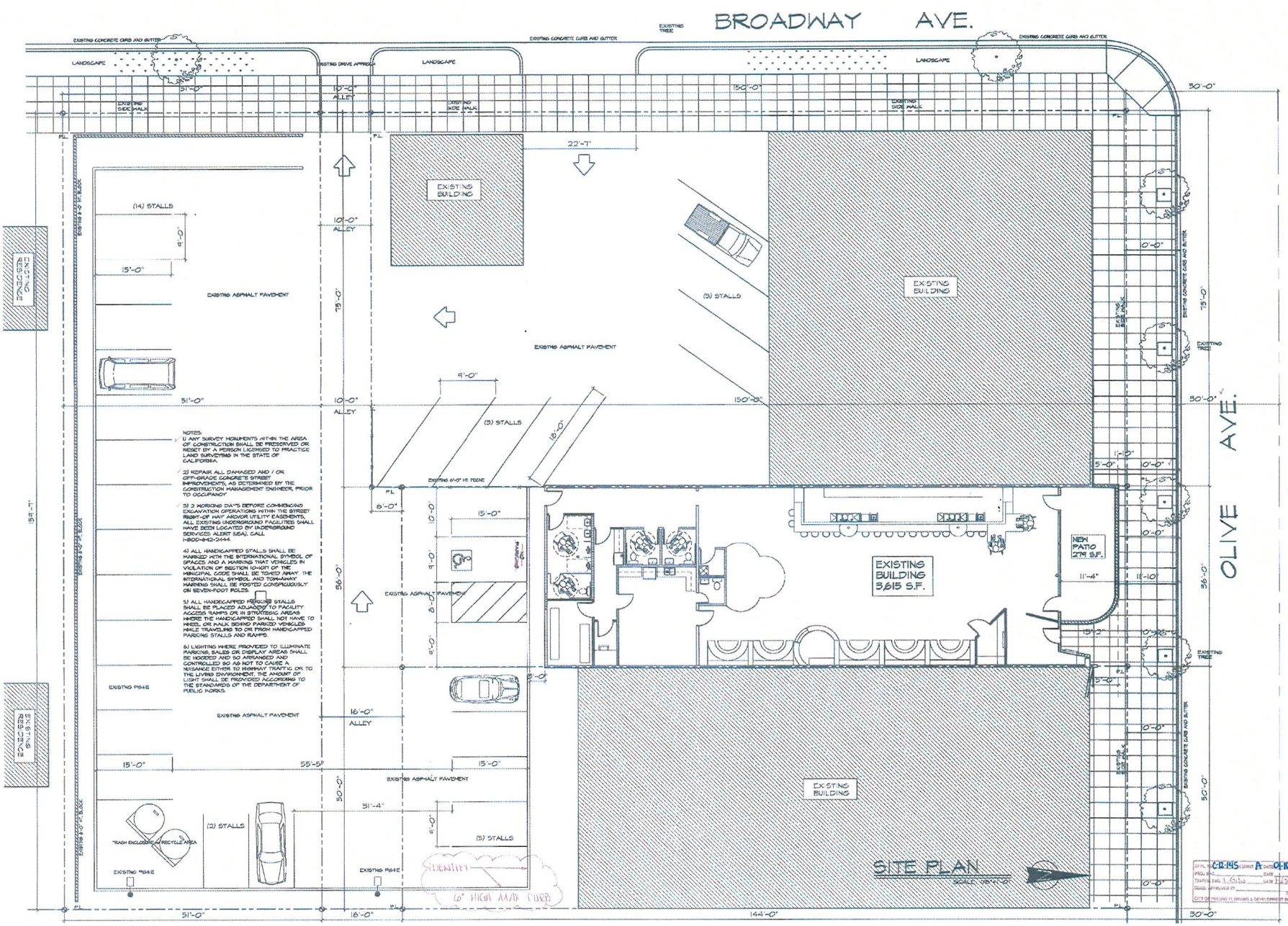
Off-Street Parking Facilities and Geometrics

1. Off-Street parking facilities and geometrics shall conform to the City of Fresno Public Works Department, Parking Manual and Standard Drawing(s) **P-21**, **P-22**, **P-23**.
2. Provide parking space needs, circulation, access, directional signs (e.g. "Entrance," "Exit," "Right Turn Only," "One Way" signs, etc.) as noted on **Exhibit "A".**

Traffic Signal Mitigation Impact (TSMI) Fee: This project shall pay all applicable TSMI Fees **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. Contact the Development and Resource Management Department, Frank Saburit at 559-621-8077.

Fresno Major Street Impact (FMSI)Fees: This entitlement is in the **Infill Area**; therefore pay all applicable City-wide regional street impact fees. Contact the Development and Resource Management Department, Frank Saburit at 559-621-8077.

Regional Transportation Mitigation Fee (RTMF): Pay all applicable **RTMF** fees to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148 ext. 200; www.fresnocog.org. Provide proof of payment or exemption **prior** to issuance of certificate of occupancy



NOTES:

1) ANY SURVEY MONUMENTS WITHIN THE AREA OF CONSTRUCTION SHALL BE PRESERVED OR RESET BY A PERSON LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF CALIFORNIA.

2) REPAIR ALL DAMAGED AND / OR OFF-GRADE CONCRETE STREET IMPROVEMENTS, AS DETERMINED BY THE CONSTRUCTION MANAGEMENT ENGINEER, PRIOR TO OCCUPANCY.

3) 2 WORKING DAYS BEFORE COMMENCING EXCAVATION OPERATIONS WITHIN THE STREET RIGHT-OF-WAY AND/OR UTILITY EASEMENTS, ALL EXISTING UNDERGROUND FACILITIES SHALL HAVE BEEN LOCATED BY UNDERGROUND SERVICES ALERT (USA). CALL 1-800-642-2444.

4) 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.

5) 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.

6) LIGHTING WHERE PROVIDED TO ILLUMINATE PARKING, SALES OR DISPLAY AREAS 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.

REVISIONS	BY
BACK CHECK 1 08-28-12	R.S.
BACK CHECK 2 01-08-13	R.S.

Drafting & Design

SITE PLAN

MARK T. CHIN ENGINEERI
CIVIL AND STRUCTURAL ENGINEE
4015 N. Fresno St. #1005 • Fresno, California 93726-
PH. (559) 226-4848 FAX. (559) 229-4

REGISTERED PROFESSIONAL ENGINEER MARK T. CHIN No. 2515 Expires 3-31-14 STRUCTURAL STATE OF CALIFORNIA

Proposed Tenant Improvement For:
TERRY G. STORY
716 E. Olive Ave.
Fresno, CA 93728

DRAWN RAMON SANCHEZ
CHECKED MARK T. CHIN
DATE 04-28-12
SCALE AS NOTED
JOB NO. 12-68
SHEET A1.0

APPL. NO. C-12-145 SUBMIT A DATE 01-10-13
PROJ. NO. DATE
TRAFFIC ENG. L. Gallo DATE 1-25-13
COND. APPROVED BY DATE
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT.

2ND

City of FRESNO

2600 Fresno Street-Third Floor
Fresno, California 93721-3604
(559) 621-8277 FAX (559) 488-1020

Development and Resource Management Department
Mark Scott, Interim Director

Project Comments from Planning dated February 8, 2013

PROJECT DESCRIPTION

Variance Application No. V-13-001 and Conditional Use Permit Application No. C-12-145 ABCUP were filed by Terry G. Story and pertains to 0.12 acre of property located on the south side of East Olive Avenue between North Fulton and North Broadway Avenues in the historic Tower District. The applicant requests authorization to reduce the required front yard setback from 10 feet to 1 foot-10 inches for the proposed outdoor patio, establish a State of California Alcoholic Beverage Control Type 48 liquor license (Bar, Night Club – sale of beer, wine, and distilled spirits for consumption on the premises where sold) at the proposed FAB Bar/Night club located within an existing building, and add an approximately 279 square foot patio.

APN: 452-032-24 **ADDRESS: 716 East Olive Avenue**

GENERAL INFORMATION

ZONING		
	Existing	C-6 (*Heavy Commercial District*)
	Requested	N/A
	Pending	N/A
PREVIOUS ACTIONS		
	Applications	N/A
	Covenants/ Easements	The applicant has obtained a written agreement from the property owner of the parking lot to the south (APN 452-032-22) for the two additional required parking spaces.
	Development Agreements	N/A
TRACT MAP or LOT SPLIT		Walling Tract and Lot Line Adjustment No. 2012-10

PROPERTY DEVELOPMENT STANDARDS

Use the website below to access the Zoning Ordinance (Chapter 12, articles 2 and 3) to find more information on zoning/property development standard requirements:

http://library.municode.com/index.aspx?clientId=14478&stateId=5&stateName=California

USE PERMITTED		
Pursuant to Section 12-222.3 of the Fresno Municipal Code (FMC), a night club is a use permitted subject to a conditional use permit. The use shall comply with Sections 12-326 and 12-327 of the FMC.		
LOT AREA		
	Permitted	No requirement.
	Proposed	The subject property is ±0.12 acres.
LOT DIMENSIONS		
	Permitted	Width—No Requirement, Depth—150 feet
	Proposed	The subject property is approximately 36 feet by 144 feet.

DWELLING UNIT DENSITY					
	Permitted	None			
	Proposed	N/A			
BUILDING HEIGHT					
	Permitted	No building or structure erected in this District shall have a height greater than 35 feet.			
	Proposed	Exhibit E dated December 4, 2012 depicts an existing building 15 feet in height. The proposed patio will not exceed the existing height.			
YARDS					
	Required Building Setback			**Proposed Building Setback**	
	Front (Olive)	10 feet		Front	Exhibit A dated January 10, 2013 depicts the existing building 6 feet-10 inches from the north property line. The applicant proposes a 1 foot-10 inch setback.
	Interior Side	None		Interior Side	None
	Rear	10 feet abutting residential zoned or planned for residential use		Rear	Exhibit A shall depict the dimension between the rear of the building to the south property line.
	Required Landscaping Setback			**Proposed Landscaping Setback**	
	Front	10 feet		Front	The building is located within the setback and is requesting a variance approval to reduce the setback.
All required yards shall extend the full width or depth of the lot and shall be open from the ground to the sky, except as provided in Subsection 12-105-L-4, Section 12-105-Y (yard) and the exceptions of Subsection 12-216.5-E-5 (C-P District). The first 10 feet of a required yard abutting a street shall be landscaped and maintained in accordance with Section 12-306-N-24 of the FMC. Except as provided in b. above, all yards may be used for parking, loading, or access to parking or loading.					
SPACE BETWEEN BUILDINGS					
	Main Buildings	N/A			
LOT COVERAGE					
	Required	No requirement.			
	Proposed	Exhibit A shall depict the total square feet for the existing building and the proposed patio.			
FENCES, HEDGES, WALLS					
	Required	Fences, hedges, and walls, not greater than six feet in height, shall be permitted on all rear and side property lines, and on or to the rear of all front and street side yard setback lines. No fence, hedge or wall over three feet in height shall be permitted in any required front yard setback area.			
	Proposed	Depict any existing/proposed fencing on the site plan.			

OFF-STREET PARKING		
	Required	The subject property is located within the Tower District Specific Plan Area and shall comply with the Tower District Specific Plan Area Design Guidelines. The parking requirement in the Tower District is different than other areas of the City. The guidelines state that "the amount of parking allowed should be limited, because too much surface parking degrades the pedestrian experience and dilutes the neighborhood's 'critical mass.'" Therefore, the parking requirement minimum shall be at least 40% of the minimum parking requirement of the C-5 zone district. The C-5 zone district refers you to the requirements of the C-6 zone district, which requires at least one square foot of off-street parking area for each one square foot of floor area. 3,894 square feet/370 square feet = 11 parking spaces 40% of 11 parking spaces = 5 parking spaces Therefore, the project shall provide a minimum of five parking spaces. .
	Proposed	The subject property currently has three parking spaces on-site. The applicant has obtained an agreement from the property owner of the parking lot to the south of the property (APN 452-032-22) to use two of the parking spaces. Therefore, the applicant complies with the requirement.
ACCESS		
	Required	There shall be adequate vehicular access from a dedicated and improved street, service road, or alley.
	Proposed	Access is from the existing alley south of the subject property.
OUTDOOR ADVERTISING		
	Required	The provisions of the C-1 District, Section 12-217.5-K of the FMC, shall apply for properties which are developed either for single-occupancy, nonresidential uses or as multiple-tenant shopping centers.
	Proposed	Depict any proposed signs on the site plan.
LOADING SPACES		
	Required	No loading space is required for commercial buildings or uses between 0 and 3,500 square feet. One loading space is required for commercial buildings between 3,501 and 15,000 square feet. If trucks over two tons will not be used for the proposed project, provide staff with a letter stating none will be used.
	Proposed	None

SUMMARY AND OTHER COMMENTS /REQUIREMENTS

A. Section 12-326 and 12-327

(1) A night club in the C-6 zone district has no additional requirements for setback or floor area.

(2) A night club in the C-6 zone district shall stop sales, service, and consumption of alcohol by 2:00 a.m. nightly.

(3) The granting authority for a night club in the C-6 is the Planning Commission. Prior to scheduling the hearing, all exhibits shall be corrected and reflect all the above mentioned comments and various agency comments.

B. Miscellaneous

(1) See the **attached** General Notes and Requirements for Entitlement Applications for additional general notes and requirements.

(2) The environmental review for the proposed project has not been completed. The initial study for the proposed project is in process. Additional information as requested in this packet is needed before the initial study can be completed.

C. Local Plans and Policies

(1) The appropriateness of the proposed project will be fully 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 prior to granting of Variance Application No. V-13-001 and Conditional Use Permit Application No. C-12-145.

Attachments: General Notes and Requirements for Entitlement Applications
Sections 12-326 and 12-327 of the FMC

General Notes and Requirements for Entitlement Applications

GENERAL

(Notice: Not all conditions will be applicable to all projects)

1. Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. *This special permit is granted, and the conditions imposed, based upon the Operation Statement provided by the applicant. The Operation Statement is material to the issuance of this special permit. Unless the conditions of approval specifically require operation inconsistent with the Operation Statement, a new or revised special permit is required if the operation of this establishment changes or becomes inconsistent with the Operation Statement.* Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the special permit or any other enforcement remedy available under the law. The Development and Resource Management Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.

2. No uses of land, buildings, or structures other than those specifically approved pursuant to this site plan shall be permitted.

3. Development shall take place in accordance with the Standards, Specifications, and Standard Drawings of the City of Fresno Public Works Department; http://www.fresno.gov/Government/DepartmentDirectory/PublicWorks/DeveloperDoorway/Technical+Library/StandardSpecificationsandDrawings.htm

4. Development shall take place in accordance with all city, county, state and federal laws and regulations.

5. All proposed building(s) or structure(s) constructed on the property must comply with the prevailing California Building Code Standards.

6. Any building modifications and/or additions not included with this application are not approved with this special permit and would be subject to a new special permit.

7. For projects initiated in response to code enforcement action, the exercise of rights granted by this special permit must be commenced by six months. Completion of the project, including improvements, shall occur by 12 months.

FENCES/WALLS, LANDSCAPING, PARKING

8. 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.

9. Future fences shall be reviewed and approved by the Development and Resource Management Department prior to installation.

10. No structures of any kind (*including signs and/or fences*) may be installed or maintained within the required-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.

11. Provide shade calculations on the landscape plan for parking lot shading in accordance with the attached *Development Department, Performance Standards for Parking Lot Shading*, including tree species and tree counts.

12. Disperse trees over the parking lot area to provide 50 percent shading of the parking area surface within 15 years. (This requirement may be reduced to 40 percent for existing development if it is demonstrated that the constraints of an existing site would make it impossible to meet the normal standards.) Trees shall also be planted in the required landscaped area along the periphery of the development in order to shade and enhance adjacent property and public rights-of-way. Refer to the attached "Performance Standards for Parking Lot Shading," for the tree list and further details.

13. 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 Development and Resource Management Department.

14. 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 Development Services Division. **(Include this note on the site and landscape plans.)**

15. Prior to final inspection, a written certification, signed by a landscape professional approved by the Director, shall be submitted stating that the required landscaping and irrigation system was installed in accordance with the landscaping and irrigation plans approved by the Development Services Division, Development Department.

16. Future tenant improvements shall be reviewed and approved by the Development and Resource Management Department to ensure that adequate off-street parking is provided.

17. The parking lot design must accommodate the provision of trees in accordance with the attached Parking Lot Shading Policy.

18. A minimum number of accessible parking stalls are required for the proposed project per State of California Building Code, "Development Requirements for Handicapped Accessibility."

19. All accessible stalls shall be marked with the international symbol of spaces and a warning that vehicles in violation of Section 10-1017 of the Municipal Code shall be towed away. The international symbol and tow-away warning shall be posted conspicuously on seven-foot poles. **(Include this note on the site plan.)**

20. All accessible 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 accessible parking stalls and ramps. **(Include this note on the site plan.)**

21. Lighting where provided to illuminate parking, sales or display areas 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.**

22. Bicycle parking spaces shall be supplied at a rate of 10% of the automobile spaces provided pursuant to Section 12-306-I-2.1c of the Fresno Municipal Code (FMC). 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 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.

23. All general provisions of Section 12-306-I of the FMC shall apply to all parking areas. http://library.municode.com/HTML/14478/level3/MUCOFR_CH12LAUSPLZO_ART3GECOAPZO.html#MUCOFR_CH12LAUSPLZO_ART3GECOAPZO_S12-306PRDEST

SIGNAGE

24. All future signs shall be architecturally compatible with the proposed building(s). Provide a set of drawings, with descriptive information, including, materials, design and colors to allow for a preliminary assessment of the future signage. It is recommended that you provide a copy of the signage early in the project process to allow for staff comment.

25. Signs, *other than directional signs, if applicable*, are not approved for installation as part of this special permit. **(Include this note on the site plan.)**

26. All proposed signs shall conform to the current sign ordinance. Applications for a sign permit and requirements for submittal are available at the Development and Resource Management Department's Public Front Counter or online at http://www.fresno.gov/Government/DepartmentDirectory/PlanningandDevelopment/Planning/SignsandBanners.htm

27. Window signs are limited to four square feet in area, providing information about hours of operation and emergency, sale or rental information only. Exterior signage such as banners, flags and pennants are prohibited. However, special event banner signs are permitted for 30 days if approved by the Development and Resource Management Department, attached to the building, and not exceeding 32 square feet in area.

28. Permanent window signs over six square feet in area can be submitted for approval under a sign review application (for a current fee of $150).

MISCELLANEOUS

29. Noise levels shall not exceed the decibel levels described in Section 10-102.b of the FMC at anytime, measured at the nearest subject property line. http://library.municode.com/HTML/14478/level3/MUCOFR_CH10REREPUNUREPRCOUS_ART1NORE.html#MUCOFR_CH10REREPUNUREPRCOUS_ART1NORE_S10-102DE

30. There shall be adequate 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. Vehicular and/or pedestrian access shall be provided and shall remain clear at all times.

31. The address listed in the conditions of approval is the 'Official Address' given to the building. If you would like separate suite or unit numbers for a building, provide a floor plan and contact the City of Fresno Development and Resource Management Department for 'Official Addresses'. **Only those**

addresses assigned by the City of Fresno will be recognized as 'Official Addresses'. The United States Post Office will only recognize addresses assigned by the City of Fresno. If a non-official address is given to a building and or/separate suites, the City of Fresno has the authority to charge a fee and have those addresses corrected. In addition, the United States Post Office will cease mail delivery to those addresses that are not 'Official Addresses'.

32. All projects, including projects that involve less than one acre of property, are required to comply with the City of Fresno's Urban Storm Water Quality Management and Discharge Control Ordinance, FMC Chapter 6, Article 7 (FMC Sections 6-701 *et seq.*)

    When a project involves one acre or more of construction activity (including, but not limited to, grading) the developer is required to obtain a stormwater discharge permit for construction, with a Notice of Intent (NOI) filed **prior to** commencement of any grading construction activity. Contact the Fresno office of the California Regional Water Quality Control Board at 559-445-6281 regarding the required NOI and stormwater discharge permit. Additional information on California's construction stormwater regulation may be obtained from the Water Board via the internet: *www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml*. Helpful information for preparing and implementing stormwater pollution prevention plans may also be obtained from the California Stormwater Quality Association via its website, *www.casqa.org*

    When a project involves specified nonresidential activities (certain commercial and industrial activities), an ongoing industrial stormwater discharge permit is also required. Contact the Fresno office of the California Regional Water Quality Control Board at 559-445-6281 to find out whether your project/business requires an industrial stormwater discharge permit, and to obtain details on securing this permit. Additional information on industrial stormwater discharge regulation may be obtained from this website: *www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml*, and the California Stormwater Quality Association has additional information on preparing stormwater pollution prevention plans for these activities (*www.casqa.org*).

33. Screen all roof-mounted equipment from the view of public rights-of-way. **Depict all mechanical equipment on site plan and elevations.**

34. 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.)**

35. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted. If the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (Phone: (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (Phone: (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists. An archeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation. **(Include this note on the site plan.)**

36. If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist and, if the paleontologist determines the material to be significant, it shall be preserved. **(Include this note on the site plan.)**

37. Connection to a municipal water system is required.

38. Connection to a municipal City of Fresno sewer system is required.

39. City of Fresno water and sewer connection charge obligations applicable to this project will be computed during the building construction plan check process and shall be payable at time of issuance of building permit unless other arrangements have been approved to defer such payments to a later date. For information relating to water and sewer service requirements and connection charges, contact Frank Saburit at (559) 621-8277.

40. Open street cuts are not permitted; all utility connections must be bored.

41. CROSS-CONNECTION CONTROL. A backflow prevention device may be required on the water service. Contact the Department of Public Utilities, Water Division (559) 621-5300 for requirements relating to approved devices, locations, testing and acceptance. This requirement must be satisfied prior to final occupancy.

42. This project was reviewed by the Fire Department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building and Safety Section of the Development and Resource Management when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building.

FEES

(Not all fees will be applicable to all projects)

43. NOTICE TO PROJECT APPLICANT: In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

44. CITYWIDE DEVELOPMENT IMPACT FEES

    a) Traffic Signal Charge (FMC Section 12-4.1101 to 12-4.1103) This project shall pay its Traffic Signal Mitigation Impact Fee at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual. Refer to the adopted Master Fee Schedule for fee rate. This fee shall be paid at time of building permit.

    b) Fire Facilities Fee (FMC Section 12-4.901 to 12-4.906) (based on building square footage, or residential units)

    c) Police Facilities Fee (FMC Section 12-4.801 to 12-4.806) (based on building square footage, or residential units)

    d) Parks Facilities Fee (FMC Section 12-4.701 to 12-4.706) (based on the number of residential units)

45. CITYWIDE REGIONAL AND NEW GROWTH MAJOR STREET IMPACT FEES (FMC Section 12-4.1006)

a) Street Impact Fees shall be due and payable at the time of building permit issuance unless otherwise required by State law.

b) Street Impact Fees will be a condition on all development entitlements granted.

c) New construction on vacant parcels shall be calculated on a net acreage (adjusted acre basis) of the entire property subject to the development entitlement based upon planned land use. Notwithstanding, fees shall be based upon actual land use for developments in the C-M zone district and for development projects developed inconsistent with the plan land use.

d) New construction on property that is partially developed, Street Impact Fees will be applied to the incremental increase proportionate to the respective floor to area ratios (25% for commercial and 40% for industrial). In no case shall anyone pay more than the amount of the total net acreage of the parcel multiplied by the applicable fee rate.

e) Reuse being more intensive that the original use, the developer shall be required to pay the difference between the current amount of the Street Impact Fee obligation for the old use and the current amount of the Street impact Fee obligation for the new use.

46. FRESNO COUNTY FACILITY IMPACT FEE

a) Satisfy the Fresno County Facilities Impact Fee obligation. The requirement to pay this fee is currently suspended by Fresno County. However, payment of this fee will be required if the fee has been reinstated at the time of issuance of building permits for this project.

47. REGIONAL TRANSPORTATION MITIGATION FEE (RTMF)

a) Pay the RTMF fee to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148, ext. 200; www.fresnocog.org. Provide proof of payment or exemption prior to issuance of building permits.

48. SCHOOL FEES

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

49. FLOOD CONTROL FEES

a) Flood Control fees are due, if required, prior to issuance of building permits.

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

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

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

Effective January 9, 1999, Ordinance No. 98-97 also amended certain sewer connection charges. Fresno Municipal Code Article 15, Section 12 provides property owners the incentives and

deletes certain sewer connection charges pursuant to the Simple Tiered Equity Program (STEP) and the Employment Development Program (EDP). For additional information on the STEP and EDP, contact the Department of Public Utilities, Administration Division at (559) 621-8600.

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

    a) Frontage Charge (based on property frontage)

    b) Transmission Grid Main Charge (based on acreage)

    c) Transmission Grid Main Bond Debt Services Charge (based on acreage)

    d) UGM Water Supply Fee (based on living units, living unit equivalents or acreage)

    e) Wellhead Treatment Fee (based on living units or living unit equivalents)

    f) Recharge Fee (based on living units or living unit equivalents)

    g) 1994 Bond Debt Service Charge (based on living units or living unit equivalents)

    h) Service Charges (based on service size required by applicant)

    i) Meter Charges (based on service need)

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

SEC. 12-326. - RESTAURANTS, TAVERNS, AND NIGHT CLUBS.

A. Intent. The intent of this Section is to:

1. Clearly define these land uses.
2. Classify these uses by zone district.
3. Set development parameters for each type of use.
4. Establish specific and unique processing procedures.
5. Determine the appropriate granting authority.
6. Establish revocation procedures.

B. Applicable uses. There are three types of use applicable to this Section: restaurants serving alcoholic beverages, taverns and night clubs. Restaurants not serving alcoholic beverages are not subject to this Section (12-326). These three uses are defined in Subsections 12-105-R-5, 12-105-N-0.5, and 12-105-T-0.5, respectively.

1. If the business serves alcoholic beverages, it is required to obtain the appropriate license from the State of California, Department of Alcohol Beverage Control (ABC).
   a. Pursuant to Section 12-304, they must obtain approval of a conditional use permit for the retail sale of alcohol.
   b. All night clubs, whether or not they sell alcoholic beverages require a conditional use permit.
2. Only a Night Club may provide a dance floor for customer dancing.

C. Applicable Zone Districts. Each of the uses subject to this Section has been added as a use permitted subject to a conditional use permit to each applicable zone district, except in the C-4 (Central Trading) and C-C (Civic Central) zone districts.

1. Use within the C-4 (Central Trading) and C-C (Civic Center) zone districts are still subject to the operational standards set forth in the Tables I, II & III.

D. Plan Consistency. All entitlements filed under the auspices of this Section, shall be consistent with all applicable Plans.

E. Special Standards of Development. The following special standards have been crafted for Restaurants with alcohol sales, Taverns and Night Clubs. If there is a conflict between these standards and the standards of an applicable adopted Plan, the more restrictive standard shall govern unless said adopted plan contains specific language stating that the provisions of the plan prevails.

1. Table I, Table II and Table III, below, establish specific criteria for four standards. They are, with a brief description:
   a. Setback. Minimum horizontal distance, measured in feet, between the building, or portion of a building, occupied by the use, and the closest property line of existing residential uses, or property planned or zoned for residential uses.
   b. Floor Area. Maximum gross floor area of the occupancy, measured in square feet.
   c. Time to Stop Sales, Service and Consumption of Alcohol. Hour for each day of the week at which time the sale, service and consumption of alcoholic beverages shall cease. All alcoholic beverages must be removed from the customer area at the appointed hour. Each business may establish the time of "last call" for ordering alcoholic beverages.
   d. Granting Authority. Identifies the granting authority for each type of application.

2. Whenever Tables I, II and III specifies "No additional requirements", the standards of the District and/or adopted Specific/Community Plan in which the project is located shall apply.
3. The special standards of Tables I, II and III are not subject to modification by Variance or Minor Deviation Application.

TABLE I: Restaurant serving alcohol

Zone District	Special Standards of Development			
	Setback	Floor Area	Time to Stop Sales, Service and Consumption of Alcohol	Granting Authority
All Districts where listed as permitted	No additional requirements		12:30 am; Nightly	Director
Mixed Use Project	When a restaurant is included as part of a mixed use project. It is subject to the provisions of the Mixed Use Ordinance Section 12-325, and the Special Standards of this Table. However, if the restaurant is located in a building of three or more stories, and there is a residential use within said building the closing hour of alcohol service may be extended to 2:00 a.m. nightly.			

TABLE II: Tavern

Zone District	Special Standards of Development			
	Setback	Floor Area	Time to Stop Sales, Service and Consumption of Alcohol	Granting Authority
C-P	Minimum setback: 50-ft		10:00 pm Nightly	Director
	If setback is less than 200-ft:	Then maximum floor area is 2,500 sq. ft.		
	If setback is 200-ft or more:	Then maximum floor area is 4,000 sq. ft.		
	No additional requirements if located within a Hotel and access is only through the Hotel lobby		2:00 am Nightly	Director
C-1	Minimum setback: 50-ft		12:30 am: Sun. thru Thurs, 1:00 am. Fri. & Sat.	Director
	If setback is less than 200-ft:	Then maximum floor area is 2,500 sq. ft.		
	If setback is 200-ft or more:	Then maximum floor area is 4,000 sq. ft.		
C-2	Minimum setback: 50-ft		12:30 am: Sun. thru Thurs. 2:00 am. Fri. & Sat.	Director
	If setback is less than 200-ft:	Then maximum floor area is 3,000 sq. ft.		
	If setback is more than 200-ft. but less than 300-ft:	Then maximum floor area is 4,000 sq. ft.		

	If setback is equal to or more than 300-ft but less than 400-ft:	Then maximum floor area is 5,000 sq. ft.		
	If setback is 400-ft or more:	Then maximum floor area is 6,000 sq. ft.		
	If a proposal for a project does not meet the requirements for these special standards (i.e., setback, floor area or time to stop alcohol service) of development, except that there always shall be a minimum setback of 50-feet, refer to Subsection 12-326-G for details.			Planning Commission
C-3	If setback is less than 200-ft.	No additional requirements	2:00 am Nightly	Planning Commission
	If setback is 200-ft. or more.			Director
C-4	No additional requirements		2:00 am Nightly	By-Right Director
C-5	If setback is 50-ft. or less	Maximum floor area is 4,000 sq. ft. except if located within the Tower District Specific Plan area then there is no maximum floor area.	2:00 am Nightly	Planning Commission
	If setback is 50-ft. or more.			Director
C-6	If setback is 50-ft. or less		2:00 am Nightly	Planning Commission
	If setback is 50-ft. or more			Director
C-R	No additional requirements		2:00 am Nightly	Director
C-M	Minimum setback: 50-ft.		2:00 am Nightly	
	If setback is less than 200-ft	If floor area is 2,500 sq. ft. or less		Director
		And floor area is more than 2,500 sq. ft.		Planning Commission
	No additional requirements when located within the boundaries of the Central Area Community Plan			Director
M-1-P	Minimum setback: 50-ft.	If floor area is 2,500 sq. ft. or less	2:00 am Nightly	Director
	If setback is less than 200-ft	And floor area is more than 2,500 sq. ft.		Planning Commission
	If setback is 200-ft. or more			Director
M-1	Minimum setback: 50-ft.	If floor area is 2,500 sq. ft. or less	2:00 am Nightly	Director
	If setback is less than 200-ft.	And floor area is more than 2,500 sq. ft.		Planning Commission
	If setback is 200-ft. or more			Director
	No additional requirements when located within the boundaries of the Central Area Community Plan.			

M-2	Minimum setback: 50-ft.	If floor area is 2,500 sq. ft. or less	2:00 am Nightly	Director
	If setback is less than 200-ft.	And floor area is more than 2,500 sq. ft.		Planning Commission
	If setback is 200-ft. or more			Director
M-3	Minimum setback: 50-ft.	If floor area is 2,500 sq. ft. or less	2:00 am Nightly	Director
	If setback is less than 200-ft.	And floor area is more than 2,500 sq. ft.		Planning Commission
	If setback is 200-ft. or more			Director
CC	No additional requirements		2:00 am Nightly	By-Right Director
C-l	Not a permitted use in this District.			
Mixed Use Project	When a tavern is included as part of a mixed use project. It is subject to the provisions of the Mixed Use Ordinance Section 12-325, and the Special Standards of this Table. However, if the tavern is located in a building of three or more stories and there is a residential use within said building, the closing hour may be extended to 2:00 a.m. nightly.			

TABLE III: Night Club

Zone District	Special Standards of Development			
	Setback	Floor Area	Time to Stop Sales, Service and Consumption of Alcohol	Granting Authority
C-P	Not a permitted use unless located within a Hotel and access is only through the Hotel lobby: Then no additional requirements.			Director
C-1	Not a permitted use in this District			
C-2	Minimum setback: 50-ft		12:30 am: Sun. thru Thurs. 2:00 am Fri. and Sat.	Planning Commission
	If setback is less than 200-ft:	Then maximum floor area is 3,000 sq. ft.		
	If setback is 200-ft or more, but less than 300-ft:	Then maximum floor area is 4,000 sq. ft.		
	If setback is 300-ft or more but less than 400-ft:	Then maximum floor area is 5,000 sq. ft.		
	If setback is 400-ft or more:	The maximum floor area is 6,000 sq. ft.		
	If a proposal for a project does not meet the requirements for these special standards of development standards (i.e., setback, floor area, or time to stop alcohol service), except that there always shall be a minimum setback of 50-feet, refer to Subsection 12-326-G for details.			Planning Commission
C-3	If setback is less than 500-ft.	No additional requirements	2:00 am Nightly	Planning Commission

	If setback is 500-ft. or more			Director
C-4	No additional requirements		2:00 am Nightly	By-Right Director
C-5	Not a permitted use unless located within the boundaries of the Tower District Specific Plan area; Then no additional requirements.		2:00 am Nightly	Planning Commission
C-6	No additional requirements.		2:00 am Nightly	Planning Commission
C-R	No additional requirements.		2:00 am Nightly	Planning Commission
C-M	Not a permitted use unless located within the boundaries of the Central Area Community Plan, then no additional requirements.		2:00 am Nightly	Director
M-1-P	Not a permitted use.			
M-1	Not a permitted use unless located within the boundaries of the Central Area Community Plan, then no additional requirements.		2:00 am Nightly	Director
M-2	Not a permitted use.			
M-3	Not a permitted use.			
CC	No additional requirements.		2:00 am Nightly	By-Right Director
C-1	Not a permitted use.			
Mixed Use Project	When a night club is included as part of a mixed use project. It is subject to the provisions of the Mixed Use Ordinance Section 12-325, the property development standards of the underlying zone district, and the Special Standards of this Table.			

F. Additional Criteria. Each application shall be subject to the following criteria.

1. Operational statement. The operational statement shall include, but not be limited to the following:
   (1) Applicant's name, business address, & contact information;
   (2) Information as to persons doing business under fictitious names, members of partnerships, and officers of corporations or associations;
   (3) Exhibits that include a site plan and a detailed floor plan of the premises;
   (4) An evacuation plan in case of emergency;
   (5) Hours of operation;
   (6) Security Plan (including efforts to ensure that the parking area is monitored to prohibit loitering and crowd and line control);
   (7) Efforts that have been taken to discuss the proposal with neighbors;
   (8) Copy of a valid Business Tax Certificate, if in business; and
   (9) Any additional information as the Director may reasonably require to properly evaluate the application.

2. Multiple phases of operation. If a business proposes to operate in more than one mode of operation, e.g., a restaurant that converts to a night club in the evening, each phase shall be evaluated and conditions shall be assigned accordingly. Each phase must be allowed in the district.
3. Posting hours of operation and address. The owner and/or proprietor and/or applicant shall be responsible to conspicuously post the hours of operation for each phase type (i.e., restaurant, nightclub) near the entrance of the establishment. It shall be 8.5×11 inches in size, to be provided for by the City. This posting shall be made available to City officials upon request. Additionally, the address of each facility shall be posted in compliance with City codes.
4. Security. The Police Department shall make a recommendation to the Director for security measures for each application based upon the function of the establishment as described in the operational statement.
5. Third Party Promoters. Whenever an event is promoted by a Third Party the owner and/or proprietor and/or operator of the premises shall require that said Third Party obtain a business tax certificate from the City prior to holding such event.
6. Loitering.
   a. The owner and/or proprietor, and/or operator of the establishment is responsible to provide supervision (i.e., security) to prevent loitering in the immediate vicinity of the establishment.
      (1) During operating hours, the owner and/or proprietor shall prohibit loitering in the parking area.
      (2) After closing hours, the immediate vicinity of the establishment including its designated parking area, shall be cleared within 15 minutes. The designated parking area, shall be oriented away from residences as much as possible, and shall be clearly depicted on the development plan submitted for the conditional use permit.
   b. In the event that there is more than one establishment sharing a parking area, adjustments to the conditions of approval to each establishment shall be made so that there is a shared responsibility.
7. Patio Areas.
   a. Patios should be oriented and designed away from residences and must be buffered to ensure that noise is mitigated per the Noise Ordinance.
   b. If a proposed patio area is located within 1,000 feet of property planned or zoned for residential uses and is proposed to be used after 10 pm. an acoustical analysis must be conducted to ensure compatibility with the adopted City of Fresno Noise Ordinance. The analysis shall be submitted at the time of application.
   c. An acoustical analysis is not required when the patio area is either a part of a mixed use project that contains a residential component, is located within the boundaries of the Central Area Community Plan south of Divisadero Street, or the designated special area of the Tower District Specific Plan. However, if in a residential mixed use project, there are residences outside of the site within 1,000 ft., an analysis is still required.
8. Noise. Noise levels shall not exceed adopted levels per Fresno Municipal Code Chapter 10, Article 1.
9. Special Days of Celebration. The hours of operation, as illustrated in Tables I, II and III above, for the sale of alcohol on special days of celebration shall be the same as designated for weekend service. They are:

Federal Holidays	Other Days of Celebration
New Years Day	New Years Eve
Birthday of Martin Luther King, Jr.	Mardi Gras Day
Washington's Birthday	St. Patrick's Day
Memorial Day	May 5th (Cinco de Mayo)

Independence Day	Halloween
Labor Day	Thanksgiving Day Eve
Columbus Day	
Veterans Day	
Thanksgiving Day	
Christmas Day	

In addition, given the ethnic and cultural diversity of the city, the Planning Director, in consultation with the Police Chief, may authorize up to four other recognized cultural days of celebration per year per establishment upon review and approval.

10. Non-operating Rule. Whenever all of the rights granted by a conditional use permit are discontinued, the following rules to reestablish the use shall apply:
    a. One Year or less: The same operator or a different operator may reestablish the use pursuant to the preexisting conditional use permit and all conditions applicable thereto.
    b. More than One Year: A new conditional use permit is required.
11. Dancing: Refer to Section 12-327.

G. Procedures. Procedures for the processing of an application shall be in accordance with the provisions of Section 12-405 and 12-406, with the following modifications:

1. Granting Authority. If, as specified in Tables I, II and III the granting authority is the:
    a. Director. The application shall be processed pursuant to Sections 12-405 and 12-406
    b. Planning Commission. A duly noticed public hearing shall be conducted by the Commission who will approve, approve with conditions or deny the application.
    c. An application for a Tavern or 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 the following:
        (1) Neighborhood Meeting. The applicant shall conduct a public meeting, at its expense, prior to submitting their application. 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 also be submitted to the City. A detailed report of the meeting shall be submitted to the city with the application.
            (i) 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, or District if within a shopping center. Proof shall be submitted to the City that such a notice was mailed.
            (ii) The meeting shall be held at a place acceptable to the Director.
            (iii) The meeting shall begin between the hours of 6:00 p.m. and 7:00 p.m.
            (iv) The meeting shall not be held on a Friday, Saturday, Sunday, or on any of the Special Days of Celebration, as listed in Subsection 9, above.
        (2) This matter shall be presented to the Planning Commission.
2. Public Notice.
    a. All public notices shall be mailed to property owners within 500 feet of the subject site.
        (1) If the project is the sole use of the property (not a part of a shopping district), measure from the property lines of the subject site; or
        (2) If the project site is part of a shopping district, measure from the exterior boundaries of the shopping center (District boundaries).

b. Posting. The owner/proprietor/applicant shall be responsible to post required notices in a prominent place near the entrance to the premises. It shall be 11×17 inches in size, to be provided for by the City.

H. Revocation.

1. Procedure. For good cause, a special permit authorizing the establishment of a restaurant, tavern or night club, may be revoked pursuant to Section 12-405-E. In addition to the examples of what constitutes "good cause" in Section 12-405-E, examples also include, but are not limited to:
   a. Frequent calls for service to the Fresno Police Department regarding on-site issues, defined as occurring more than 1.5 times the average number of such response for property of a similar size and character and as further set forth and defined in the Management of Real Property Ordinance.
   b. When police calls for service where Part 1 Violent Crimes, such as aggravated assault, rape, assault with a deadly weapon, attempted murder, murder or an assault on a peace officer occur twice in a rolling twelve month period.
   c. Failure to comply with any condition contained in the special permit.
   d. Not functioning as the use approved by the special permit; as a restaurant, as a tavern or as a night club.
2. Director Initiation. The revocation process will be initiated by the Director within 10 business days after notification in writing of the following circumstances:
   a. Frequent calls for service regarding on-site issues, defined as occurring more than 1.5 times the average number of such response for property or a similar size and character.
   b. Resolution of a citation for failure to comply with a condition of the special permit is not forthcoming within 15-days.
   c. If there is resolution to a citation in a timely fashion, but there are additional citations issued three times in a rolling six month period.

I. Existing Uses.

1. Nonconforming: Existing establishments that have been legally established under previous regulations but do not conform to current law, may continue to operate as a recognized nonconforming use pursuant to Section 12-317, but shall not be subject to the amortization period set forth therein for Nonconforming Uses of Land or Nonconforming Uses of Buildings.
2. Loss of Nonconforming Status: Changes to an existing use that would cause the loss of a nonconforming status are, but not limited to, the following:
   a. When a business is closed for one continuous year.
   b. Change of use, e.g., from restaurant to a night club or if a single use would like to establish multiple uses.
   c. An increase of floor area (including patio area) for the existing use.
   d. A request to close at a later time.
   e. Pursuant to §23790 of the Business and Professional Code, State of California, a change in license type for the sale of alcoholic beverages (ABC License: i.e., from type 41 to type 47) shall be considered an interruption of use, requiring that the new license type be consistent with current zoning and land use regulations.
3. When a nonconforming status is lost, any subsequent use must be consistent with current zoning and land use regulations and a new conditional use permit is required.

SEC. 12-327. - DANCING

1. Dance types are being reduced from four dance permits (CLASS A. Cafe Dance, CLASS B(1), Social Dance, CLASS B(2) Social Dance, and CLASS C, commercial dance) to two dance types, Single Event and Night Club, while acknowledgement and status is given to valid dance permits that were issued by the Finance Department in accordance with the previous Ordinance but do not meet the current requirements as required by this Ordinance.
   (a) The following conditions shall define and apply to dances:
      (1) Type I: Single Event: Single event dances may be conducted by nonprofit organizations where such dances are not open to the general public. A total of 10, single event dances may be held per calendar year per nonprofit organization. A Conditional Use Permit is not required.
      (2) Type II: All other dances. may only be conducted in a Night Club per Sections 12-326 and 12-327. A Conditional Use Permit is required.
   (b) Hours of dancing:

Hours of Dancing

Age of Participants	Closing Hour	Extensions
Under 18 years of age	12 midnight	___
Under the age of 21	1 o'clock a.m.	___
21 and Over	2 o'clock a.m.	5 o'clock a.m. on New Year's Eve
	Night clubs may stay open until 4 o'clock a.m. in the Central Area Community Plan boundaries south of Divisadero Street.	
Restricted Hours	No dancing shall be held between the applicable closing hour and 8 o'clock a.m. on any day.	

Environmental Assessment

CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT NO. V13-001/C-12-145

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: Terry G. Story
FAB
716 East Olive Avenue
Fresno, California 93728

PROJECT LOCATION: 716 East Olive Avenue; Located on the south side of East Olive Avenue between North Fulton and North Broadway Avenues in the historic Tower District; APN: 452-032-24

PROJECT DESCRIPTION: Variance Application No. V-13-001 requests authorization to reduce the required front yard setback from 10 feet to 1 foot-10 inches for the proposed outdoor patio and Conditional Use Permit Application No. C-12-145 requests authorization to establish a State of California Alcoholic Beverage Control Type 48 liquor license (Bar, Night Club – sale of beer, wine, and distilled spirits for consumption on the premises where sold) at the proposed FAB Bar/Night club located within an existing building and the addition of a new patio.

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

EXPLANATION:

Section 15301/Class 1 states 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 reduction in the required front yard setback, an upgrade to the alcohol license, a night club classification, and construction of an outdoor patio. The proposed night club use 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. None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

Date: February 8, 2013

Prepared By: McKencie Contreras, Planner

Submitted By: Sophia Pagoulatos

Sophia Pagoulatos, Supervising Planner
City of Fresno
Development and Resource Management Department
(559) 621-8277