



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII-A
COMMISSION MEETING 6-15-11
APPROVED BY
 DEPARTMENT DIRECTOR

June 15, 2011

FROM: KEVIN FABINO, Planning Manager
Development Services Division 

THROUGH: MIKE SANCHEZ, Planning Manager
Development Services Division 

BY: MCKENCIE CONTRERAS, Planner
Development Services Division 

SUBJECT: CONSIDERATION OF CONDITIONAL USE PERMIT APPLICATION NO. C-11-020
AND ENVIRONMENTAL FINDING FOR ENVIRONMENTAL ASSESSMENT NO.
C-11-020

RECOMMENDATION

Upon consideration of staff evaluation, it can be concluded that the proposed Conditional Use Permit Application No. C-11-020 is appropriate for the project site. Therefore, staff recommends the Planning Commission take the following actions:

1. APPROVE the finding of a Class 1 and Class 32 Categorical Exemption for Environmental Assessment No. C-11-020 issued April 11, 2011.
2. DENY the appeal and UPHOLD the action of the Development and Resource Management Department Director approving Conditional Use Permit Application No. C-11-020 subject to the following:
 - a. Development shall take place in accordance with Exhibits A and F dated February 10, 2011.
 - b. Development shall take place in accordance with the Conditions of Approval dated April 13, 2011.

EXECUTIVE SUMMARY

Conditional Use Permit Application No. C-11-020, filed by Manuel Saldana, pertains to a portion of approximately 3.30 acres of property located on the west side of Fresno Street between 'E' and 'F' Streets. The applicant requests authorization to establish a State of California Alcoholic Beverage Control Type 48 license (*Bar, Night Club - sale of beer, wine, and distilled spirits for consumption on the premises where sold; minors are not allowed to enter and remain*) for the Los Arcos Night Club.

The Development and Resource Management Department Director approved this conditional use permit application on April 13, 2011. In accordance with the Special Permit Procedures of the Fresno Municipal Code (FMC), a notice of granting of the conditional use permit application was mailed to surrounding property owners and interested parties. In response to this notice, one appeal was received.

PROJECT INFORMATION

PROJECT	Conditional Use Permit Application C-11-020 requests authorization to establish a State of California Alcoholic Beverage Control Type 48 license (<i>Bar, Night Club - sale of beer, wine, and distilled spirits for consumption on the premises where sold; minors are not allowed to enter and remain</i>) for the Los Arcos Night Club.
APPLICANT	Manuel Saldana (business owner)
LOCATION	1435 Fresno Street; Located on the west side of Fresno Street between 'E' and 'F' Streets. (APN: 467-064-14) (Council District 3, Councilmember Baines)
SITE SIZE	± 3.30 acres
LAND USE	Existing - Retail/Restaurant Use Proposed - Los Arcos Night Club
ZONING	C-M (<i>Commercial and Light Manufacturing</i>)
PLAN DESIGNATION AND CONSISTENCY	The request to establish a night club is consistent with the existing C-M (<i>Commercial and Light Manufacturing</i>) zone district and the Light Industrial planned land use designation of the 2025 Fresno General Plan, the Central Area Community Plan, and the Fresno Downtown-Chandler Airport Specific Plan.
ENVIRONMENTAL FINDING	The proposed project was determined to be exempt from CEQA by the Development and Resource Management Department on April 11, 2011 through a Class 1 and Class 32 Categorical Exemption.
PLAN COMMITTEE RECOMMENDATION	Currently there is no District 3 Plan Implementation Committee that reviews entitlements.
STAFF RECOMMENDATION	Approve Conditional Use Permit Application No. C-11-020

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Light Industrial	C-M <i>Commercial and Light Manufacturing District</i>	Shopping Center
South	Commercial/Mixed Use Level 2 (Central Area) & Public Facility	C-4 <i>Central Trading District</i>	Fire Department Facility
East	Light Industrial	C-M <i>Commercial and Light Manufacturing District</i>	Shopping Center
West	Light Industrial	C-M <i>Commercial and Light Manufacturing District</i>	Vacant Building & Fast Food Restaurant

ENVIRONMENTAL FINDING

The proposed project was determined to be exempt from the California Environmental Quality Act (CEQA) on April 11, 2011, under a Class 1 and Class 32 Categorical Exemption. Under Sections 15301/Class 1 and 15332/Class 32 exemptions, minor alterations and in-fill development that meets the following conditions are exempt from CEQA: a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations, b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses, c) the project site has no value as habitat for endangered, rare or threatened species, d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and e) the site can be adequately served by all required utilities and public services.

The proposed project consists of a night club with dancing until 2:00 a.m. and is consistent with the 2025 Fresno General Plan and the Central Area Community Plan. The operation of a night club on the site is allowed within the designated zone district within the Central Area Community Plan. 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.

ANALYSIS

LAND USE PLANS AND POLICIES

The subject property is located within the boundaries of the Fresno Downtown-Chandler Airport Specific Plan, the Central Area Community Plan and the 2025 Fresno General Plan. The proposed project has been required to comply with all applicable goals and policies contained within these plans.

Fresno Downtown-Chandler Airport Specific Plan

The subject property is located within the boundaries of the Fresno Downtown-Chandler Airport Specific Plan. Upon reviewing the policies contained in the Plan staff has determined that there are no policies that are applicable or are more restrictive than those contained in the FMC

Central Area Community Plan

Development is subject to Central Area Community Plan goals, goals and policies, which include the following:

1. Goal 8.3: Promote, secure and enhance the Central Area as the urban-oriented cultural and entertainment center for the central San Joaquin Valley.
2. Cultural and Entertainment Policy 2: Maintain and improve public and private cultural and entertainment facilities in the Central Area.
 - a. Implementation Action: Cul 2-4: Encourage and support existing facilities and construct new facilities as necessary to stage cultural and entertainment activities.

2025 Fresno General Plan

The following objectives and policies of the 2025 Fresno General Plan are applicable to the subject property:

- (i) Objective C-5: Improve the overall image, building appearance, landscape character, and

spatial relationships of physical elements in the Central Plan Area to provide a unique, high-quality urban environment.

- a. Policy C-5-e: Provide and maintain an urban image which creates a "sense of place" for Fresno's Central Area and promotes a greater concentration of buildings and people.

Upon consideration of all relevant plans and policies, it can be concluded that the proposed project meets the intent of the aforementioned objectives and policies.

DIRECTOR'S ACTION ON CONDITIONAL USE PERMIT

The Development and Resource Management Department Director took action on April 13, 2011 to approve Conditional Use Permit Application No. C-11-020. In accordance with Government Code Section 65091 (Planning and Zoning Law) and the Special Permit Procedure of the FMC, a notice of granting of the conditional use permit application was mailed to surrounding property owners within 350-feet of the subject property (Noticing Map attached as Exhibit C) and interested parties. The special permit does not become effective until 15 days from the date the special permit is granted in order to allow time for any interested parties to file an appeal.

One appeal was received during the 15-day appeal period. This appeal letter is attached as Exhibit D.

ANALYSIS OF THE APPEAL LETTER

Below is an analysis of the issues raised in the appeal letter received on April 26, 2011 from The H.E.A.T. for Southwest Fresno Community.

Issue #1: The area is not suited for a nightclub operation.

Response:

The subject property is located within the C-M (*Commercial and Light Manufacturing*) zone district which permits a night club use subject to a conditional use permit. The subject property is surrounded by commercial and light industrial uses. The nearest residential development is located west of Freeway 99, over 1,000 feet from the subject property. The applicant will be subject to compliance with the conditions of approval dated April 13, 2011.

Issue #2: The immediate area has an abundance of venues for the sell and purchase of alcoholic beverages.

Response:

The applicant will be required to comply with the Department of Alcoholic Beverage Control (ABC) review and compliance process in order to obtain a Type 48 liquor license. As part of the process, ABC makes a determination whether there is an over concentration of alcohol licenses in a defined area. In contrast, the City issues a conditional use permit which may allow the use in accordance with the Zoning Ordinance and assuming the applicant also obtains a liquor license as required by law. As such, there is a chance that the conditional use permit could be approved by the City, but the actual license be denied by ABC.

Issue #3: There will be an increase in traffic and could compromise the only direct route to medical services that are not hindered by the railroad tracks that lead from southwest Fresno.

Response:

There is no substantial evidence in the record that the proposed project will cause an increase in traffic or compromise access to southwest Fresno. Fresno Street is designated as an arterial street. The Public Works Department program for calculating trip generations is based on peak hours. The operations of the proposed night club are between 8:00 p.m. and 2:00 a.m., which are after peak hours. Therefore, the proposed use will not affect peak hour traffic.

Issue #4: There were issues raised by Merger 1 Amendments that are of concern to the residents of southwest Fresno.

Response:

The Redevelopment Agency Preliminary Report for the Amendments to Merger No. 1 states "an excess of bars, liquor stores and other liquor outlets" may be a threat to public health and safety. However, the State of California has enacted the Alcoholic Beverage Control Act to protect the safety, welfare, health, peace, and morals of the people of California. Therefore, the amendment is merely addressing the issue of excessive outlets and what the State of California is doing to protect health and safety of the citizens.

CONDITIONAL USE PERMIT APPLICATION REVIEW FINDINGS

No special permit may be issued unless it is found that the privilege exercised under the permit, as it may be conditioned, conforms to the findings of Section 12-405-A-2 of the Fresno Municipal Code. Based upon analysis of the conditional use permit application, staff concludes that all of the required findings can be made for this conditional use permit application as follows:

Findings per Fresno Municipal Code Section 12-405-A-2	
<i>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,</i>	
Finding a:	Conditional Use Permit Application No. C-11-020 will comply with all applicable codes, given that the special conditions of project approval will ensure that all conditions are met prior to the occupancy of the proposed building. The subject property is adequate in size and shape to accommodate the proposed use.
<i>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,</i>	
Finding b:	Conditional Use Permit Application No. C-11-020 is located on the west side of Fresno Street (Arterial) between E and F Streets. The streets relating to the site will be able to carry the quantity and kind of traffic generated.

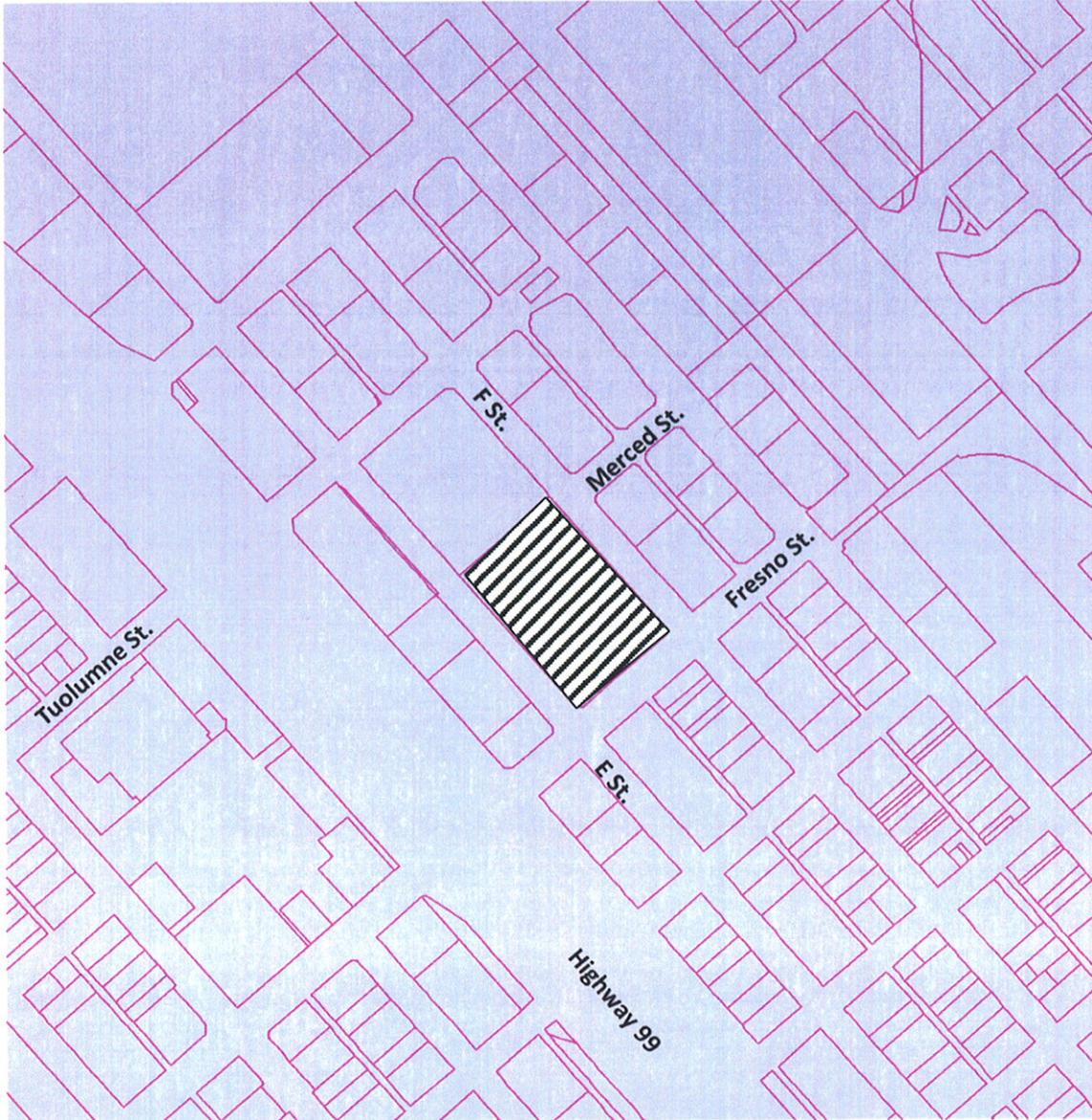
<i>c. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. The third finding shall not apply to uses which are subject to the provision of Section 12-306-N-30 of the FMC.</i>	
Finding c:	The approval of this conditional use permit application will not be detrimental to the public welfare or injurious to property or improvements in the area. The applicant will be required to comply with the conditions of approval, which include conditions from the Fresno Police Department.

CONCLUSION

In conclusion, given that all mandated conditional use permit findings required pursuant to Section 12-405-A-2 of the Fresno Municipal Code can be made for Conditional Use Permit Application No. C-11-020, staff recommends that the Planning Commission deny the appeal and uphold the action of the Director as previously described in this staff report.

- Attachments:
- Exhibit A: Vicinity Map
 - Exhibit B: Aerial Photograph of site
 - Exhibit C: Noticing Map
 - Exhibit D: Appeal Letter
 - Exhibit E: Conditions of Approval dated April 13, 2011
 - Exhibit F: Site Plan, Floor Plan
 - Exhibit G: Operational Statement
 - Exhibit H: Environmental Assessment No. C-11-020

Exhibit A
Vicinity Map



Subject Property

VICINITY MAP

DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

Conditional Use Permit Application
No. C-11-020

PROPERTY ADDRESS

1435 FRESNO STREET



Not To Scale

APN: 467-064-14

Zone District: C-M (*Commercial and Light Manufacturing*).

By: M. Contreras, April 12, 2011

Exhibit B
Aerial Photograph of Site



**Subject
Property**

Exhibit C
Noticing Map

Exhibit D
Appeal Letter

The H.E.A.T for SouthWest Fresno Community

(Hope Effort Appropriately Thriving)

P O Box 12571

Fresno, CA 93778

e-mail:HEATSWFC@aol.com

April 26, 2011

John M. Dugan, AICP, Director
Development & Resource Management Department
2600 Fresno St., Room 3076
Fresno, CA 93721

Re: Conditional Use Permit Application No. C-11-020

Please be advised that H.E.A.T. for SW Fresno Community is opposed to the above-mentioned Conditional Use Permit Application No. C-11-020 for the Los Arcos Night Club.

We are residents of SouthWest Fresno, the area of this proposed night Club. The area, in our opinion, is not suited for a nightclub that will be open 7 days a week from 8:00 pm to 2:00 am.

The immediate area has an abundance of venues for the sell and purchase of alcoholic beverages. There are three gas stations in the area, two west of and one east of Highway 99, as well as Rite Aide and FoodMaxx in the Kearney Palms Plaza Shopping Center that sell alcoholic beverages.

In addition, this site is directly across the street from a Fire Station and will be on a major street, Fresno St., that leads into SouthWest Fresno. It will increase traffic and could compromise the only direct route to medical services that are not hindered by the railroad tracks that lead from SW Fresno.

Attached are three pages from the Preliminary Report for the Amendments

to the Merger No. 1, prepared for the Redevelopment Agency of the City of Fresno, dated July 21, 2008, prepared by Keyser Marston Associates, Inc.. Starting on page 67 at #5, including the footnote, and continuing on pages 68 & 69 (tables 24 & 25) are issues raised by the preparers of this report. The issues are valid and are of concern to the residents of SW Fresno.

Based on the information provided in this letter, H.E.A.T. for SW Fresno Community request that the granting of special permit, Conditional Use Permit Application No. C-11-020 be **DENIED**.

Sincerely,

H.E.A.T. for SW Fresno Community

Cc: McKencie Contreras

Councilmember Oliver Baines

There were a total of 498 incidents of these conditions noted affecting 400 or 14 percent of parcels in the Project Area.

These data indicate that the Project Area has a significant number of overcrowded housing units and that overcrowding is continuing to become a more severe problem. The high levels of overcrowding coupled with the deteriorated condition of many of the housing units (as described herein and shown on Figure 6) and high levels of code complaints, indicate that there are unsafe, unhealthy and overcrowded living conditions in portions of the Project Area.

5. An Excess of Bars, Liquor Stores and Other Liquor Outlets

The links between the availability of alcohol and threats to the public health and safety have been well established throughout the U.S. Problems such as traffic accidents and fatalities, homicides and violent assaults have been shown to be aggravated by the use of alcohol.³⁴ An article published in *USA Today* described the crackdown on drunk driving instituted in the City of Fresno to reduce driving fatalities where alcohol is involved by setting up checkpoints and bar sting operations.³⁵

In order to promote temperance in the use and consumption of alcoholic beverages, and to protect the safety, welfare, health, peace, and morals of the people of California, the State Legislature enacted Section 23000 et seq. of the California Business and Professions Code, i.e., the "Alcoholic Beverage Control Act." The regulations are administered by the California Department of Alcoholic Beverage Control (ABC) throughout California. The ABC reviews applications for licenses to sell or distribute alcoholic beverages and controls the number of licenses issued. ABC retail licenses fall into two broad categories: "on-sale" licenses for the sale of alcoholic beverages to be consumed on the premises of the sale and "off-sale" licenses for the sale of alcoholic beverages to be consumed off the premises of the sale. The most common types of retail licenses are summarized on Table 24.

³⁴ An analysis of the prevalence of alcohol involvement in crime by the U.S. Department of Justice found that an estimated 32 percent of fatal accidents involved an intoxicated driver or pedestrian (the majority were drivers). Among violent crime victims who provided information about the offender's use of alcohol, 35 percent of the victimizations involved an offender who had been drinking. Among victims who suffered violence by an intimate (a current or former spouse, boyfriend or girlfriend), two-thirds reported the offender had been using alcohol. Source: *Alcohol and Crime. An Analysis of National Data on the Prevalence of Alcohol Involvement in Crime* (Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, revised April 28, 1998, pages v and vi.

³⁵ Copeland, Larry, "Some see Fresno's DUI crackdown as a model," *USA Today*, 6 November 2006, downloaded March 25, 2008 at: http://www.usatoday.com/news/nation/2006-11-05-fresno-dui-model_x.htm

Table 24: Types of Retail Alcoholic Beverage Licenses

License Type	Description
On-Sale General	Authorizes the sale of all types of alcoholic beverages (beer, wine and distilled spirits) for consumption both on the premises and the sale of beer and wine for consumption off the premises. Bars and restaurants that serve alcohol would be included in this category.
Off-Sale General	Authorizes the sale of all types of alcoholic beverages for consumption off the premises in original, sealed containers. Supermarkets and liquor stores generally fall into this category.
On-Sale Beer and Wine	Authorizes the sale of all types of wine and malt beverages for consumption on and off the premises. Typical businesses in this category include restaurants that serve beer and wine only.
Off-Sale Beer and Wine	Authorizes the sale of all types of wine and malt beverages for consumption off the premises in original, sealed containers. Mini- and quick-stop markets (i.e. 7-Eleven or an AM-PM Mini Mart) would fall into this category.

Source: ABC website at: http://www.abc.ca.gov/questions/licenses_faqs.html

The ABC has the authority to refuse to issue a license under certain conditions and may also place restrictions on the operations of a licensee. For example, the ABC may limit the hours of operation or impose other restrictions to alleviate objections to the premises' operation. Such restrictions have been imposed on operations in the vicinity of churches, schools and residential areas.

In addition to regulating the types of establishments that sell alcohol and their operations, there are also restrictions on the number of licenses that may be issued at any one time based upon the number of licenses per capita city-wide and/or county-wide. The ABC may limit the number of new licenses issued to conform to those limits. As shown in the following table, the number of on-sale general and off-sale general licenses are limited on a county-wide basis; the number of off-sale beer and wine licenses is limited on a city-wide and county-wide basis; and the number of off-sale beer and wine and off-sale general licenses combined is limited on a city-wide and county-wide basis. Nevertheless, the control of licenses on a city- or county-wide basis does not prevent over-concentration of liquor outlets within specific communities. Furthermore, the ABC does not impose a limit on the number of on-sale beer and wine licenses in a county or a city. As shown on Table 25, the Project Area includes a significantly higher proportion of liquor outlets than the City and the County overall.

Table 25: Comparison of Alcohol License Ratios

License Type and Limit	ABC Limit	Project Area	Fresno City	Fresno County
On-Sale General (limit per 2,000 persons Countywide)	1	2.25	0.97	0.78
Off-Sale General (limit per 2,500 persons County)	1	2.11	1.24	0.97
Off-Sale Beer and Wine (limit per 2,500 persons City and County)	1	3.51	1.55	1.57
Off-Sale Beer and Wine AND Off-Sale General (limit per 1,250 persons City and County)	1	2.81	1.4	1.27
On-Sale Beer and Wine per 1,000 persons	NA	1.59	0.66	0.60
Retail Licenses per 1,000 persons	NA	4.97	2.26	2.01

NA = not applicable. Sources: 2007 Population estimates from Claritas; ABC license data from the ABC website: <http://www.abc.ca.gov/>

While the number of on-sale and off-sale licenses in the County are below the ABC limits, the number of such licenses within the Project Area is more than double the ABC limit. While the number of off-sale licenses (both general and beer and wine) exceed the ABC limits in both the City and the County overall, the number of licenses within the Project Area is more than double the rate of licenses in the City and the County. While the higher concentration of on-sale licenses may be attributable to the high daytime population in the City's downtown that would frequent restaurants and bars, this would not account for the higher proportions of off-sale licenses. In addition, the overall number of retail alcohol licenses per capita (per 1,000) in the Project Area is more than double the number for both the City and County. These data indicate that there is an over-concentration and excess of retail outlets for alcohol in the Project Area.

6. A High Crime Rate That Constitutes a Serious Threat to the Public Health and Safety

The 1998 Report included an analysis of per capita crime rates (per 100 persons) in the Project Area census tracts in comparison to the crime rate Citywide for a one-year period (November 1995 through October 1996). The crime rate in the Project Area was over 89 percent higher, at 36.78 versus only 20.83 percent Citywide.

Crime data was obtained from the Fresno Police Department (FPD) for the period 1998-2006. As shown in Table 26, crime rates for both violent crime (homicide, rape, robbery and aggravated assault) were considerably higher in the Project Area, as were crime rates for property crime (burglary, larceny (theft) and motor vehicle theft). Overall, from 1998 through 2006, the rate of homicides was more than 3.5 times higher, the rate of

Exhibit E
Conditions of Approval dated April 13, 2011

**CITY OF FRESNO
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT**

CONDITIONS OF APPROVAL

APRIL 13, 2011

CONDITIONAL USE PERMIT APPLICATION NO. C-11-020
1435 FRESNO STREET

Conditional Use Permit Amendment Application No. C-11-020 is subject to the following conditions of approval:

General Conditions

1. Development shall take place in accordance with the C-M (*Commercial and Light Manufacturing*) zone district as defined in Section 12-224 of the Fresno Municipal Code (FMC).
2. Exercise of the special permit shall comply with Exhibits A (Site Plan) and F (Floor plan), dated February 10, 2011.
3. Exercise of the special permit shall comply with the Operational Statement dated February 10, 2011.
4. Exercise of the special permit shall take place in accordance with all city, county, state and federal laws and regulations, including ABC licensing requirements.
5. The proposed Los Arcos Night Club shall provide one parking space per 75 square feet of floor area. The proposed night club is 6,223 square feet. The Director may modify the required parking within the Central Area Community Plan. Therefore, 63 parking spaces would be required (75% of the required amount). The subject property depicts 170 parking spaces. In previous analysis for S-97-115 staff had determined that the existing parking was sufficient. Therefore, no additional parking is required.
6. Submit a security plan. The plan shall be approved by the Fresno Police Department.
7. The address listed in the conditions of approval is the 'Official Address' given to the building. A separate suite or unit numbers for a building is required. 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'.

8. Development shall comply with Sections 12-326 and 12-327 of the FMC related to night clubs.

Applicable Requirements pursuant to Section 12-326 of the FMC

9. Pursuant to Section 12-326-E-3 of the FMC, a night club within the C-M zone district must stop sales, service and consumption of alcohol at 2:00 am nightly. The project applicant is requesting an operation time ending at 2:00 a.m. nightly, which is hereby approved. All alcoholic beverages must be removed from the customer area at the appointed hour. The business may establish the time of "last call" for ordering alcoholic beverages.
10. Posting hours of operation and address. The owner and/or proprietor and/or applicant shall be responsible to conspicuously post the hours of operation near the entrance of the establishment. It shall be 8.5×11 inches in size. This posting shall be made available to City officials upon request. Additionally, the address of the facility shall be posted in compliance with City codes.
11. 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.
12. 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.
 - i. During operating hours, the owner and/or proprietor shall prohibit loitering in the parking area.
 - ii. 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.
13. Pursuant to Section 12-326-F of the FMC, the operational statement for a night club requires more information than was provided in the operational statement submitted. Please provide the following information to the City prior to operation:

- a. An evacuation plan in case of emergency.
- b. Copy of a valid Business Tax Certificate, if in business.

14. Revocation.

- I. 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 of the FMC. In addition to the examples of what constitutes "good cause" in Section 12-405-E of the FMC, 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.
- II. 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.

Applicable Requirements pursuant to Section 12-327 of the FMC

15. Pursuant to Section 12-327-b of the FMC, dancing at establishments for patrons 21 and over shall end at 2:00 a.m. except on New Years day, when it may end at 5:00 a.m.

Requirements from other Departments/Agencies

16. Comply with all requirements issued by the Building and Safety Division in their memorandum dated February 15, 2011 prior to issuance of occupancy.
17. Comply with the requirements stipulated within the attached City of Fresno Police Department memorandum dated March 25, 2011.
18. Comply with any and all of the requirements for sanitary sewer service stipulated within the attached Department of Public Utilities, Planning and Engineering memorandum dated March 3, 2011.
19. Comply with the requirements stipulated within the attached County of Fresno, Department of Public Health memorandum dated February 17, 2011.
20. Comply with the requirements stipulated within the attached Redevelopment Agency of the City of Fresno memorandum dated February 25, 2011.
21. Comply with the requirements stipulated within the attached Fresno Unified School District memorandum dated February 17, 2011.

Other Requirements

22. Section 12-306-I.2.1.c of the FMC requires bicycle stalls to be provided at a percentage of 10 percent of the vehicle parking spaces provided. If this building currently does not have bicycle parking stalls, please provide the required numbers of spaces on-site (on the subject parcel).
23. Signs are not approved for installation as part of this special permit. **(Include this note on the site plan.)** Should additional signs be required, the applicant must submit for a Sign Review Permit.
24. Please submit a more detailed site plan depicting where the project line is in relation to the existing uses.
25. Approval of this special permit may become null and void in the event of failure by the applicant and/or authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.
26. Approval of this special permit may become null and void in the event that development is not completed in accordance with all conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. 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 plan not specifically

submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions. *(Include this note on the site plan.)*

27. 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.)*

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.

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

EXPIRATION DATES

The exercise of rights granted by this special permit must be commenced by April 13, 2015 (four years from the date of approval). There is no extension.

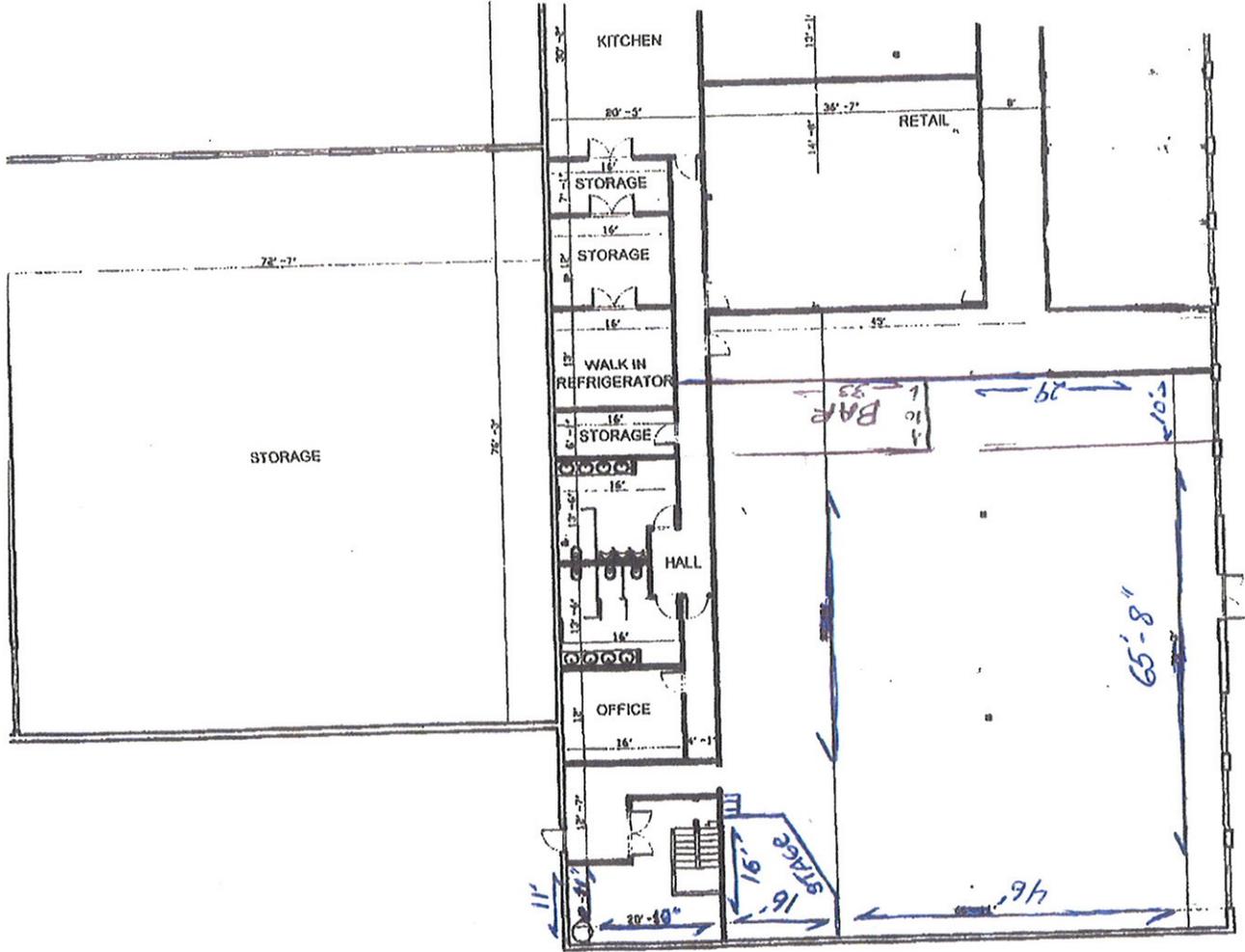
Exhibit F
Site Plan, Floor Plan

Floor Plan

PROJECT NO. C-11-020	EXHIBIT F	DATE 2-10-11
PROJECT NO.	DATE	
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT		DATE

1435 Fresno St.
 Fresno, CA 93706

=====



DOOR PLAN
 SCALE: 1/16"=1'

Exhibit G
Operational Statement

The purpose of the business

it's a NIGHT club.

it will be called Los Arcos NIGHT club

Days of operations will be Monday TO

Sunday From: 8:00pm TO 2:00am.

There will be licensed Security Guards

provided by B. & R. Private Security.

it will also be monitored by video
cameras, inside and outside of the
building.

" Note This is an existing business
I'm just Relocating."

The current address is 968 W Palm Ave
Fresno, Ca. 93707.

IF you have any questions please call me
at (909) 708-5215

Mamei Saldana.

Los Arcos NIGHT club

Exhibit H
Environmental Assessment No. C-11-020

**CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT NO. C-11-020**

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: Manuel Saldana
7445 Ginger Avenue
Fontana, California 92336

PROJECT LOCATION: 1435 Fresno Street; Located on the west side of Fresno Street between E and F
Streets; APN: 467-064-14

PROJECT DESCRIPTION: Conditional Use Permit Application No. C-11-020, filed by Manuel Saldana, is
requesting authorization to establish a State of California Alcoholic Beverage
Control Type 48 license (*Bar, Night Club - sale of beer, wine, and distilled spirits
for consumption on the premises where sold; minors are not allowed to enter
and remain*) for the Los Arcos Night Club.

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

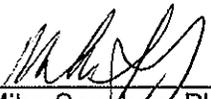
EXPLANATION: Section 15301/Class 1 states the operation, repair, maintenance, permitting, leasing,
licensing, or minor alteration of existing public or private structures, facilities, mechanical
equipment, or topographical features, involving negligible or no expansion of use beyond
that existing at 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 night club with dancing until 2:00 a.m. and is consistent
with the 2025 Fresno General Plan and the Central Area Community Plan. The operation of
a night club on the site is allowed within the designated zone district within the Central Area
Community Plan. 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: April 11, 2011

Prepared By: McKencie Contreras, Planner

Submitted By: 
Mike Sanchez, Planning Manager
City of Fresno
Development and Resource Management Department
(559) 621-8277