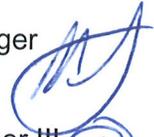




REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII-C COMMISSION MEETING 06.20.12
APPROVED BY
 DEPARTMENT DIRECTOR m. Scott

June 20, 2012

FROM: MIKE SANCHEZ, Planning Manager
Development Services Division 

BY: MCKENCIE CONTRERAS, Planner III
Development Services Division 

SUBJECT: CONSIDERATION OF CONDITIONAL USE PERMIT APPLICATION NO. C-11-127 AND ENVIRONMENTAL FINDING FOR ENVIRONMENTAL ASSESSMENT NO. C-11-127 FILED BY ABDUL BAKER FOR APPROXIMATELY 1.22 ACRES OF PROPERTY LOCATED ON THE EAST SIDE OF NORTH FIRST STREET, NORTH OF EAST SHAW AVENUE (LOCATED IN COUNCIL DISTRICT 4)

RECOMMENDATION

Staff recommends that 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-11-127 issued January 12, 2012.
2. APPROVE Conditional Use Permit Application No. C-11-127 to establish "Club NVS," an 18 years and over night club with dancing and a banquet hall for all ages for private and public events and to maintain their State of California Alcoholic Beverage Control Type 48 license (*bar/nightclub-sale of beer and wine for consumption on the licensed premises where sold*) for a portion of the establishment which is for those 21 years old and older, subject to the following conditions:
 - a. Development shall comply with Exhibit A dated March 14, 2012 and Exhibits F-1 and F-2 dated August 18, 2011.
 - b. Development shall comply with the Conditions of Approval dated June 20, 2012.

EXECUTIVE SUMMARY

The applicant, Abdul Baker, filed Conditional Use Permit Application No. C-11-127 requesting authorization to establish "Club NVS," an 18 years and over night club with dancing and a banquet hall for all ages for private and public events and to maintain their State of California Alcoholic Beverage Control Type 48 license (*bar/nightclub-sale of beer and wine for consumption on the licensed premises where sold*) for a portion of the establishment which is for those 21 years old and older.

The subject property is located on the east side of North First Street, north of East Shaw Avenue and is zoned C-2/BA-15-30/cz (*Community Shopping Center/Boulevard Area Overlay 15 to 30 feet/conditions of zoning*).

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, this project has been scheduled for review by the Fresno City Planning Commission.

Staff recommends that the Planning Commission approve Conditional Use Permit Application No. C-11-127, subject to the conditions of approval noted above. The conditional use permit is appropriate for the site and all findings required by Fresno Municipal Code (FMC) Section 12-405-A-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	Conditional Use Permit Application No. C-11-127 requests authorization to establish "Club NVS," an 18 years and over night club with dancing, a banquet hall for all ages for private and public events and to maintain their State of California Alcoholic Beverage Control Type 48 license (<i>bar/nightclub-sale of beer and wine for consumption on the licensed premises where sold</i>) for a portion of the establishment which is for those 21 years old and older.		
APPLICANT	Abdul Baker		
LOCATION	5030 North First Street; Located on the east side of North First Street, north of East Shaw Avenue (APN: 418-091-19 & 20). (Council District 4, Councilmember Westerlund)		
SITE SIZE	± 1.22 acres which is developed with a ± 6,984 square foot night club/banquet hall with a ± 944 square foot outdoor enclosed patio		
LAND USE	Existing	-	Community Commercial
ZONING	Existing	-	C-2/BA-15-30/cz (<i>Community Shopping Center/Boulevard Area Overlay-15-30 feet/conditions of zoning</i>) zone district
PLAN DESIGNATION AND CONSISTENCY	The request to establish an 18 years and over night club/all age banquet hall is consistent with both the existing C-2 zone district and the community commercial planned land use designation of the 2025 General Plan and the Hoover Community Plan.		
ENVIRONMENTAL FINDING	Categorical Exemption, dated January 12, 2012		
PLAN COMMITTEE RECOMMENDATION	The District 4 Plan Implementation Committee reviewed and approved the subject application at their meeting on January 9, 2012.		
STAFF RECOMMENDATION	Approve Conditional Use Permit Application No. C-11-127 subject to Exhibit A dated March 14, 2012 and Exhibits F-1 and F-2 dated August 18, 2011 and Conditions of Approval dated June 20, 2012.		

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Office	C-P/BA-30 <i>Administrative and Professional Office District/Boulevard Area Overlay, 30 feet</i>	Vacant Land

South	Community Commercial	C-1/BA <i>Neighborhood Shopping Center District/Boulevard Area Overlay</i>	Gas Station
East	Office	C-2/BA-15-30/cz <i>Community Shopping Center/Boulevard Area Overlay-15-30 feet/conditions of zoning</i>	Parking Lot for Office
West	Office	C-P/BA-15 <i>Administrative and Professional Office District/Boulevard Area Overlay, 15 feet</i>	Parking Lot for Office

ENVIRONMENTAL FINDING

Conditional Use Permit Application No. C-11-127 requests authorization to establish an 18 years and over night club/all age banquet hall on the subject property. This project is not expected to have an adverse impact on the environment and is categorically exempt pursuant to the 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

The applicant, Abdul Baker, filed Conditional Use Permit Application No. C-11-127 requesting authorization to establish "Club NVS," an 18 years and over night club with dancing, a banquet hall for all ages for private and public events and to maintain their State of California Alcoholic Beverage Control Type 48 license (*bar/nightclub-sale of beer and wine for consumption on the licensed premises where sold*) for a portion of the establishment which is for those 21 years old and older.

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-2 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. The serving of food or alcoholic beverages is optional.

A night club, as defined under the recently adopted text amendment, is required to close no later than 1:00 a.m. for patrons between the ages of 18 and 20 and 2:00 a.m. for patrons 21 years and older. The applicant is requesting that the business be approved as a "night club" as defined in the text amendment, in order to allow dancing for those 18 years and older. Currently, the applicant is approved to allow dancing for those 21 years and older. This proposal includes dancing for those 18 years and older.

The proposal also includes the establishment of a banquet hall for all ages. A banquet hall is a facility primarily engaged in providing banquet rooms, meals, and dancing for special occasions including, but not limited to, formal dinners, receptions, reunions, promotions, benefits, and club meetings. Dancing may only be provided in conjunction with, and subservient to said events as noted above. This use will be for both private and public events.

The establishment will be divided into two areas. The first area is the "Dry" area, which will be the main area used by patrons of all ages during banquet hall hours of operation and by those 18 years and older during the night club hours of operation. The second area is the "Lounge" area, which will be for those 21 years and older during all hours of operation. The two areas will be divided by a wall with an entrance door and will be controlled by a security guard at all times. Patrons in the "Dry" are will not be permitted to purchase or consume alcoholic beverages.

Hours of Operation

The hours of operation will be from Sunday through Saturday, as follows:

- Banquet Hall (all ages): 12:00 p.m. to 8:00 p.m.
- Night club (18-20 years): 9:00 p.m. to 1:00 a.m.
- Night club (21 years and older): 9:00 p.m. to 2:00 a.m.

Neighborhood Meeting

Pursuant to Section 12-326 of the FMC, properties that are within 300-400 feet from property planned/zoned/used as residential shall have a maximum floor area of 5,000 square feet. The proposed night club/banquet hall is 6,984 square feet, which exceeds that requirement. Also, since the applicant proposes to continue the sale, service, and consumption of alcohol past 12:30 a.m. from Sunday through Thursday, a neighborhood meeting is required.

The applicant notified, by mail, property owners within 500 feet of the subject property and held a neighborhood meeting on November 29, 2011 at the subject property. No one from the public attended the meeting. The applicant did receive one notice that was returned as "Not Known."

Parking

The applicant is proposing a banquet hall and a night club. Therefore, the use that requires the most parking will be used to provide adequate parking. Below are the parking calculations for both uses:

Banquet Hall: Pursuant to Section 12-306-I-2.2-b of the FMC, banquet halls shall provide one parking space for every 40 square feet of main area. The main area is 3,140 square feet, which requires 79 parking spaces.

Night club: Pursuant to Section 12-306-I-2.2-d of the FMC, night clubs shall provide one parking space for every 75 square feet. The night club, including the patio, is 7,928 square feet, which requires 106 parking spaces. The Director has permitted a 10% minor deviation which brings the requirement down to 96 required parking spaces.

Therefore, 96 parking spaces are required. Exhibit A dated March 14, 2011, with minor corrections, depicts 96 parking spaces which meets the requirement.

Implementation Committee

The District 4 Plan Implementation Committee reviewed and approved the subject application at their meeting on January 9, 2012 with the condition that the applicant provides security in the parking lot.

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 Conditional Use Permit Application No. C-11-127. 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 the new 18 years and over night club/all age banquet hall operations.

CONCLUSION

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 and the Hoover Community Plan; its compatibility with surrounding existing or proposed uses; and, its avoidance or mitigation of potentially significant adverse environmental impacts. Conditional Use Permit Application No. C-11-127 will comply with all applicable codes, including parking, landscaping, walls, etc.

FINDINGS

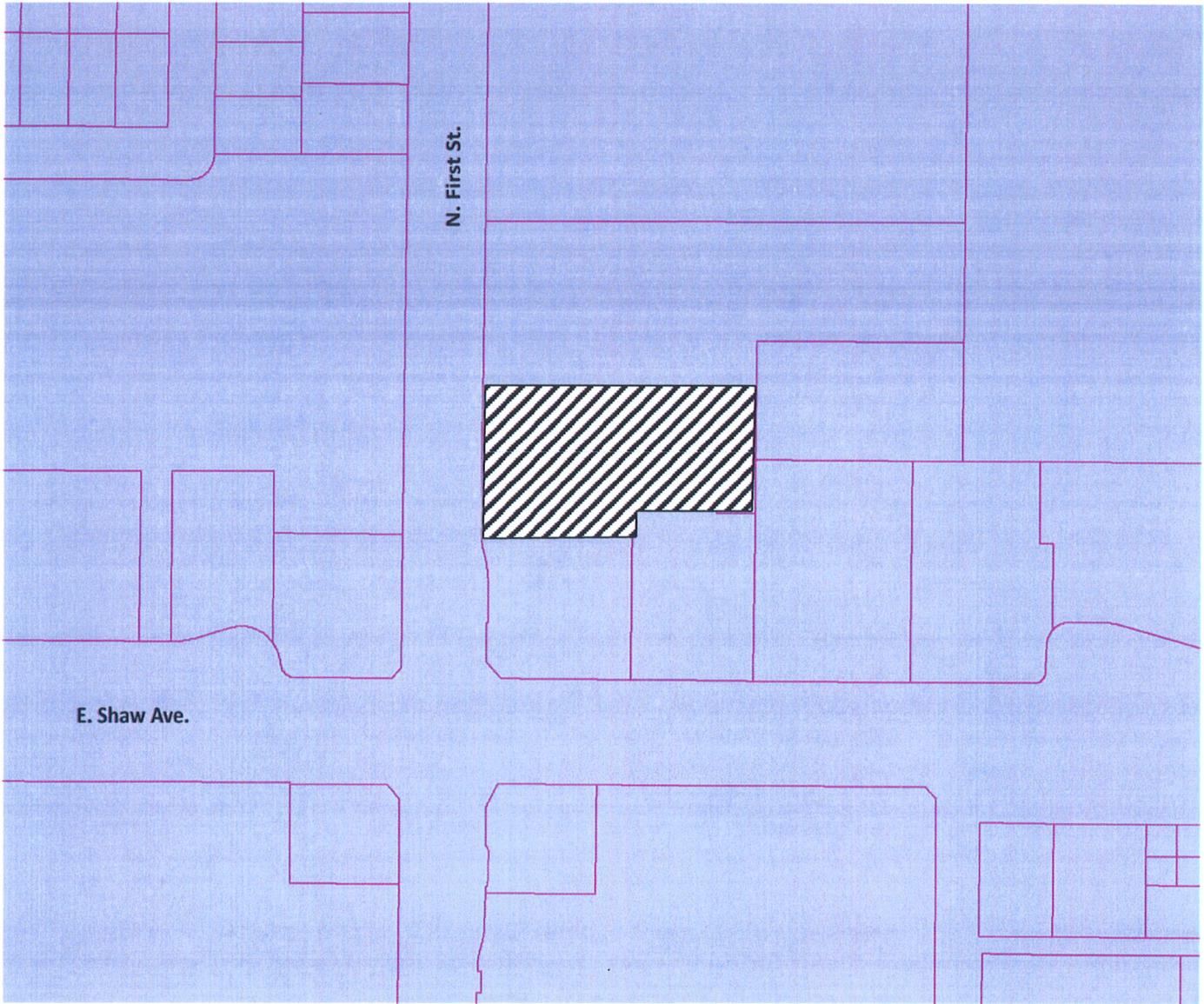
No special permit may be issued unless it is found that the privilege exercised under the permit, conforms to the findings of 12-405-A-2 of the FMC. Based upon analysis of the conditional use permit application, staff concludes that all of the required findings can be made for Conditional Use Permit Application No. C-11-127.

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-11-127 will comply with all applicable codes, including parking, landscaping, walls, etc., as there is no new buildings/structures proposed with this project.
<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:	Adjacent streets were assessed during the initial development of the subject site to ensure that the development would have less than significant impacts on traffic and the surrounding community.
<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 proposed night club/banquet hall will not have a negative impact on either the subject property, or neighboring properties given that there are no residential uses abutting the night club/banquet hall. Also, the subject property currently has an active conditional use permit for a 21 years and older night club. Therefore, the night club use already exists on the subject property. Furthermore, the subject property was intended to function with commercial uses, such as the proposed night club/banquet hall. 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 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.
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- Attachments:
- Vicinity Map
 - 2011 Aerial Photograph of site
 - Noticing Map (500 foot radius)
 - Neighborhood Meeting Notice
 - Exhibit A, Site Plan, dated March 14, 2012
 - Exhibits F-1 and F-2, Floor Plans, dated August 18, 2011
 - Conditions of Approval dated June 20, 2012
 - Environmental Assessment No. C-11-127 dated January 12, 2012

Vicinity Map



Subject Property

VICINITY MAP

DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

Conditional Use Permit Application
No. C-11-127

PROPERTY ADDRESS

5030 North First Street



Not To Scale

APN: 418-091-19 & 20

Zone District: C-2/BA-15-30/cz (*Community Shopping Center/ Boulevard Area Overlay-15-30 feet/conditions of zoning*)

By: M. Contreras, April 2, 2012

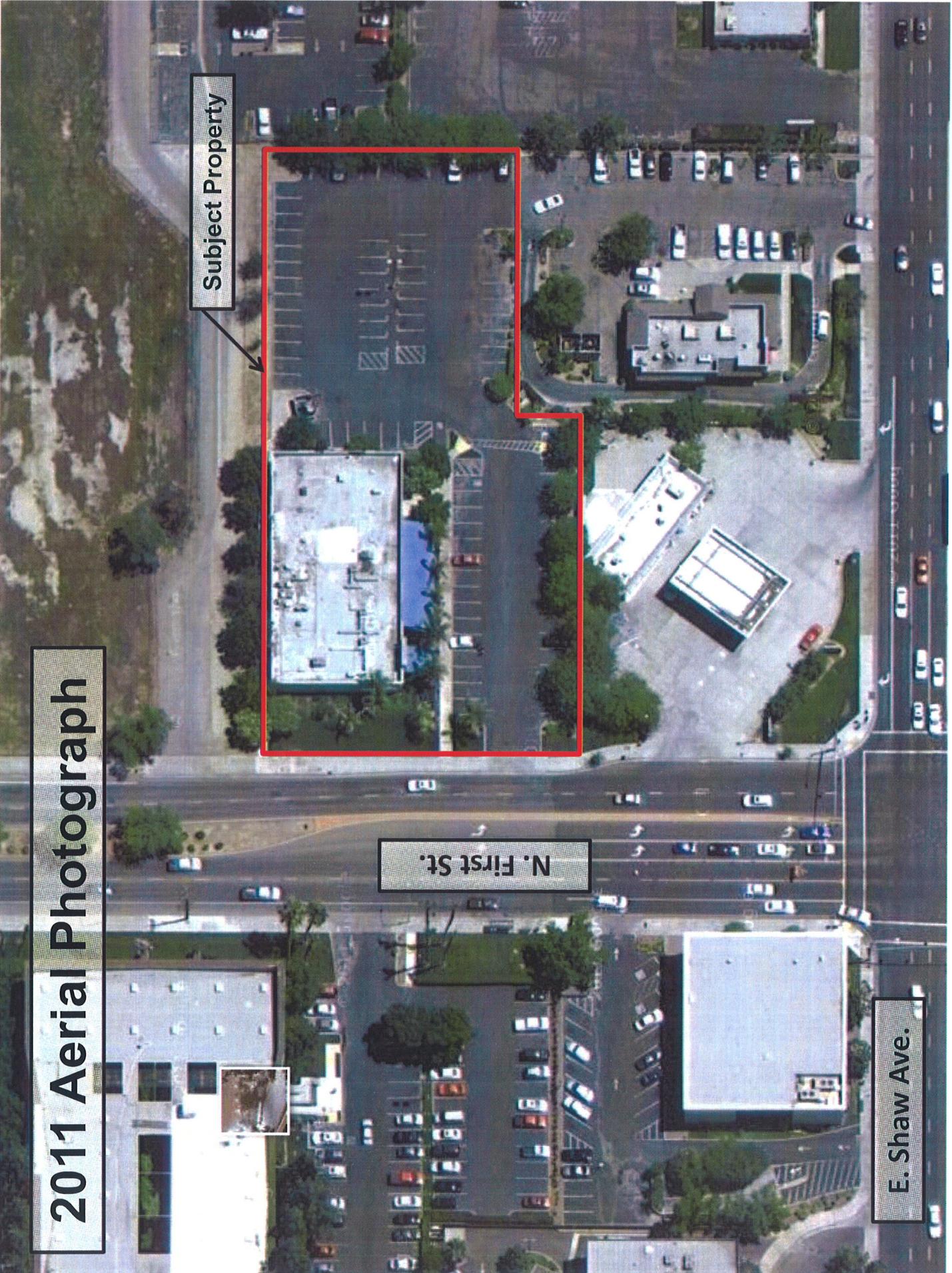
2011 Aerial Photograph of Site

2011 Aerial Photograph

Subject Property

N. First St.

E. Shaw Ave.



Noticing Map

SAN JOSE AVE

41823305	41823306
41823308	41823307

SECRET AVE

41823118	41823119
41823121	41823120

KEATS AVE

N SHERMAN ST

41823420T
41823421

41823415
41823416T

41823418
41823419

41823417
41823419

41823401
41823409

41823402
41823408

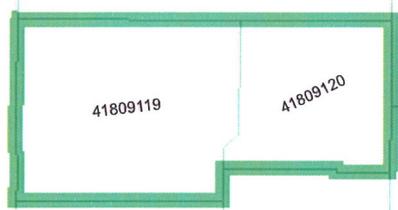
41823403
41823407

41823404
41823406

41823405
41823406

Request ID Address 500

N FIRST ST



41809117T

41809130T

41809112

41809118

41809121

41809119

41809120

41809124

41809125

41809126

41809115

41809116

41809122

41809123

41809124

41809125

FRONTAGE RD N

FRONTAGE RD

E SHAW AVE

FRONTAGE RD

42703017

42731001S

427074

427074

427074

42707137

42707102

42707145

E SIERRA MADRE AVE

42707201

42707251

42707250

42707230

42707229

42707228

42703037

42703038

42731002

N FISHER ST

Neighborhood Meeting Notice

Dear Neighbor,

In pursuant to Section 12-326 of the Fresno Municipal Code:

12-326-G: An application for a Night Club located in the C-2 District that does not comply with either the setback, **floor area**, or **time to stop alcohol service**, shall be subject to the following:

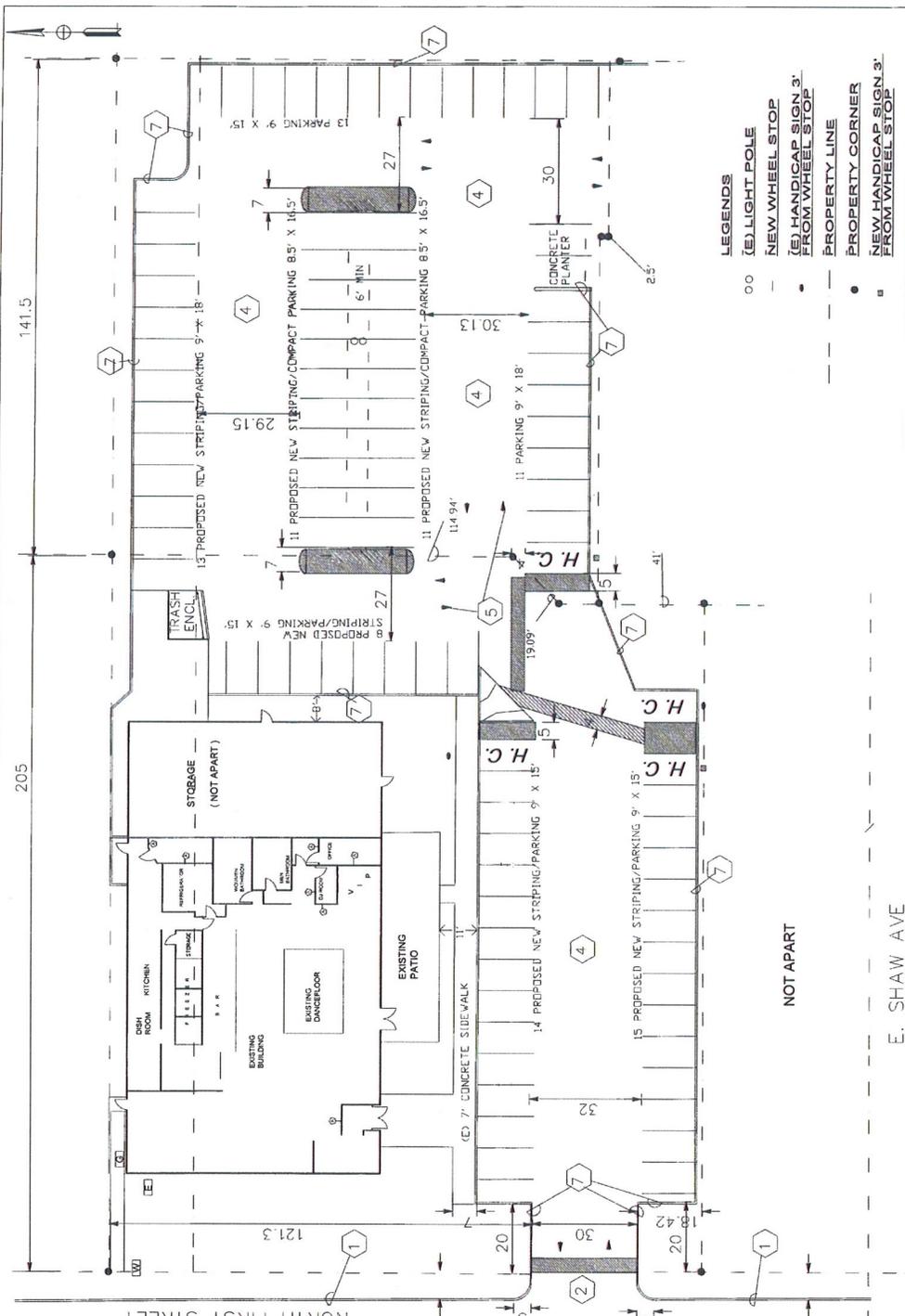
(1) Neighborhood Meeting. The applicant shall conduct a public meeting, at its expense, prior to submitting their application. The purpose of this meeting is to acquaint the neighborhood with the proposed operation and to receive comment. The applicant shall provide participants with a detailed operational 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

We would like to invite you to neighborhood meeting on Tuesday November 29, 2011 at **6:00 PM to 7:00 PM** @ the club @ 5030 N. First Street, Fresno CA. The purpose of this meeting is informing you about our application to modify our CUP for the reduction of the premises as you can see on the attached operation statement.

If you have any question, please call us @ (559) 299 – 8164. Thank you

Site Plan



GENERAL NOTES:

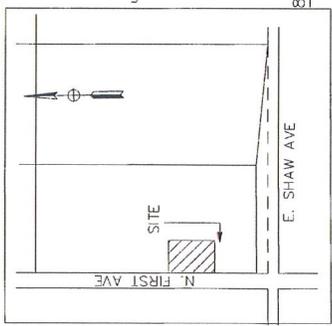
1. CHANGE TO EXISTING SITE PLAN OTHER THAN STRIPING TO OUTSIDE BUILDING, SET BACK OR STRUCTURAL.
2. NO CHANGE TO PLUMBING LAYOUT.
3. NO CHANGE TO ELECTRICAL LAYOUT.
4. ALL PROPOSED WORK SHALL COMPLY WITH ADA REQUIREMENTS.
5. NO CHANGE TO THE KITCHEN AREA - KITCHEN EQUIPMENTS.
6. ALL FOOD SERVICE EQUIPMENTS MUST MEET NATIONAL SANITATION FOUNDATION LISTED #1 & #2.
7. ANY SURVEY MONUMENTS WITHIN AREA OF WORK SHALL BE PRESERVED OR RESET BY A PERSON LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF CALIFORNIA.
8. REPAIR ALL DAMAGE AND/OR OFF-GRADE CONCRETE SURFACES TO ORIGINAL FINISH.
9. OBTAIN NECESSARY PERMITS FROM THE LOCAL GOVERNMENT CONSTRUCTION MANAGEMENT ENGINEER PRIOR TO OCCUPY OPERATION WITHIN THE STREET R/W AND/OR UTILITY EASEMENTS. ALL EXISTING UNDERGROUND FACILITY SHALL BE IDENTIFIED BY A REGISTERED PROFESSIONAL ENGINEER (CIVIL OR ELECTRICAL) (CALL 1-800-642-2444).

CODES, RULES AND REGULATIONS:

ALL WORK SHALL BE PERFORMED AND INSTALLED IN COMPLIANCE WITH THE FOLLOWING CODES AS ADOPTED & AMENDED BY THE LOCAL GOVERNING AGENCY:

PERMITS IN THESE PLANS IS TO BE CONSTRUED TO WORK NOT CONFORMING TO THESE CODES:

- A- 2001 CALIFORNIA BUILDING CODE
- B- 2001 CALIFORNIA PLUMBING CODE
- C- 2001 CALIFORNIA ELECTRICAL CODE
- D- 2001 CALIFORNIA FIRE CODE
- E- 2004 CALIFORNIA ELECTRICAL CODE
- F- 2005 NONRESIDENTIAL CALIFORNIA ENERGY STANDARDS
- G- COUNTY OF FRESNO TITLE 15



SITE DATA:

OWNER : ALBERT TASHCHIAN
 ADDRESS : 5030 N. FIRST STREET
 FRESNO, CALIFORNIA
 APN'S : 418-091-19, 418-091-20
 EXISTING OCCUPANCY : C
 EXISTING ZONING : C-2
 PROPOSED ZONING : NO CHANGE
 EXISTING LAND USE : COMMERCIAL

- LEGENDS**
- (E) LIGHT POLE
 - NEW WHEEL STOP
 - (E) HANDICAP SIGN 3' FROM WHEEL STOP
 - PROPERTY LINE
 - PROPERTY CORNER
 - NEW HANDICAP SIGN 3' FROM WHEEL STOP
- 96 PROPOSED STRIPING/PARKING PLAN**
- SCALE: 1"=15'
- T-1**

DESIGNED BY:

NAT ASSISTANT ENGINEERING + LAND DEVELOPMENT

5860 EAST NEES AVENUE DATE: 06-2-11
 CLOVIS, CA 93611
 PHONE: (559) 299-8164

96 PROPOSED STRIPING/PARKING PLAN

SCALE: 1"=15'

T-1

DESIGNED BY:

NAT ASSISTANT ENGINEERING + LAND DEVELOPMENT

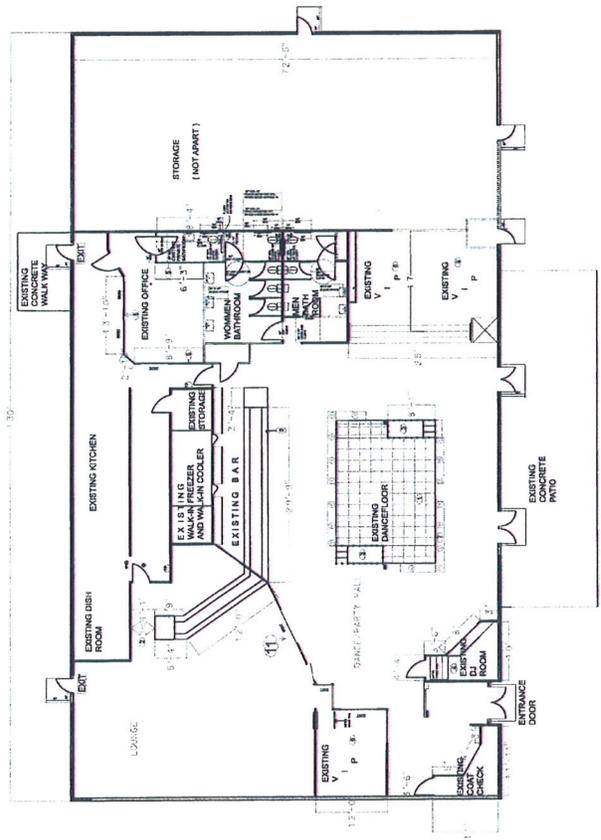
5860 EAST NEES AVENUE DATE: 06-2-11
 CLOVIS, CA 93611
 PHONE: (559) 299-8164

- (1) CURB & GUTTER
- (2) APPROACH (30')
- (3) EXISTING SIDEWALK 7 FT
- (4) AC PAVEMENT
- (5) PROPOSED PAINTED DIRECTIONAL ARROWS
- (6) PROPOSED STRIPING

SITE DATA:

OWNER : ALBERT TASHCHIAN
 ADDRESS : 5030 N. FIRST STREET
 FRESNO, CALIFORNIA
 APN'S : 418-091-19, 418-091-20
 EXISTING OCCUPANCY : C
 EXISTING ZONING : C-2
 PROPOSED ZONING : NO CHANGE
 EXISTING LAND USE : COMMERCIAL

Floorplans



PROPOSED NEW LAYOUT PLAN

(SCALE 1/8" = 1')

L-1

DESIGNED & DRAFTED BY:
LOCAL ASSISTANCE ENGINEERING
& CONSULTING

5860 EAST NEES AVENUE DATE: 06-22-2010
CLOVIS, CA 93611
PHONE: (559) 299-8164

LEGENDS:

- EXISTING EXTERIOR WALL (NO CHANGE)
- EXISTING INTERIOR WALL
- NEW NON BEARING PARTITION WALL, 3/8 GAGE 18 METAL STUDS AT 18" O.C. WITH 5/8 GYP BOARD EACH SIDE, TAPE TEXTURE & PAINT; SEE DETAIL SHEET
- NEW WINDOW
- NEW HALF WALL

GENERAL NOTES

1. EXISTING 6" HIGH DANCE FLOOR WITH METAL GRID, GLASS AND UNDERNEATH LIGHTING.
2. EXISTING 2x2 SWINGING HALF DOOR.
3. EXISTING 1" HIGH PLATFORM WITH 2" METAL BALL AROUND IT.
4. EXISTING 2" HIGH PLATFORM FOR THE DJ WITH 24" HIGH TABLE FOR EQUIPMENT.
5. EXISTING NON-BEARING METAL WALL TO BE SHORTENED TO 1/2 WALL. SEE DETAIL.
6. EXISTING 1.2' HIGH VIP AREA.
7. EXISTING 12" GRANITE TOP BAR AROUND THE DANCE FLOOR.
8. EXISTING BAR COUNTER.
9. EXISTING 2A, 105-C FIRE EXTINGUISHERS.
10. CONSTRUCT A NEW NON-BEARING METAL WALL. SEE DETAIL.
11. EXISTING NON-BEARING METAL WALL AND DOOR TO BE REMOVED.
12. NOTE:
 1. FINISHES TO ELECTRICAL, PLUMBING & MECHANICAL SYSTEMS.
 2. SET DOORS USED AS PARS WITH APPROVED AUTOMATIC FLUSH VALVE SHALL NOT HAVE DOOR KNOBS OR SURFACE-MOUNTED HARDWARE ON THE INACTIVE LEAF. 2007 CBC 1003.
 3. MAXIMUM EFFORT TO OPERATE DOORS SHALL NOT EXCEED 5 POUNDS FOR EXTERIOR AND INTERIOR DOORS. PULL OR PUSH FORCE SHALL NOT EXCEED 15 POUNDS. 2007 CBC SECTION 1103B.2.3.
 4. CONTRACTOR TO PROVIDE 14-INCH THICK SYMBOLS ON MEN'S AND WOMEN'S TOILET ROOM DOORS. 12-INCH DIAMETER CIRCLE FOR WOMEN'S AND AN EQUILATERAL TRIANGLE WITH 12-INCH EDGES FOR MEN'S. THE SYMBOLS ARE OF A COLOR MATCHING THE EXISTING COLOR FROM THE DOORS AND CENTERED 60 INCHES ABOVE THE FINISHED FLOOR. CBC 1117B.1.1.
 5. CONTRACTOR TO PROVIDE 14-INCH THICK SYMBOL OF ACCESSIBILITY ON THE UNisex TOILET ROOM DOOR. A 14-INCH THICK CIRCLE, 12 INCHES IN DIAMETER WITH A 14-INCH THICK TRIANGLE SUPERIMPOSED ON THE CIRCLE AND WITH THE POINT OF THE TRIANGLE POINTING UPWARD. 2007 CBC 1117B.1.1.
 6. PROVIDE BRASS SIGNAGE ON STRIKE SIDE OF TOILET ROOM DOORS CENTERED 60 INCHES ABOVE FINISHED FLOOR. CBC 1117B.1.7.
 7. PROVIDE TRIM NAME AND ADDRESS IN BRASS AT MAIN ENTRANCE. 2007 CBC SECTION 1117B.1.
 8. PROVIDE TRIM NAME AND ADDRESS IN BRASS AT MAIN ENTRANCE. 2007 CBC SECTION 1117B.1.
 9. SPINLE FOR EVERY TWENTY SEATS EQUALLY INTEGRATED THROUGHOUT THE SPACE. 2007 CBC 11B.
 10. PROVIDE A SIGN WHICH READS: THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS. USE LETTERS 1-INCH HIGH ON CONTRACTING BACKGROUND AT THE MAIN EXIT. INDICATE ON PLANS AT THE LOCATION OF THE MAIN EXIT.
 11. ALL COUNTER WALLS IN THE BAR TO BE RFP AND WALL HAVE 6" HIGH BASE. THE BASE WILL BE 24" HIGH. PROVIDE DURABLE NON-ABSORBENT FINISH SUCH AS RFP ON THE UNDERSIDE OF THE EMPLOYEE SIDE OF THE BAR COUNTER.
 12. ADVANCE TO ICE BINS AND BETWEEN THE 3-COMPARTMENTS BINS AND ADJACENT ICE BINS.
 13. ALL LIGHT ON TOP OF THE BAR TO BE SHATTER LIGHTS.
 14. ALL FLOORS INCLUDING THE UNisex BATHROOM TO BE SOLID CONCRETE. THE FLOORS IN THE NEGS SUCH AS THE UNisex BATHROOM AND THE PRIVATE BATHROOM TO BE SOLID CONCRETE. PROVIDE MOUNTED SOAP & TOWEL DISPENSERS AND A TOILET TISSUE DISPENSER.
 15. HAND RAILE AT BOOTH SIDE OF WEST VIP DINING STATUS WITH A 12" EXTENSION AT TOP AND 12" AT BOTTOM. RAILS TO BE SOLID CONCRETE.
 16. OCCUPANCY NOTE TO BE POSTED AT OR NEAR EXITE.
 17. WEST VIP BE EQUIPPED WITH ADA LIFT.

6-11-127 F-1 8-18-11

Conditions of Approval

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

CONDITIONS OF APPROVAL

JUNE 20, 2012

CONDITIONAL USE PERMIT APPLICATION NO. C-11-127

5030 NORTH FIRST STREET

Conditional Use Permit Application No. C-11-127 is scheduled to be heard by the Fresno Planning Commission on June 20, 2012 and is subject to the following conditions of approval:

PART A – ITEMS TO BE COMPLETED

The following items are required prior to operation of proposed use:

Planner to check
when completed

1. Development shall take place in accordance with Exhibit A dated March 14, 2012 and Exhibits F-1 and F-2 dated August 8, 2011. Transfer all comments and conditions to the corrected exhibit(s) and **submit to planner at least 15 days prior to operation.**

2. Add applicable notes/details on the site plan from the attached "General Notes and Requirements for Entitlement Applications".

PART B – OTHER REQUIREMENTS

1) Planning/Zoning/Environmental Compliance Requirements

- a) Development shall take place in accordance with the C-2/BA-15-30/cz (*Community Shopping Center/ Boulevard Area Overlay-15-30 feet/conditions of zoning*) zone district, Sections 12-326 and 12-327 of the Fresno Municipal Code (FMC) related to restaurants, taverns, and night clubs, and all other applicable sections of the FMC.
- b) Development shall take place in accordance with the conditions of zoning as stated in Zoning Contract R-94-17.
- c) Development shall take place in accordance with the attached "General Notes and Requirements for Entitlement Applications" as applicable.
- d) Development and project operation shall take place in accordance with the attached operational statement dated December 5, 2011.
- e) Comply with the Security Plan dated January 11, 2012.
- f) Development shall take place in accordance with the policies of the 2025 Fresno General, Hoover Community Plan, and with the Community Commercial planned land use designation.

- g) The proposed project shall provide 96 parking spaces on-site. Existing landscaping shall not be removed to accommodate parking.
- h) Dancing is permitted until 1:00 a.m. for patrons between the ages of 18 and 20 years and 2:00 a.m. for patrons 21 years and older.
- i) All proposed signs shall be approved by the Development and Resource Management Department through the sign review process. All signs shall be designed to be architecturally compatible with the proposed building on the subject property.
- j) There shall be no amplified music in the patio and the door to the patio shall remain closed. Entertainment provided shall not be audible beyond the area under the control of the licensee(s). 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 between 7:00 a.m. and 10:00 p.m. and 60 dbs between 10:00 p.m. and 7:00 a.m.

2) City and Other Services

- a) Development shall take place in accordance with the attached memoranda and letters from City of Fresno Departments and partner agencies (Building and Safety dated August 31, 2011, Public Works Department-Traffic and Engineering Services Division dated February 29, 2012, the Fresno Fire Department dated September 6, 2011, the Fresno Unified School District dated September 8, 2011, and the Fresno Police Department dated October 20, 2011).

3) Miscellaneous Requirements

- a) Exercise of the special permit shall take place in accordance with all city, county, state and federal laws and regulations, including ABC licensing requirements.
- b) The applicant shall comply with the following hours of operation from Sunday through Saturday:

Banquet Hall (all ages): 12:00 p.m. to 8:00 p.m.
Night club (18-20 years): 9:00 p.m. to 1:00 a.m.
Night club (21 years and older): 9:00 p.m. to 2:00 a.m.

- c) Provide security in the parking lot as recommended by the District 4 Plan Implementation Committee.
- d) 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.

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

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.

BACKCHECK PROCESS

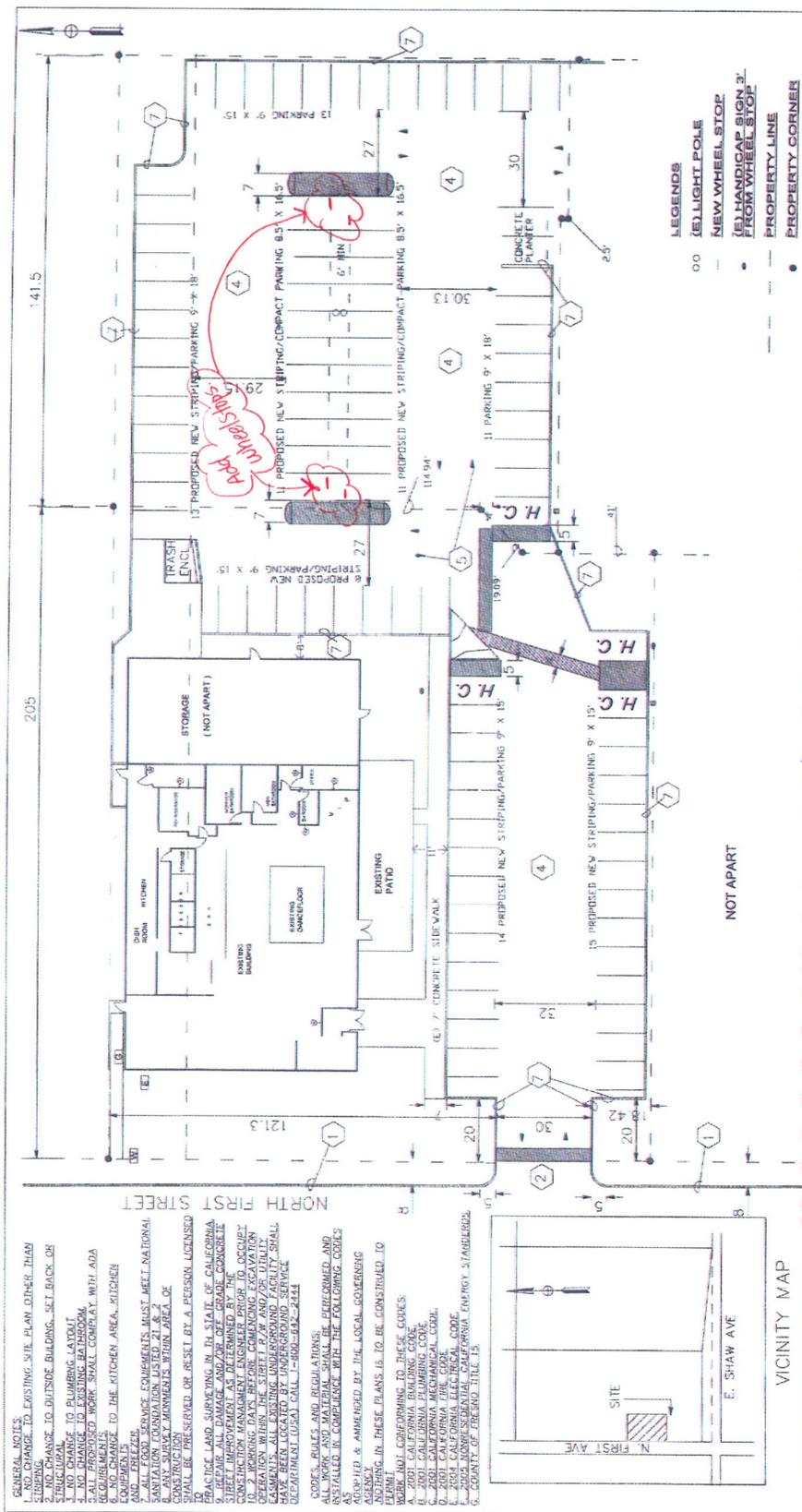
Please Note: To complete the back-check process for operation/building permits relative to planning and zoning issues, submit two copies of this corrected, final site plan and one copy of corrected elevations and landscape plans, together with any fees and title reports for required covenants, and any required studies or analyses to McKencie Contreras in the Development Services Division for final review and approval, at least 15 days before operation of the use.

It may be necessary to resubmit these "corrected exhibits" a second time if not all the conditions have been complied with or are not shown on the exhibits. Once the "corrected exhibits" are approved by the Development Services Division, please place these exhibits in the plan check set and contact the Development Services Division, along with Traffic Planning, to set up an appointment to signoff and stamp these exhibits. Please bring one additional copy of the site plan exhibit(s) to this appointment so that the Development Services Division has a final signed-off copy of the site plan.

EXPIRATION DATES

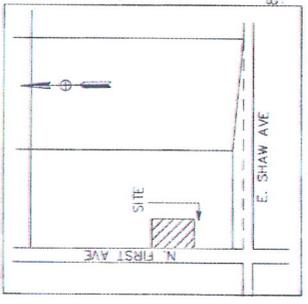
The exercise of rights granted by this special permit must be commenced by **June 20, 2016** (four years from the date of approval). There is no extension. All improvements must be installed prior to the operation of the proposed use.

Attachments: Exhibit A dated March 14, 2012 and Exhibits F-1 and F-2 dated August 8, 2011 with comments, Comments from Partner Agencies & Departments, General Notes and Requirements for Entitlement Applications, Operational Statement dated December 5, 2011, and Security Plan dated January 11, 2012



GENERAL NOTES:

- NO CHANGE TO EXISTING SITE PLAN OTHER THAN STRIPING.
- NO CHANGE TO OUTSIDE BUILDING SET BACK OR STRUCTURAL.
- NO CHANGE TO PLUMBING LAYOUT.
- NO CHANGE TO EXISTING BATHROOM.
- NO CHANGE TO EXISTING CONCRETE WITH ADA REQUIREMENTS.
- NO CHANGE TO THE KITCHEN AREA - KITCHEN COORDINATES.
- ALL FOOD SERVICE EQUIPMENTS MUST MEET NATIONAL SANITATION FOUNDATION LISTED 21 & 22 REQUIREMENTS.
- ALL WORK SHALL BE PERFORMED WITHIN WORK AREA OF SIGNALS BE PRESERVED OR RESET BY A PERSON LICENSED FOR THE PURPOSE.
- BEFORE ALL DAMAGE AND/OR OFF-GRADE CONCRETE STREET IMPROVEMENTS AS DETERMINED BY THE LOCAL AGENCY SHALL BE REPAIRED TO ORIGINAL CONDITION WITHIN THE STREET R/W AND/OR UTILITY LAYOUTS. ALL EXISTING UNDERGROUND FACILITY SHALL BE REPAIRED TO ORIGINAL CONDITION.
- CONCRETE, REBAR, AND REGULATIONS.
- ALL WORK SHALL BE PERFORMED AND INSPECTED IN COMPLIANCE WITH THE FOLLOWING CODES AS APPLICABLE:
- AGENCY AND AMERGED BY THE LOCAL GOVERNING AGENCY.
- INDICING IN THESE PLANS IS TO BE CONSTRUED TO MEET THE FOLLOWING:
- 2001 CALIFORNIA BUILDING CODE.
- 2001 CALIFORNIA PLUMBING CODE.
- 2001 CALIFORNIA MECHANICAL CODE.
- 2001 CALIFORNIA ELECTRICAL CODE.
- 2002 NONRESIDENTIAL CALIFORNIA ENERGY STANDARDS.
- COUNTY OF FRESNO TITLE 15.



SITE DATA:

OWNER : ALBERT TASHCHIAN
 ADDRESS : 5030 N FIRST STREET
 FRESNO, CALIFORNIA
 APN'S : 418-091-19, 418-091-20

EXISTING OCCUPANCY : C
 EXISTING ZONING : C-2/BA-15-30(CZ)
 PROPOSED ZONING : NO CHANGE
 EXISTING LAND USE : COMMERCIAL

- 1(E) CURB & GUTTER
 - 2(E) APPROACH (30')
 - 3(E) EXISTING SIDEWALK 7 FT
 - 4(E) AC PAVEMENT
 - 5 PROPOSED PAINTED DIRECTIONAL ARROWS
 - 6 PROPOSED STRIPING
- E. SHAW AVE
 6" HIGH CONCRETE CURB
 6" HIGH CONCRETE CURB
 APPROACH (30')

96 PROPOSED STRIPING/PARKING PLAN

SCALE: 1" = 15'

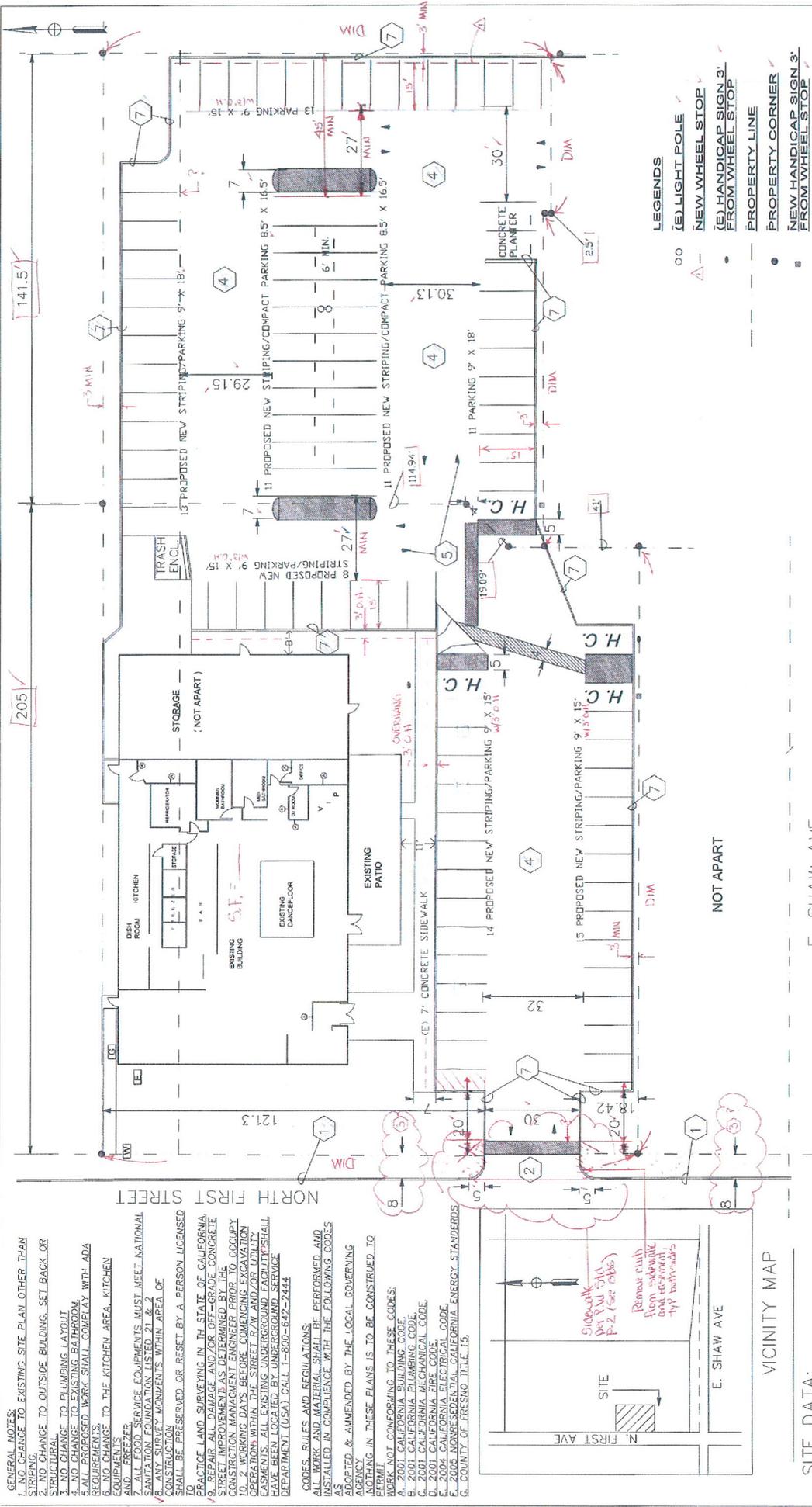
DESIGNED BY:
**NAT ASSISTANT ENGINEERING
 + LAND DEVELOPMENT**
 5860 EAST NEES AVENUE
 CLOVIS, CA 93611
 PHONE: (559) 299-8104

DATE: 06-2-11
 DRAWN BY:

LEGENDS:

- OO (E) LIGHT POLE
- NEW WHEEL STOP
- (E) HANDICAP SIGN 3' FROM WHEEL STOP
- - - PROPERTY LINE
- PROPERTY CORNER
- NEW HANDICAP SIGN 3' FROM WHEEL STOP

T-1



96 PROPOSED STRIPING/PARKING PLAN

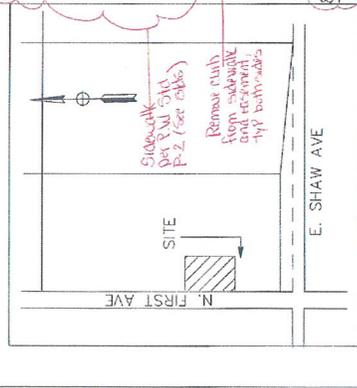
SCALE: 1" = 15'

DESIGNED BY:
NAT ASSISTANT ENGINEERING + LAND DEVELOPMENT
 5860 EAST NEES AVENUE
 CLOVIS, CA 93611
 PHONE: (559) 299-8164

DATE: 06-2-11
 DRAWN BY:

- GENERAL NOTES:**
1. NO CHANGE TO EXISTING SITE PLAN OTHER THAN STRIPING.
 2. NO CHANGE TO OUTSIDE BUILDING, SET BACK OR ANY OTHER.
 3. NO CHANGE TO PLUMBING LAYOUT.
 4. NO CHANGE TO EXISTING BATHROOM.
 5. ALL PROPOSED WORK SHALL COMPLY WITH ADA REQUIREMENTS.
 6. NO CHANGE TO THE KITCHEN AREA, KITCHEN COORDINATION.
 7. ALL FOOD SERVICE EQUIPMENTS MUST MEET NATIONAL SANITATION FOUNDATION LISTED 21 & 2 CONSTRUCTION.
 8. ANY SURVEY MONUMENTS WITHIN AREA OF SHALL BE PRESERVED OR RESET BY A PERSON LICENSED IN PRACTICE LAND SURVEYING IN THE STATE OF CALIFORNIA.
 9. REPAIR ALL DAMAGE AND/OR OFF-GRADE CONCRETE STREET IMPROVEMENT AS DETERMINED BY THE CONSTRUCTION MANAGEMENT ENGINEER PRIOR TO OCCUPY OPERATIONS WITHIN THE STREET ROW AND/OR UTILITY.
 10. ALL EXISTING UTILITIES SHALL BE LOCATED BY UNDERGROUND SERVICE DEPARTMENT (USA). CALL 1-800-642-2444

CODES, RULES AND REGULATIONS
 ALL WORK AND MATERIAL SHALL BE PERFORMED AND INSTALLED IN COMPLIANCE WITH THE FOLLOWING CODES:
 A. 2001 CALIFORNIA BUILDING CODE
 B. 2001 CALIFORNIA MECHANICAL CODE
 C. 2001 CALIFORNIA FIRE CODE
 D. 2004 CALIFORNIA ELECTRICAL CODE
 E. 2005 NONRESIDENTIAL CALIFORNIA ENERGY STANDARDS
 F. 2005 NONRESIDENTIAL CALIFORNIA ENERGY STANDARDS
 G. COUNTY OF FRESNO TITLE 15



SITE DATA:

OWNER : ALBERT TASHCHIAN
 ADDRESS : 5030 N. FIRST STREET
 FRESNO, CALIFORNIA
 APN'S : 418-091-19, 418-091-20
 EXISTING OCCUPANCY : C
 EXISTING ZONING : C-2
 PROPOSED ZONING : NO CHANGE
 EXISTING LAND USE : COMMERCIAL

1(E) CURB & GUTTER 6" HIGH CONCRETE CURB
 2(E) APPROACH (30')
 3(E) EXISTING SIDEWALK (7 FT. IDENTIFY)
 4(E) AC PAVEMENT
 5 PROPOSED PAINTED DIRECTIONAL ARROWS
 6 PROPOSED STRIPING

PROJ. NO. C-2122, OWNER: ALBERT TASHCHIAN
 PROJECT: 5030 N. FIRST STREET, FRESNO, CA
 DRAWN BY: ALBERT TASHCHIAN
 DATE: 06-2-11

T-1



DATE: February 29, 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-11-127

APN: 418-091-19 AND 418-091-20

ADDRESS: 5030 North First Street

SITE PLAN REQUIREMENTS: Please provide the following information prior to Building Permits:

A. General Requirements

1. **Legend:** Provide line type and utility symbols
2. **Sheet Size:** 24" x 36" or larger
3. **Property Lines:** Identify and dimension existing and proposed property lines.
4. **Easements:** Identify and dimension all existing and proposed easements.

B. Scope of work: All items shall be listed as existing or proposed.

C. Offsite Information:

1. **Section and Center Lines:** Identify all section and center lines.
2. **Dedications:** Identify all existing and proposed dedications. Provide a dimension from the section and center lines to the existing and proposed property lines.
3. **Street Improvements:** Identify existing and proposed curb, gutter, sidewalks (provide width), driveway approaches (provide width), ADA ramps (provide radius), street lights (specify if wood or metal pole), traffic signals.
4. **Street furniture:** Identify utility poles, boxes, guy wires, signs, fire hydrants, bus stop benches, trash receptacles, tree wells, etc.
5. **ADA:** Identify the required 4' minimum path of travel along the public sidewalk adjacent to property.
6. **Median Islands:** Identify and specify if existing to remain, proposed or to be modified.

D. Onsite Information:

1. **Buildings:** Identify and label all buildings as existing, proposed or to be removed. Provide square footage.
2. **Access:** Provide pedestrian, vehicular and service access. Identify in the operational statement the maximum size of vehicle to enter and exit the site. Provide turning templates on the site plan for all large vehicles.
3. **Parking Lots:** (existing and proposed)
 - a. **Stalls:** Provide length and width. Provide the number that are required, provided, compact and designated for disability parking stalls. Identify the 3' vehicular overhang adjacent to continuous curbing. No obstructions shall be within the 3' overhang. (ground cover is allowable.) Compact parking stalls shall be signed or marked.
 - b. **Curbs:** 6" high
 - c. **Wheel Stops:** 6" high

- d. **Circulation Aisles:** provide widths
 - e. **Walkways:** provide width adjacent to parking stalls (7' min)
 - f. **Directional flow of traffic:** Identify existing and proposed directional arrows
 - g. **Disability parking, ramps, signage:** provide details
 - h. **Paving:** per Public Works Standards **P-21,P-22, P-23**
4. **Walls or Fencing:** Identify existing and proposed walls and fences complete with location height and type of material.

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.

Submit the following, as applicable, in a single package to the City of Fresno Public Works Department Traffic and Engineering Services Division (559-621-8650), for review and approval, **prior** to issuance of building and street work permits: Street Improvement Plans, Signing and Striping Plans, Street Lighting Plans and Signal Plans.

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.

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 improvements as determined by the City of Fresno Public Works Department, Construction Management Division, (559) 621-5600. Pedestrian paths of travel must also meet current ADA regulations. All existing sidewalks in excess of 2% maximum cross slope must be brought into compliance **prior** to acceptance by Public Works.

First Street: Arterial

1. Widen existing driveway approach to a minimum width of 30' per Public Works Standards **P-2** and **P-6** or redraw if not shown accurately.

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. Install **30"** state standard "STOP" sign(s) at location(s) shown. Sign shall be mounted on a **2"** galvanized post with the bottom of the sign **7'** above ground; located behind curb and immediately behind a major street sidewalk. A "right turn only" sign is also required, at the same location; install a **30" x 36"** state standard sign immediately below the stop sign on the same post.
3. 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 Impact Study: A Traffic Impact Study is not required.

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.



Joel Aranaz
Fire Chief

Bureau of Fire Prevention and Investigative Services
911 H Street
Fresno, California 93721-3083
(559) 621- 4000 FAX (559) 498-4323
www.fresno.gov

DATE: September 6, 2011
TO: McKencie Contreras, Planner III
FROM: Terri Meiss, Fire Inspector II
Fire Department, Fire Prevention and Investigation Division
SUBJECT: 5030 North First St, C-11-127

General Requirements:

Existing access and water supply meet fire department requirements and there are no additional site requirements for this project. The interior of the building will be reviewed when the building plan is submitted to the Planning and Development Department.



POLICE DEPARTMENT
Northeast Problem Oriented Policing
 1450 E. Teague
 Fresno, California 93720
 (559) 621-6400 Fax:(559) 436-6245



Jerry Dyer
 Chief of Police

NIGHTCLUB CUP CONDITIONS

October 20, 2011

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

Attn. McKencie Contreras, Planning Division

Re: SPECIAL PERMIT NO. C-11-127CUP
Atlas Inc.
NVS
5030 N. First St.
Fresno, Ca. 93710
A.P.N. 418-091-19

Dear Ms. Contreras,

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 5030 N. First St. The property has been zoned C-2/BA 15-30/cz (Community Shopping Center) which permits Nightclubs, pursuant to FMC, sections 12-326 and 12-327. We understand from the Operational Statement that the applicant intends to operate as a Nightclub as well as a Dance/Party Hall for 18 and older patrons during the hours of 9:00 p.m. and 1:30 a.m. 7 Day(s) a week, Sunday-Saturday. Per the operational statement, the area where 18 and older guests are permitted (Dance/Party Hall) is a "dry" area and alcohol is not permitted in this area (consumed, stored nor sold). (The applicant forfeits this entire area for alcohol sales/consumption.)

Alcohol is permitted in the "The Lounge" area where guests "21 and older" are permitted. Per the operational Statement, the hours of operation for this area are 9:00 p.m. to 2:00 a.m. 7 days a week, Sunday-Saturday. This area is divided by a wall and door. Guests can only access it by going through the door, which shall be manned by security personnel at all times. Security shall check ID's of patrons entering the club, confirming age as well as preventing underage

patrons from accessing this area. Patrons 21 and older will receive a wristband or non-transferable stamp (that will be changed periodically to prevent duplication, etc.) applied by security personnel. The applicant understands that if the CUP 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 the applicant must obtain the necessary alcohol license from the State Department of Alcoholic Beverage Control. The Fresno Police Department's primary concern with the application is the propensity of the premises to generate calls for police service.

Per the Operational Statement, the applicant intends on making the location available for both private and public events in the main area (This is the "Dry Area") for all ages. This area (The Dry Area) will be posted "No Alcohol Allowed in this Area." The hours of operation for this area during private events are between 12:00 p.m. and 8:00 p.m. 7 days a week, Sunday-Saturday. Patrons of any age will be allowed in this area during private events. Patrons under 18 years old attending private events shall be out of the building no later than 8:15 p.m. "The Lounge" area will be open/available for persons 21 and older during these events. Security Personnel will man the access door into this area at all times. The hours of operation for the Nightclub in this area is 9:00 p.m. to 1:30 a.m. 7 days(s) a week. (There is an hour in between operation times to allow adequate time for patrons utilizing the facility for private events, birthdays, etc. to leave the premises prior to Nightclub operation. Patrons 18-20 yrs old are required to vacate the venue no later than 1:30 a.m. and will be escorted out by security personnel. These patrons are required to be off the premises no later than 1:45 a.m. The Lounge area will close no later than 2:00 a.m. and all patrons will be required to be off the premises no later than 2:15 a.m. Per the operational statement, the applicant will purchase a Paz device or a device equivalent to check patrons under 21 who may be suspected of consuming alcohol prior to entering the club. If alcohol is present/detected, these patrons will be denied access into the venue. As per the operational statement, the applicant is in the process of adding additional lighting and surveillance video cameras to the parking lot areas under their control. (Applicant shall provide dates when Paz device is purchased as well as when increased parking lot lighting/video surveillance is completed.)

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

1. All applicable provisions of the Fresno Municipal Code are complied with and the site of the proposed use is adequate in size and shape to accommodate the use, 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 CUP allows for 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 Conditional Use Permit Application No. C-11-127. 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 of approval of CUP No. C-11-127, the Fresno Police Department shall oppose the approval of this Conditional Use Permit, and shall appeal such approval to the Planning Commission. As such, we request that you provide Detective J. Olson #1097 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 the Conditional Use Permit.

Requested Conditions of Approval:

1. Fresno Municipal Codes

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

- FMC 9-502 (Amusement Devices - Permit Required)
- FMC 9-1803 (Hours of Operation 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.

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 of CUP C-11-127. 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 CUP. 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 may be employees of the establishment or licensed security personnel retained from a security firm.

- 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.

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 or one (1) state licensed uniformed security guard per one hundred, of the total number of guests permitted, whichever is greater, 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.

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, the majority of the open floor space area in the establishment, the patio area and the parking lot that is utilized by your patrons.

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 CUP 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 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.

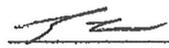
The establishment shall not allow any gambling on building premises or any adjacent property under its control.

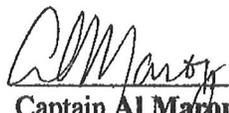
There shall be no amusement devices or Billiard tables maintained upon the premises without the proper permits issued through the City of Fresno Business Tax Division.

- 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

 Date: 12-21-11
Officer Janette Olson #1097
Northeast District POP

 Date: 12-21-11
Sergeant Eric Hodge #S26
Northeast District-Det/POP

 Date: 12/21/2011
Captain Al Maroney
Northeast District Commander

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.htm#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_CH10REREPUNUREPCOUS_ART1NORE.html#MUCOFR_CH10REREPUNUREPCOUS_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.

FEES

(Not all fees will be applicable to all projects)

42. 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.

43. 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)

44. 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 than 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.

45. 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.

46. 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.

47. 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.

48. FLOOD CONTROL FEES

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

49. 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.

50. 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)

51. 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.

December 5, 2011

Operation Statement for CLUB NVS

5030 N. First Street

Fresno, CA

THE CLUB NAME WILL BE "NVS" AND WILL BE OPERATING EVERY DAY AS A NIGHTCLUB AS FOLLOWS:

THE MAIN FACILITY WILL BE USED MAINLY AS A DANCE/PARTY HALL FOR AGES 18 AND OLDER, AND WILL BE OPENING EVERY DAY BETWEEN 9:00 PM TO 1:00 AM AS PER THE CITY GENERAL CONDITION ARTICLE 3 - SECTIONS 12-327. FOR PATRONS AGES BETWEEN 18 AND 20 WILL BE ESCORTED OUT AND VACATE THE VENUE BY 1:30 AM. THE DANCE AREA WILL BE A DRY AREA, NO ALCOHOL WILL BE ALLOWED AT ANY TIME NOR WILL IT BE SEEN ON THE SHELVES. SIGNAGE WILL BE POSTED IN THE DRY AREA ADVISING "NO ALCOHOL ALLOWED IN THIS AREA" AS PER ABC VERBIAGE REQUIREMENT IF ANY.

ID's WILL BE CHECKED UPON ENTRY INTO THE BUILDING TO IDENTIFY PATRONS AGES. PATRONS 21+ WILL BE PROVIDED WITH A NON-TRANSFERRABLE STAMP AND/OR WRISTBAND THAT WILL BE CHECKED UPON ENTRANCE TO THE LOUNGE. THIS STAMP WILL BE CHANGED PERIODICALLY TO PREVENT DUPLICATION.ETC.

FOR GUESTS 21 AND OLDER WHO WISH TO PURCHASE/CONSUME ALCOHOLIC BEVERAGES, THEY WILL BE ALLOWED TO VISIT THE LOUNGE, THE NORTHWEST SECTION OF THE BUILDING FULLY DIVIDED BY A COMPLETE WALL AND A DOOR. THE LOUNGE AREA ACCESS DOOR WILL BE MANNED AT ALL TIMES BY SECURITY PERSONNEL TO CHECK AND CONFIRM AGE OF PATRONS ENTERING THE LOUNGE AREA AND TO PREVENT ANYONE WHO IS UNDERAGE FROM ENTERING.

THE DOOR TO THE LOUNGE WILL BE CONTROLLED BY A SECURITY GUARD STATIONED AT THE ENTRANCE TO THE LOUNGE DURING OPERATION HOURS. THE HOURS OF OPERATION FOR THE LOUNGE WILL BE BETWEEN 9:00 PM AND 2:00 AM AS PER THE CITY GENERAL CONDITION ARTICLE 3 - SECTION 12-327. THE SECURITY GUARD WILL CHECK THE STAMP AND/OR WRISTBAND OF THE 21 AND OVER GUESTS BEFORE THEY ENTER THE LOUNGE. THE SECURITY GUARD WILL MAKE SURE THAT THE LOUNGE IS THE ONLY SECTION OF THE BUILDING WHERE ALCOHOL IS SERVED, AND

WILL PREVENT THE MOVEMENT OF ALCOHOLIC BEVERAGES TO THE DANCE HALL.

VENUE WILL ALSO BE CATERING TO SPECIAL PRIVATE AND/OR PUBLIC EVENTS IN THE MAIN (DRY) AREA SUCH AS BIRTHDAYS FOR ALL AGES. THE HOURS OF OPERATION FOR THE SPECIAL EVENTS WILL BE BETWEEN 12:00 PM AND 8:00 PM; HOWEVER, DURING THE SPECIAL EVENT GATHERINGS, THE LOUNGE WILL BE OPEN TO GUEST 21 AND OVER WHO WISH TO ENJOY A COCKTAIL, BUT A SECURITY GUARD WILL BE PRESENT TO CHECK IDENTIFICATIONS AND TO FOLLOW THE SAME AS PER THE CITY GENERAL CONDITION ARTICLE 3 - SECTION 12-327

THER WILL BE ONE HOUR TIME FOR THE TRANSITION FROM RENTAL HALL TO NIGHTCLUB OPERATION. BY 8:00 PM THE SPECIAL EVENT PARTIES WILL BE OUT OF THE BUILDING TO ALLOW PREPARING FOR THE NIGHTCLUB PATRONS TO ENTER AT 9:00 PM

ALL EMPLOYEES WILL ATTEND AN ABC "LEADS" TRAINING COURSE. WE INTEND TO PURCHASE AND USE "PAZ" DEVICE TO CHECK PATRONS 18 TO 20 FOR PRESENCE OF ALCOHOL IF IT WAS SUSPECTED PRIOR TO ALLOWING THEM ENTRANCE TO THE CLUB.

ADDITIONAL LIGHTING AND VIDEO SURVEILLANCE WILL BE ADDED TO THE PARKING LOT.

Club NVS
Security Plan
January 11, 2012

Back parking lot including Carl's Jr.	2 security guards
Front parking lot:	2 security guards
Front entrance:	2 security guards
Dry Area (main room):	4 security guards
Patio:	2 security guards
Lounge entrance:	1 security guard
Lounge area:	2 security guards
Total:	15 security guards

The number of guards shown above are for busier nights, subject to change on more slower nights.

In addition to security guards Contract Police Services will be utilized as necessary, (eg: Big events, etc....)

Assignments by sector.

Back parking: 2 security guards will control the back parking lot and Carl's Jr. parking lot.

Patrons will not be permitted:

To stay inside their cars.

Gather together in parking lot.

Cruising.

When parking is full security will block the entrance with cones from Carl's Jr. to prevent Cruising.

Front parking: 2 security guards will control the front parking lot.

Patrons will not be permitted:

To stay inside their cars.

Gather together in parking lot.

Cruising.

When parking is full security will block the parking entrance with cones from First St. to prevent Cruising.

Signage: Several signs will be posted in the back and front parking lots as well as inside the night club.

"WARNING: ALL ACTIVITIES ARE RECORDED TO AID IN THE PROSECUTION OF ANY CRIME COMMITTED AGAINST THIS FACILITY"

Front entrance: 2 security guards will control the front entrance.

Step 1-- Patrons will be regulated by crowd controls to avoid congestion at the front door.

Step 3--All male & female patrons will be padded down as well as their purses checked.

Step 2-- ID's will be checked from all patrons before entering the building.

Step 4--Patrons 21 & over will be provided with a non-transferrable stamp (UV stamp) these stamps will be changed for each night.

Step 5--Patrons under 21 who are suspected of consuming alcohol prior to entering the building will be checked by a breathalyzer, if alcohol is detected, these patrons will be denied access into the building.

Dry Area (main room): 4 security guards will control the dry area:
Several signs will be posted in the dry area "NO ALCOHOL IS ALLOWED IN THIS AREA"

Patio: 2 security guards will control the patio:
Several sign will be posted in Patio "NO ALCOHOL IS ALLOWED IN THIS AREA"

Lounge entrance: 1 security guard will be controlling the door to the lounge. Only patrons 21years old & over with stamps will be permitted to enter the lounge and patrons aren't to take alcohol out from the lounge.

Lounge area: 2 security guards will control the lounge area:
Several signs will be posted in the lounge area "NO ALCOHOL BEYOND THIS POINT"

Management: A manager will be on duty during business hours & will be responsible for monitoring & controlling the behavior of patrons.

Bar Staff: All bartenders are trained to recognize overly intoxicated patrons, to refuse serving alcohol & report to manager.

First Aid/extinguishers: First aid & operating fire extinguishers located in the kitchen, service areas, office.

Burglar/fire Alarm: Alarm is monitored by a security company 24 hours a day, 7 days a week.

Closing time.

Dry Area 18 – 20: At 1:00 AM, the DJ will announce to all patrons 18 – 20 that the dance hall is closed and will ask them to leave. Meanwhile the DJ will ask to all patrons 21+ to step into the lounge. The DJ will stop playing music in the dry area. Security guards will be walking around asking patrons to leave the club.

Lounge 21+: At 1:30 AM, the DJ will announce last call. At 1:40 AM the DJ will stop playing music in the lounge, the waitresses will no longer serve beverages and cash registers will be closed. Security guards will be walking around asking patrons to leave the club.

Parking lot: The back and front parking lots will be divided into two sections. One half, security guards will ask patrons to leave through Shaw Ave, the other half, through First St. to avoid any congestion.
1 security guard will control the Shaw Ave entrance to stop cars to reenter the parking lot.
1 security guard will control the First St. entrance to stop cars to reenter the parking lot.

Special Events.

Venue will also be catering to special private and/or public events in the Dry Area such as birthdays for all ages. The hours of operation for the special events will be between 12:00 PM to 8:00 PM; however, during the special event gatherings, the lounge will be open to guest 21+ who wish to enjoy a cocktail, a security guard will be present to check identifications of those who wish to enter the lounge area.

There will be one hour time for transition from rental hall to nightclub operation. By 8:00 PM the special event parties will be out of the building to allow preparing for the nightclub patrons to enter at 9:00 PM.

To reach management 24 hours a day, 7 days a week: please contact:
(Owner) Albert Tashchian at: 559-349-1080
(General Manager) Jean-Marc Hugué at: 559-421-5091

Environmental Assessment

**CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT NO. C-11-127**

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: Abdul Baker
5860 East Nees Avenue
Clovis, California 93611

PROJECT LOCATION: 5030 North First Street; Located on the east side of North First Street, north of East Shaw Avenue; APN: 418-091-19

PROJECT DESCRIPTION: Conditional Use Permit Application No. C-11-127, filed by Abdul Baker, is requesting authorization to establish "Club NVS," an 18 and over night club with dancing and a State of California Alcoholic Beverage Control Type 48 license (*bar/nightclub-sale of beer and wine for consumption on the licensed premises where sold*) for a portion of the establishment and a banquet hall for all ages for private and public events.

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

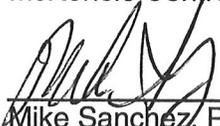
EXPLANATION: Section 15301/Class 1 states the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at 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 and banquet hall with dancing. It is consistent with the 2025 Fresno General Plan and the Hoover Community Plan. The operations of a night club and banquet hall on the site are 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: January 12, 2012

Prepared By: McKencie Contreras, Planner

Submitted By: 

Mike Sanchez, Planning Manager
City of Fresno

Development and Resource Management Department
(559) 621-8277

