



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII-A
COMMISSION MEETING 4-15-15

APPROVED BY


DEPARTMENT DIRECTOR

April 15, 2015

FROM: MIKE SANCHEZ, Assistant Director
Development Services Division 

THROUGH: BONIQUE EMERSON, AICP, Planning Manager
Development Services Division 

BY: CHRISTOPHER PRECIADO, Planner II
Development Services Division

SUBJECT: CONSIDERATION OF CONDITIONAL USE PERMIT APPLICATION NO. C-14-148, AND RELATED ENVIRONMENTAL ASSESSMENT NO. C-14-148, FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF VENTURA AND FIFTH AVENUES.

RECOMMENDATION

Staff recommends the Planning Commission take the following actions:

1. **APPROVE** Environmental Assessment No. C-14-148, dated February 10, 2015, a determination that the proposed project is exempt from CEQA through a Class 1 and Class 32 Categorical Exemption.
2. **CONSIDER AND TAKE ACTION** on Conditional Use Permit Application No. C-14-148 requesting authorization to upgrade the State of California Alcoholic Beverage Control license type for Tony's One-Stop Shop.

EXECUTIVE SUMMARY

Conditional Use Permit Application No. C-14-148-ABCUP upgrade was filed by Elias Saliba of Aesthetics Designs, on behalf of Kuldip Kaur, and pertains to ±0.68 acre of property located on the southwest corner of South Fifth Street and East Ventura Avenue. The applicant requests authorization to upgrade the State of California Alcoholic Beverage Control license type from an approved Type 20 (*Package Store – sale of beer and wine, for consumption off the premises where sold*) to a Type 21 alcohol license (*Package Store – sale of beer, wine, and distilled spirits for consumption off the premises where sold*) for Tony's One-Stop Shop.

PROJECT INFORMATION

PROJECT	Conditional Use Permit Application No. C-14-148 is a request authorization to upgrade the State of California Alcoholic Beverage Control license type from an approved Type 20 to a Type 21 alcohol license (<i>Package Store – sale of beer, wine, and distilled spirits for consumption off the premises where sold</i>) for Tony's One-Stop Shop.
APPLICANT	Kuldip Kaur
LOCATION	3464 E. Ventura Avenue. Located near the southwest corner of E. Ventura and Fifth Avenues
SITE SIZE	± 0.678 acres existing gas station, minimart, and carwash
LAND USE	Existing - Corridor General Proposed No Change -
ZONING	C 6 (<i>Heavy Commercial</i>) <i>R-05-039: conditions of zoning were removed by the Fresno City Council on December 20, 2005.</i>
PLAN DESIGNATION AND CONSISTENCY	The request to upgrade the State of California Alcoholic Beverage Control license type from an approved Type 20 to a Type 21 alcohol license is consistent with the existing C-6 zone district and the Corridor General planned land use designation of the Fresno General Plan and the Roosevelt Community Plan
ENVIRONMENTAL FINDING	Staff has determined that the proposed project is exempt from CEQA through a Class 1 and Class 32 Categorical Exemption, dated February 10, 2015.
PLAN COMMITTEE RECOMMENDATION	The District 5 Implementation Committee reviewed the project at the regularly scheduled meeting of January 12, 2015, and by a vote of 4-0 (4 yes, 0 no) recommended denial of the project.
STAFF RECOMMENDATION	Staff recommends that the Planning Commission consider and take action on Conditional Use Permit Application No. C-14-148.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Corridor General	R-1, <i>Single Family Residential</i>	Single Family Residential
South	Neighborhoods (<i>Downtown Planning Area</i>)	R-1, <i>Single Family Residential</i>	Single Family Residential
East	Corridor General	C-5, <i>General Commercial</i>	General Commercial
West	Corridor General	R-1, <i>Single Family Residential</i>	Single Family Residential

ENVIRONMENTAL FINDING

The proposed project was determined to be exempt from CEQA by the Development and Resource Management Department on February 10, 2015 through a Class 1 and Class 32 Categorical Exemption. No further environmental assessment is needed. None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project. The California Environmental Quality Act (Public Resource Code Section 21000 et seq.) permits a public agency to determine whether a particular project is exempt from CEQA. A determination of a Categorical Exemption, Section 15301/Class 1 and Section 15332/Class 32 of California CEQA Guidelines was made and Environmental Assessment No. C-14-148 (Categorical Exemption) was completed for this project.

The conditional use permit application is consistent with the general and community plan planned land use designation of *Corridor General* and conforms to all applicable policies. The site is completely surrounded by urban uses, and does not contain any significant value as habitat for endangered, rare, or threatened species. The subject site is adequately served by all required utilities and public services.

The proposed project consists of a request to upgrade the State of California Alcoholic Beverage Control license type from an approved Type 20 to a Type 21 alcohol license is consistent with the existing C-6 zone district and the Corridor General planned land use designation of the Fresno General Plan and the Roosevelt Community Plan. The property is zoned C-6 which is consistent with the Fresno General Plan and the Roosevelt Community Plan land use designation of Corridor General. The proposed operation is allowed within the designated zone district. The site has no value as habitat for endangered, rare or threatened species. The project complies with the conditions of the Class 1 and 32 Categorical Exemptions.

BACKGROUND / ANALYSIS

Conditional Use Permit Application No. C-14-148 is a request for authorization to upgrade the State of California Alcoholic Beverage Control license type from an approved Type 20 to a Type

21 alcohol license (Package Store – sale of beer, wine, and distilled spirits for consumption off the premises where sold) for the existing Tony's One-Stop Shop. In accordance with the Special Permit Procedure of the Fresno Municipal Code, the Director, on his or her discretion and for good cause, may refer the special permit to the Planning Commission for approval at a public hearing or stay his or her decision on the special permit until after a Planning Commission. Because the Police Department is recommending denial of the conditional use permit, the Director has determined it is appropriate that the project be heard at the Planning Commission.

Proposed Use Allowed Pursuant to a Conditional Use Permit

Pursuant to Fresno Municipal Code (FMC) 12-222.3.B.2, the retail sale of alcohol for off-site consumption is permitted in the C-6 (*Neighborhood Shopping Center District*) zone district subject to a conditional use permit and pursuant to Sections 12-304-B-24.

Police Department Review

Although the sale of alcohol is allowed with a conditional use permit on the subject site, the Fresno Police Department is recommending denial of the application based on several factors. The Police Department has provided standard conditions of approval in a letter dated April 9, 2015 in the event that the Planning Commission approves the project, however, they strongly recommend denial of the application.

The Fresno Police Department has provided the calls for police service for the subject property. Said location is within the jurisdiction of the City of Fresno and within Police Zone 2758. Police Zone 2758 covers the area between Ventura Avenue, Orange Avenue, Butler Avenue, and First Street. The calls for service that were provided are within the dates of March 26, 2014, to March 26, 2015.

The business located at 3464 E. Ventura Avenue, known as Tony's 1 Stop Shop, gas station, minimart, and carwash had twenty-six (26) calls for service between the dates of March 26, 2014, to March 26, 2015 (See attached Exhibit H). There were 2,132 calls for service in Police Zone 2758.

The Fresno Police Department therefore does not support this application due to high crime rates in the area and an over concentration of similar type licenses in the census tract.

Alcoholic Beverage Control Regulations

In addition to obtaining a conditional use permit from the City of Fresno, the applicant is required to obtain a license from the Alcoholic Beverage Control in order to sell alcohol. The Alcoholic Beverage Control is currently reviewing the request for an upgraded license to the applicant allowing the sale of distilled spirits. The Alcoholic Beverage Control is awaiting the decision on the subject conditional use permit application prior to making its recommendation on the issuance of the ABC license.

In 2014, the license holder won a lottery to upgrade the license type from a type 20 to a type 21, allowing for the sale of distilled spirits. If there are more applicants than licenses available in Fresno County, a public drawing is held. The number drawn by any applicant indicates the priority position of his/her application, but does not insure the issuance of a license by the Department. That upgrade is still pending with ABC Fresno. (See attached Exhibit I).

In regards to overconcentration, the census tract allows for six off-sale ABC licenses, and there are nine existing off-sale licenses in the census tract. According to ABC, if a census tract is over-concentrated, then the applicant is required to submit Public Convenience or Necessity (PCN). Because the City of Fresno reverted the determination back to the ABC, it is up to the applicant to prove PCN is needed. This means that businesses are sometimes granted licenses even though there is an overconcentration in an area.

Research of Applicant's other ABC License Locations

There is additional evidence that could support a denial of the application. In 2009 the ABC license no. 478435, Type 20, was originally issued to Kuldip Kaur. In 2011 there was a disciplinary action made against the license holder, where an employee of the license holder sold alcohol to a minor.

After researching the Alcohol and Beverage Control database and speaking with their representatives, it was determined that the current license held by the applicant has two disciplinary actions submitted against the applicant. The violations occurred on June 27, 2011. The violations submitted against the applicants were as follows (See attached Exhibit I):

Section 25658 (A) – Sales to a minor
Section 24200 (A and B) – General Citation.

The Alcoholic Beverage Control was contacted in order to obtain a list of any active ABC licenses that have been issued to the applicant in the city of Fresno (see below):

Kaur, Kuldip License No. 478435
Tony's 1 Stop Shop (3464 E. Ventura Avenue)
ABC License Type 20 – Off-Sale General (allows the sale of beer and wine)

Fresno Unified School District

The subject project was routed to the Fresno Unified School District (FUSD) for comment. FUSD does not support the project, based on the fact that the Fresno Police Department does not support the project. See Exhibit G for the FUSD memo dated December 8, 2014.

District 5 Plan Implementation Committee

The District 5 Implementation Committee reviewed the project at the regularly scheduled meeting of January 12, 2015, and by a vote of 4-0 (4 yes, 0 no) recommended denial of the project. The District 5 Committee stated that the primary reason for denial is that there is an over saturation of ABC permits in this census tract.

NOTICE OF PLANNING COMMISSION MEETING

The Development and Resource Management Department mailed notices of this Planning Commission hearing to surrounding property owners (and others) within 350 feet of the subject property (Exhibit E).

CONCLUSION / RECOMMENDATION

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the Fresno General Plan and the Roosevelt Community Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment.

Staff recommends that the Planning Commission consider this staff report, proposed conditions of approval, the categorical exemption prepared for EA. No. C-14-148, and public testimony in determining whether the proposed conditional use permit request should be granted or denied based on the findings discussed in Section 12-405-A-2 of the Fresno Municipal Code, which are as follows:

- 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,
- 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,
- 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.

If the Planning Commission decides to grant approval of the proposed project, the Commission must find that there is substantial evidence in the administrative record to make these findings. Staff believes that there is substantial evidence to support findings A and B. Some of the evidence that could be considered by the Planning Commission in support of findings A and B are noted below.

- 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,
 - Conditional Use Permit Application No. C-14-148 will comply with all applicable property development standards, previous special permit conditions of approval, including parking, landscaping, walls, etc., given that the special

conditions of project approval will ensure that all conditions are met prior to the facility becoming operational.

- 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,
 - The subject site is bordered by Ventura Avenue, an arterial street, and Fifth Street, a local street. Adjacent streets have been previously assessed to ensure that permitted uses would not have significant impacts on traffic. The proposed project is consistent with uses allowed within the Corridor General Plan Designation and the C-6 zone district.

Finding C, listed below, is critical in determining whether or not this project can be either approved or denied. Listed below for the Commission's consideration is a partial list of reasons that support both approval or denial of the proposed project:

- 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.

Support Finding

- No negative impacts on air, water, noise or traffic were identified in the environmental review of this project prepared by the City of Fresno Development and Resource Management Department.
- Every visitor to the store is an additional potential customer/source of revenue for the other businesses in the area.

Oppose Finding

- Area has high calls for service (calls to the Police Department)
- Area has a high concentration of alcohol licenses
- Existing store has 26 calls for service within the last year
- Existing store has two ABC violations, including selling alcohol to a minor

Options

1. Approve making the following motion:
 - a. **APPROVE** Environmental Assessment No. C-14-148, dated February 10, 2015, a determination that the proposed project is exempt from CEQA through a Class 1 and Class 32 Categorical Exemption.
 - b. **APPROVE** Conditional Use Permit Application No. C-14-148 requesting authorization to upgrade the State of California Alcoholic Beverage Control license type for Tony's One-Stop Shop determining that all three findings found

in Section 12-405-A-2 of the Fresno Municipal Code can be made. Approval is subject to compliance with the conditions outlined in Conditional Use Permit Application No. C-08-034, and those comments from Responsible Agencies included in this staff report as Exhibit "G".

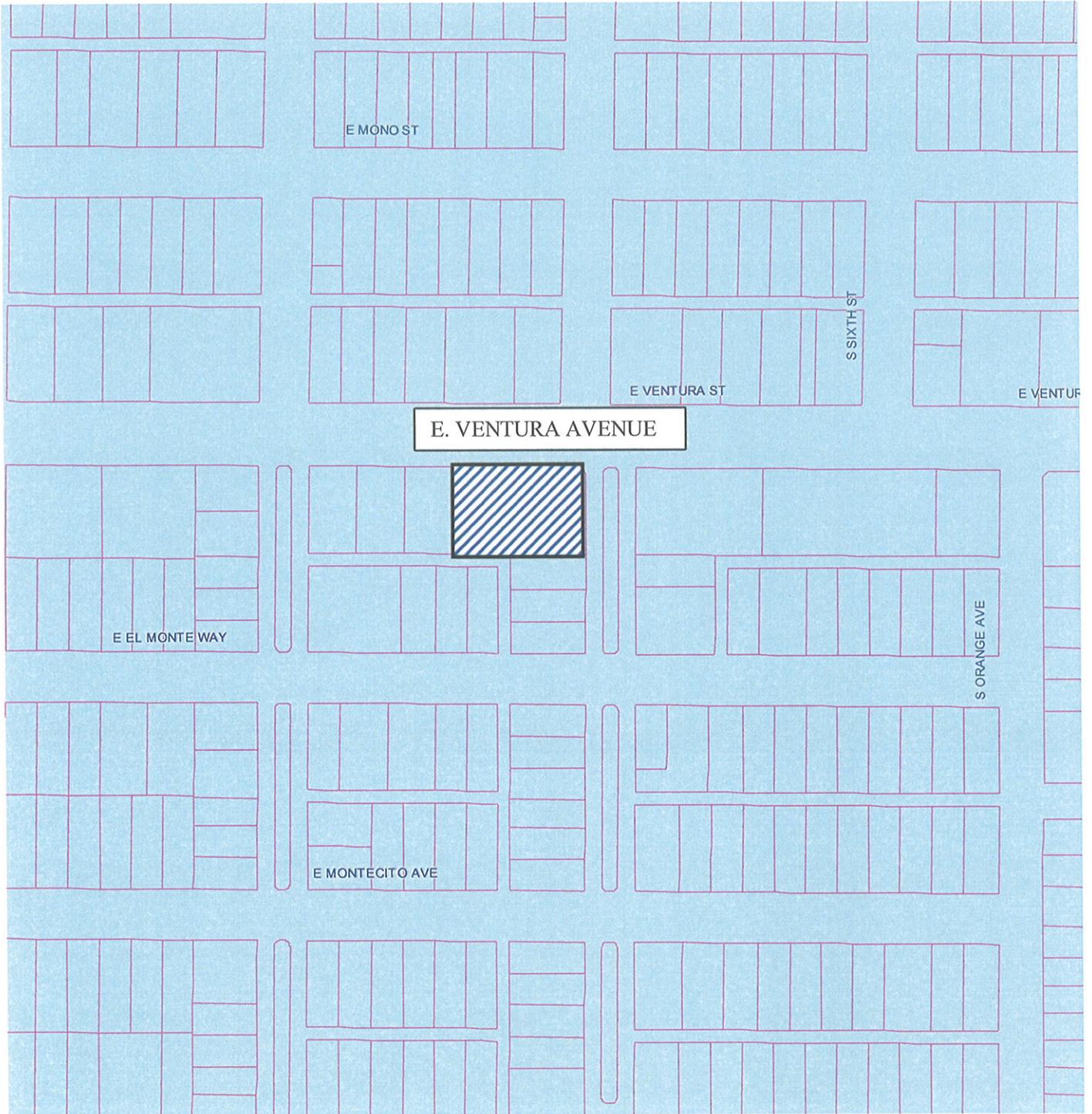
2. Staff Recommendation- Deny making the following motion:
 - a. **DENY** Conditional Use Permit Application No. C-14-148 requesting authorization to upgrade the State of California Alcoholic Beverage Control license type for Tony's One-Stop Shop determining that finding C found in Section 12-405-A-2 of the Fresno Municipal Code cannot be made based on substantial evidence in the record including the following: Area has high calls for service, area has a high concentration of alcohol licenses, the existing store has 26 calls for service within the last year, the existing store has two ABC violations, including selling alcohol to a minor.

Action by the Planning Commission is final unless appealed to City Council in accordance with the Fresno Municipal Code.

- Attachments:
- Exhibit A: Vicinity Map
 - Exhibit B: 2008 Aerial Photograph of site
 - Exhibit C: Noticing Map (350-foot radius)
 - Exhibit D: Operation Statement dated November 1, 2014
 - Exhibit E: Site Plan (Exhibit A from CUP application)
 - Exhibit F: Floor Plan (Exhibit F from CUP application)
 - Exhibit G: Comments from Responsible Agencies
 - Exhibit H: Calls for service Record from the Fresno Police Department
 - Exhibit I: Memo from Fresno ABC dated April 8, 2015
 - Exhibit J: Environmental Assessment No. C-14-148, dated February 10, 2015
 - Exhibit K: Map of ABC licenses within a half-mile of the subject site

Vicinity Map

Exhibit "A"



LEGEND



Subject Property

VICINITY MAP

CONDITIONAL USE PERMIT NO. **C-14-148**

PROPERTY ADDRESS

3464 East Ventura Avenue



Not To Scale

A.P.N.: **470-042-15**

ZONE DIST.: **C-6**

BY/DATE:

2008 Aerial Photograph of Site

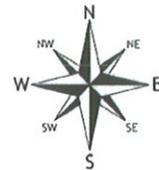
Exhibit "B"

AERIAL MAP



LEGEND

Subject Property



Noticing Map (350-foot radius)

Exhibit "C"

199534 C-14-148

Offered at: 350 Feet, Legal Notices, Owners
7004215



Address List Map, c:\gisdm5\automap\adrlist.mxd, Fri Mar 27 13:17:40 2015



Operation Statement dated November 1, 2014

Exhibit "D"

C-14-148
OPERATIONAL STATEMENT
FOR PROPOSED ALCOHOL AREA UPGRADE TO C21
AT TONY'S ONE STOP SHOP
3464 E. VENTURA AVE.
APN: 470-042-15

Existing Foodstore area of 2,412 s.f. with currently C20 Beer and Wine. Existing 4 MPD's canopy to remain.

1. Existing general plan land use designation: Heavy Commercial District
2. Existing community plan: Roosevelt.
3. Existing zone district: C-6/CZ
4. Existing specific plan: Non
5. Redevelopment area: South East Fresno Revitalization.
6. Discussion with neighbors: No.
7. Complimentary to surrounding area: Similar uses exist along same street.
8. 2025 general plan compliance: Existing commercial use is in compliance.
9. Nature of the operation: customers drive or walk to store, buy groceries, beer, wine, liquor(c21), soda, milk, tacos, burritos, sandwiches, cigarettes, lotto, or cash a check.
10. Operation Time Limits: open your round, 7 days/week, 6:00am-12:00 pm, 2 shifts per day. No special activities.
11. Number of Customers: 200 customers /day as average. 300 maximum during busy days. Customers may drop in anytime, mostly during the day.
12. Number of Employees: 2 persons per shift.
13. Service & Delivery Vehicles: Trucks may make 6 deliveries /week.
14. Parking: Existing 12 parking stalls, 8 under canopy- total 20 p.s. Type of surfacing is asphaltous concrete.
15. Goods Sales: Beer, wine, cash checks, groceries, gas, hot food tacos, dairy products, beverages.
16. Equipments used: Walk in cooler, Walk in Freezer, cash register, soda machine, gondolas, delicases, slicer, cash register.
17. Supplies: Groceries...stored on Gondolas accessible from aisles, beverage & dairy products stored in WIC, canned frozen food, oil cans.
18. Unsightly appearance of use: no noise or odors anticipated. No glare or dust to be produced.
19. Solid Wastes: 150 LB/day of domestic garbage, 140 pounds of paper/card box, will be stored in a container and hauled by City of Fresno solid waste management from proposed onsite can.
20. Liquid waste: anticipated 1000 gal/day of domestic liquid waste, to city sewer.
21. Water use: estimated consumption 1000 gal/day. Source City of Fresno.
22. Advertising: Building sign displaying business name.
23. Building operation: Building include sales area, sales counter, stock room, workroom, office, restrooms, sandwich & hot food shop.
24. Outdoor lighting: lighting fixtures mounted on building walls canopy ceiling, all hooded. No sound amplification systems to be used.
25. Landscaping: Existing trees, shrubs, lawn ground cover to remain.
26. Fences : Existing CMU wall along South & West property line.
27. Security: Cameras inside store and outside in parking lot.


Owner: Kuldip Kaur
11/1/2014
559-906-1565
Tony's C21 OP

Site Plan (Exhibit A from CUP application)

Exhibit "E"

Floor Plan (Exhibit F from CUP application)

Exhibit "F"

Comments from Responsible Agencies

Exhibit "G"

**CITY OF FRESNO - PLANNING AND DEVELOPMENT DEPARTMENT
REQUEST FOR COMMENTS, CONDITIONS, ENVIRONMENTAL ASSESSMENT,
AND ENTITLEMENT APPLICATION REVIEW OF
CONDITIONAL USE PERMIT APPLICATION NO. C-10-221**

Return Completed Form to:

Joann Zuniga
Development Services/Planning
Email: Joann.Zuniga@fresno.gov
Development and Resource Management
2600 Fresno Street, Third Floor
Fresno CA 93721-3604

PROJECT DESCRIPTION AND LOCATION:

Conditional Use Permit Application No. C-14-148-ABCUP upgrade has been filed by Elias Saliba of Aesthetics Designs, on behalf of Kuldip Kaur, and pertains to \pm 0.68 acre of property located on the southwest corner of South Fifth Street and East Ventura Avenue. The applicant requests authorization to upgrade the State of California Alcoholic Beverage Control license type from an approved Type 20 (Conditional Use Permit C-08-034) to a Type 21 alcohol license (*Package Store – sale of beer, wine, and distilled spirits for consumption off the premises where sold*) for Tony's One-Stop Shop. The property is zoned C-6/cz (*Heavy Commercial/conditions of zoning*).

APN: 470-042-15

ZONING: C-6/cz

ADDRESS: 3464 East Ventura Avenue

DATE ROUTED:

COMMENT DEADLINE:

If no response is received by the comment deadline, it will be assumed you have no comments to submit.

WILL THIS PROJECT AFFECT YOUR AGENCY/JURISDICTION? (If yes, specify.)

Yes

SUGGESTION(S) TO REDUCE IMPACTS/ADDRESS CONCERNS:

Due to high crime rates in the area and an over concentration of similar type licenses in the census track, the application is denied.

REQUIRED CONDITIONS OF APPROVAL:

None

IS ANY ADDITIONAL INFORMATION NEEDED FOR YOU TO COMPLETE YOUR REVIEW? (Be specific):

No.

REVIEWED BY:	Officer M. Santellano/ Fresno Police Dept.	621-6309	02/04/15
	Name and Title	Telephone Number	Date



April 9, 2015

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

Attn. Christopher Preciado, Planning Division

**Re: SPECIAL PERMIT NO. C-14-148
Tony's One-Stop Shop
3464 E. Ventura Avenue
Fresno, Ca. 93702
A.P.N. 470-042-15**

Dear Mr. Preciado,

Pursuant to your Department's request, the Fresno Police Department has reviewed the special permit application for property located at **3464 E. Ventura**. The property has been zoned C-6/cz for heavy commercial development. The Fresno Police Department's primary concern with the application is the propensity of the operations on the premises to generate calls for police service, and therefore, be detrimental to the public welfare.

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

1. All applicable provisions of the Fresno Municipal Code are complied with and the site of the proposed use is adequate in size and shape to accommodate the use, and all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,
2. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,
3. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. This third finding shall not apply to uses which are subject to the provisions of Section 12-306-N-39 of the Fresno Municipal Code (Regulating Adult Businesses).

Revised March 17, 2009

The conditions are established to ensure public safety, and to minimize any impact to the surrounding area. If approved, this Conditional Use Permit would allow for an **off-sale Type 21 ABC license**. We request the following conditions be included as Conditions of Approval for Conditional Use Permit Application No. C-14-148. These conditions will help to insure maintain an environment that is least likely to generate criminal activity, public complaints and police calls for service.

The Fresno Police Department is not in opposition of this Conditional Use Permit, providing the applicant agrees to the listed conditions. If the following conditions are not included as conditions of approval of CUP No. C-14-148, 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 Santellano with notice of the Director's decision regarding this Conditional Use Permit as well as a complete copy of the conditions of approval, if the Director approves the Conditional Use Permit.

Requested Conditions of Approval:

1. Fresno Municipal Codes

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

- FMC 9-502 (Amusement Devices - Permit Required)
- FMC 9-1803 (Hours of Operation of Billiard Hall)
- FMC 9-1804 (Restriction on Attendance of Minors in Billiard Rooms)
- FMC 9-1805 (Minors allowed: Family Billiard Rooms)
- FMC 9-1905 (Public Dancing - Permit Required)
- FMC 10-105 (Noise Ordinance)
- FMC 10-708 (Unlawful Nuisances - High Calls for Police Service)
- FMC 12-224 (C-M Zone, Adult Theater activities not permitted, see 12-105-T-1.1 for definition of Adult Theater, and 12-306-N-30 for additional limitations on Adult Business activities.)

A current version of the Fresno Municipal Code may be viewed at the City of Fresno's website: www.Fresno.gov. The link to the FMC is located on the Home Page of that website.

2. State and Federal Law

The applicant shall comply with all applicable state and federal law, rules and regulations, including but not limited to the following California Business and Professions Code sections and ABC rules:

- BP 24046 (Required to Post ABC License on Premises)
- BP 25612.5 (Loitering, Open Alcoholic Beverage Containers, Consuming Alcoholic Beverages on Premises, Exterior Lighting, Litter)

Removal, Graffiti Removal, Signs and Barriers in Windows and Doors, Public Phones Blocked From Incoming Calls, Areas to Display Harmful Matter, Required Copies of Operating Standards Available for Public Viewing)

BP 25631 (No sale of alcoholic beverages between 2:00 a.m. and 6:00 a.m.)

BP 25665 (Minors Remaining in Public Premises)

ABC Act Rule 106 (No Buy One Get One Free Drinks)

ABC Act Rule 107 (No One Under 21 Allowed Signs Posted)

ABC Act Rule 139 (Interior Lighting Required for Identification of Patrons)

3. Video Camera

Prior to exercising any privileges granted by CUP No. C-14-148 the applicant must install a fully functional color digital video camera system ("System") that meets the following requirements:

3.1 The System must continuously record, store, be capable of playing back images and be fully functional at all times, including during any hours the business is closed. The System must be maintained in a secured location inside of the business.

3.2 The System shall have the correct date and time stamped onto the image at all times.

3.3 The camera storage capacity should be for at least one week (seven calendar days). Such cameras must be capable of producing a retrievable and identifiable image than can be made a permanent record and that can be enlarged through projection or other means.

3.4 Digital video recorder must be capable of storing at least seven days of real-time activities.

3.5 The System shall be capable of producing a CD or digital playback feature and may be provided to an authorized representative of the Fresno Police Department within 24 hours of the initial request relating to a **criminal investigation only**.

3.6 The interior of the business must have at least one camera placed to focus on each cash register transaction to include the clerk as well as the customer waiting area. There should be at least one camera focused on the entrance and the camera view should clearly show an image of the color coded height tape installed on the inside of the door jamb.

3.7 There shall be four (4) exterior cameras placed so as to record activities in the primary customer parking areas of their business. These cameras should be of sufficient quality to be able to identify persons and or vehicles utilizing the business parking lot.

3.8 All interior cameras shall record in color.

3.9 All exterior cameras shall record in color and have automatic low light switching capabilities to black and white. Exterior cameras should be in weatherproof enclosures and located in a manner that will prevent or reduce the possibility of vandalism.

It is recommended, but not required, that the owner/operator provide the IP address(s) to the Fresno Police Department Communications Center for any system that is browser-based or viewable from a remote site. The Fresno Police Department may perform periodic inspections of the System to ensure compliance with these specifications. An inoperable System may be good cause for seeking revocation of this Conditional Use Permit.

4. ABC Education

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

- 4.1 Completed training from the State of California Department of Alcoholic Beverage Control--Fresno District Office-administered "Leadership and Education in Alcohol and Drugs" (LEAD) Program as confirmed by receipt of an ABC-issued certificate of completion; or,
- 4.2 Completed equivalent training acceptable to the ABC-- Fresno District Office to ensure proper distribution of beer, wine, distilled spirits, tobacco, and inhalants to adults of legal age.

If any prospective employee designated to sell alcoholic beverages, tobacco or inhalants does not currently have such training then:

- 4.3 The ABC-licensed proprietors shall have confirmed with the Development Department within 15 days of the final approval of the CUP or within 15 days of the opening to the public of a new store, whichever is later, that a date certain has been scheduled with the local ABC Office for said prospective employees to take the LEAD Program course; and
- 4.4 Within 30 days of taking said course the employee(s) or responsible employer shall deliver to the Planning Department each required LEAD Program Certificate evidencing completion of said course.

5. Sale of Malt and Wine-Cooler Alcoholic Beverages

5.1 Malt liquor or malt beverage products shall not be sold in less than six (6) pack quantities for sale. They must be sold in manufacturer pre-packaged multi-unit quantities. This will include all sizes of containers.

5.2 All wine cooler products shall not be sold in less than four (4) pack quantities for sale. They must be sold in manufacturer pre-packaged multi-unit quantities.

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

6. **Wine Alcohol Per Volume**

No wine shall be sold with an alcoholic content greater than 24% volume, except premium dessert wines priced at \$10.00 or more.

7. **Non-refrigerated Alcoholic Beverages**

Non-refrigerated "hard" liquor or "distilled spirits," shall be placed within the cashier's area or, shall be located either in a locked cabinet, or other locked shelving system, with access controlled with either manual, remote control locking devices or other appropriate and acceptable locking systems approved in writing by the Fresno Police Department. During the hours of midnight and 2:00 a.m. the cabinet or shelving system shall be locked and opened only after an authorized employee has verified that the customer seeking to purchase items within the cabinet or shelving system is of "legal age."

8. **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.

9. **Consumption of Alcoholic Beverages and Loitering.**

9.1 The establishment shall not allow alcoholic beverages to be consumed outside the building premises or any other adjacent property under its control. No alcoholic beverage will be consumed on any property adjacent to the premises (i.e., parking lot and sidewalks). If the alcoholic beverages are consumed on the exterior portion of adjacent property not owned or controlled by the applicant, the applicant shall immediately report such consumption to the Fresno Police Department.

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

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

10. Property Responsibility

“Frequent” responses by the Fresno Police Department arising out of or relating to the operation or management of the real property owned or controlled by the permittee causing any combination of the following: animal disturbances; violent criminal acts; illegal consumption of intoxicants in public view; gaming activities; and juvenile disturbances, or any of the other activities set forth in the Fresno Municipal Code section 10-708(g) may result in an FPD recommendation to the Director of Planning and Development to commence proceedings to revoke the Conditional Use Permit for violation of the Management of Real Property Ordinance. In addition to recommending the commencement of revocation proceedings, the FPD may pursue any of the other remedies set forth in FMC, section 10-710, including assessing fines against the proprietor for the violations of the Management of Real Property Ordinance.

“Frequent” means response by the Fresno Police Department is occurring more than 1.5 times the average number of such responses (3 calls for every 2) for property of a similar size and character within the same policing district.

11. **The establishment shall ensure that all employees involved, either directly or indirectly, in the sale of alcoholic beverages are aware of and comply with these conditions. The establishment shall have each employee sign a written acknowledgment that he/she has reviewed and understood each of these conditions. The written acknowledgement shall be maintained by the establishment and made available to the Fresno Police Department upon reasonable request.**

FRESNO POLICE DEPARTMENT

Date: _____

Officer Michelle Santellano #902
Southeast District POP

Date: _____

Sergeant Mark Hudson #S82
Southeast District Detectives/POP

Date: _____

Lieutenant Jose Garza
Southeast District Commander

550.10
"II"

CITY OF FRESNO - DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
REQUEST FOR COMMENTS, CONDITIONS, ENVIRONMENTAL ASSESSMENT,
AND ENTITLEMENT APPLICATION REVIEW OF
CONDITIONAL USE PERMIT APPLICATION NO. C-14-148
ABCUP UPGRADE

FMFCD

Return Completed Form to:

Joann Zuniga, Development Services/Planning
Email Joann.Zuniga@fresno.gov
Development and Resource Management
2600 Fresno Street, Third Floor
Fresno CA 93721-3604

PROJECT DESCRIPTION AND LOCATION:

Conditional Use Permit Application No. C-14-148-**ABCUP upgrade** was filed by Elias Saliba of Aesthetics Designs, on behalf of Kuldip Kaur, and pertains to ±0.68 acre of property located on the southwest corner of South Fifth Street and East Ventura Avenue. The applicant requests authorization to upgrade the State of California Alcoholic Beverage Control license type from an approved Type 20 (Conditional Use Permit C-08-034) to a Type 21 alcohol license (*Package Store – sale of beer, wine, and distilled spirits for consumption off the premises where sold*) for Tony's One-Stop Shop. The property is zoned C-6/cz (*Heavy Commercial/conditions of zoning*).

APN: 470-042-15

ZONING: C-6/cz

ADDRESS: 3464 East Ventura Avenue

DATE ROUTED: December 5, 2014

COMMENT DEADLINE: December 15, 2014

WILL THIS PROJECT AFFECT YOUR AGENCY/JURISDICTION? (If yes, specify.)

THE DISTRICT HAS NO DRAINAGE CONCERNS OR COMMENTS IN REGARDS TO CUP 2014-148.

SUGGESTION(S) TO REDUCE IMPACTS/ADDRESS CONCERNS:

SAME AS ABOVE.

REQUIRED CONDITIONS OF APPROVAL:

SAME AS ABOVE.

IS ANY ADDITIONAL INFORMATION NEEDED FOR YOU TO COMPLETE YOUR REVIEW? (Be specific):

NO.

REVIEWED BY: RICK LYONS, ENG. TECH. III 456-3292 12/5/14
Name and Title Telephone Number Date

Christopher Preciado, Planning Analyst
Council District 5; Roosevelt Community Plan



County of Fresno

DEPARTMENT OF PUBLIC HEALTH
DAVID POMAVILLE, DIRECTOR

December 8, 2014

Joann Zuniga
Development and Resource Management
2600 Fresno Street, Third Floor
Fresno, CA 93721

FA0278831
LU0017891
2602

Dear Ms. Zuniga:

PROJECT NUMBER: C-14-148

Conditional Use Permit Application No. C-14-148-ABCUP upgrade was filed by Elias Saliba of Aesthetics Designs, on behalf of Kuldip Kaur, and pertains to ± 0.68 acre of property located on the southwest corner of South Fifth Street and East Ventura Avenue. The applicant requests authorization to upgrade the State of California Alcoholic Beverage Control license type from an approved Type 20 (Conditional Use Permit C-08-034) to a Type 21 alcohol license (*Package Store- sale of beer, wine, and distilled spirits for consumption off the premises where sold*) for Tony's One-Stop Shop. The property is zoned C-6/cz (*Heavy Commercial/conditions of zoning*).

APN: 470-042-15

ZONING: C-6/cz

ADDRESS: 3464 East Ventura Avenue

Recommended Conditions of Approval:

- Once building plans have been approved, the applicant shall obtain a final construction inspection from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Prior to the sales of distilled spirits, the applicant shall obtain their upgraded California Alcoholic Beverage Control License Type 21. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.

REVIEWED BY:

Kevin Tsuda

Digitally signed by Kevin Tsuda
DN: cn=Kevin Tsuda, o=Fresno
County Department of Public Health,
ou=Environmental Health Division,
email=ksuda@co.fresno.ca.us, c=US
Date: 2014.12.08 14:32:41 -0800

Kevin Tsuda, R.E.H.S.
Environmental Health Specialist II

(559) 600-3271

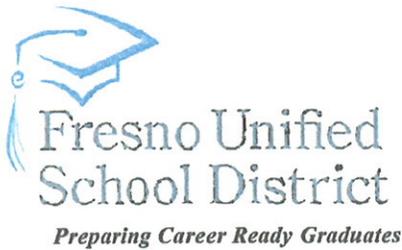
cc: Casagrande, Tolzmann, Salazar - Environmental Health Division (CT 04.00)
Elias Saliba, Applicant (eliassaliba4668@comcast.net)
Kuldip Kaur, Owner (tonysgasandfood@gmail.com)

Promotion, preservation and protection of the community's health

1221 Fulton Mall / P.O. Box 11867 / Fresno, California 93775 / Phone (559) 600-3271 / FAX (559) 455-4646

Email: EnvironmentalHealth@co.fresno.ca.us ❖ www.co.fresno.ca.us ❖ www.fcph.org

Equal Employment Opportunity ❖ Affirmative Action ❖ Disabled Employer



Facilities Management & Planning

BOARD OF EDUCATION

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Carol Mills, J.D.
Janet Ryan

SUPERINTENDENT

Michael E. Hanson

December 8, 2014

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

**SUBJECT: CONDITIONAL USE PERMIT NO. C-14-148-ABCUP UPGRADE
3464 E. VENTURA AVE.**

Dear Ms. Zuniga,

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

The existing 'Tony's One-Stop Shop' food store located at 3464 East Ventura Avenue is requesting authorization to upgrade the State of California Alcoholic Beverage Control license type from an approved Type 20 (Conditional Use Permit C-08-034) to a Type 21 alcohol license (*Package Store – sale of beer, wine, and distilled spirits for consumption off the premises where sold*). It is located within approximately 1,890 feet from Winchell Elementary School.

As per the State of California's Alcohol Beverage Control Act, an alcohol license can be refused by the State if the location is "within at least 600 feet from schools." The District has concerns regarding potentially dangerous interaction between our students and the proposed operation. FUSD's response on this project is subject to the Alcohol Beverage Control Act and the Fresno Police Department's review and support of the project with regard to the concentration and use of alcohol-related business in close proximity to school sites.

The Fresno Unified School District levies a commercial/industrial development fee of \$0.54 per square foot. However, since no new square footage will be constructed, no development fee would be charged.

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

Sincerely,

Jeff Friesen, Interim Executive Officer
Facilities Management and Planning

JWF

JF:hh

c: Sandra Aguayo, Principal, Winchell Elementary School



RECEIVED

DEC 11 2014

DEVELOPMENT DEPARTMENT
CITY OF FRESNO

FIRE DEPARTMENT

DATE: December 10, 2014

TO: JOANN ZUNIGA, Development Services/Planning
Development and Resource Management Department

FROM: LAURIE SAWHILL, Senior Fire Prevention Inspector
Fire Department, Community Risk Reduction Unit

SUBJECT: C-14-148 –ABCUP, 3464 E Ventura

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

Approved as submitted.

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

CITY OF FRESNO - DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
REQUEST FOR COMMENTS, CONDITIONS, ENVIRONMENTAL ASSESSMENT,
AND ENTITLEMENT APPLICATION REVIEW OF
CONDITIONAL USE PERMIT APPLICATION NO. C-14-148
ABCUP UPGRADE

Building & Safety Services

Return Completed Form to:

Joann Zuniga, Development Services/Planning
Email Joann.Zuniga@fresno.gov
Development and Resource Management
2600 Fresno Street, Third Floor
Fresno CA 93721-3604

PROJECT DESCRIPTION AND LOCATION:

Conditional Use Permit Application No. C-14-148-**ABCUP upgrade** was filed by Elias Saliba of Aesthetics Designs, on behalf of Kuldip Kaur, and pertains to ±0.68 acre of property located on the southwest corner of South Fifth Street and East Ventura Avenue. The applicant requests authorization to upgrade the State of California Alcoholic Beverage Control license type from an approved Type 20 (Conditional Use Permit C-08-034) to a Type 21 alcohol license (*Package Store – sale of beer, wine, and distilled spirits for consumption off the premises where sold*) for Tony's One-Stop Shop. The property is zoned C-6/cz (*Heavy Commercial/conditions of zoning*).

APN: 470-042-15

ZONING: C-6/cz

ADDRESS: 3464 East Ventura Avenue

DATE ROUTED: December 5, 2014

COMMENT DEADLINE: December 15, 2014

WILL THIS PROJECT AFFECT YOUR AGENCY/JURISDICTION? (If yes, specify.)

SUGGESTION(S) TO REDUCE IMPACTS/ADDRESS CONCERNS:

REQUIRED CONDITIONS OF APPROVAL:

*Ed. Approved if
no work is
proposed*

IS ANY ADDITIONAL INFORMATION NEEDED FOR YOU TO COMPLETE YOUR REVIEW? (Be specific):

REVIEWED BY:

Christopher Preciado
Name and Title

8156
Telephone Number

12-5-14
Date

Calls for service Record from the Fresno Police Department

Exhibit "H"

Calls for Service for Tony's Valero

At 3464 E. Ventura

03/26/14 – 03/26/15

26 calls for the years' time frame.

Event Main Search Results

26 CFS

User Name: M. SANTELLANO (V6309)

User ID: P902

Work Station: R10171

Search: Address = 3464 E VENTURA AV City = FRESNO.

Search Time = 03/26/2014 08:37:26 To 03/26/2015 08:37:26

Report Date: 3/26/2015

EventMain Search:

Event	Receive Time	Class	Address	Synopsis
15A19969	03/06 19:01	3D1	3464 E VENTURA AV / S FIFTH ST, FRESNO (VALERO 485-3466)	POSS DK DRIVER .. GRAY IMPALA 4D LIC PLATE [REDACTED] .. RP SAW FEM DRIVER THROW AWAY BEER BOTTLES FROM THE VEH .. HFA BLK SHIRT GRAY PANTS.. LSH WB VENTURA
15AG4434	02/16 15:24	4W2	3464 E VENTURA AV / S FIFTH ST, FRESNO (VALERO 485-3466)	POSS VANDALISM.. EMPLOYEE JUMPED ON RP'S MOTORCYCLE AND TIPPED IT OVER CAUSING DAMAGE..RP STS ITS ON VIDEO THAT HE ADVSD SUBJ TO GET OFF OF HIS BIKE.. SUBJ DID NOT HAVE PERMISSION EMS CONFERENCING FOR AMB REQUEST - CALLER HAS PANCREATITIS, PAIN REALLY BAD, IS AT THIS STATION CALLING FOR AMB SOME1 NOT FEELING WELL IN THE PLOT, EMS ADVSD
14BW6396	12/22 05:50	MANT	3464 E VENTURA AV / S FIFTH ST, FRESNO (VALERO 485-3466)	
14BT7718	11/30 16:10	MANT	3464 E VENTURA AV / S FIFTH ST, FRESNO (VALERO 485-3466)	
14BT5213	11/28 17:34	3C	3464 E VENTURA AV / S FIFTH ST, FRESNO (VALERO 485-3466)	
14BT3755	11/27 10:12	1E3	3464 E VENTURA AV / S FIFTH ST, FRESNO (VALERO 485-3466)	DIST W/ SUBJS THAT STOLE \$1,000 FROM RP YEST ARE BACK AT LOC YELLING AT HIM. RP RUNS THE CAR WASH HERE--- HFA, RED TSHIRT BLK PANTS AND HMA, BLU TSHIRT, JEANS. BOTH SUBJS CAME ON FOOT. RP IS HARD TO GET DETAILS FROM, BROKEN ENGLISH.
14BT2661	11/26 13:50	4F2	3464 E VENTURA AV / S FIFTH ST, FRESNO (VALERO 485-3466)	THEFT OF PROPERTY..EX-EMPLOYEE STOLE THE PURSE..RICARDO VARGAS.. WILL BE 1300 DOLLARS THAT WAS TAKEN
14BR7573	11/15 01:48	4D	3464 E VENTURA AV / S FIFTH ST, FRESNO (VALERO 485-3466)	911 DISCONN..SUBJS POSS INV IN DIST IN BACKGROUND..ON CB CLERK ADVING OF DIST W/ DK CUSTOMER THAT ATTACKED HIM, SUBJ LEFT NOW, ON FOOT, RP CAN SHOW WHERE SUBJ LIVES AT..NOBODY INJ.
14BR2974	11/11 15:33	1E5	3464 E VENTURA AV / S FIFTH ST, FRESNO (VALERO 485-3466)	DIST W/ OOC JUV TRYING TO PURCHASE ALCOHOL...HMJ, 19 AT MOST, LONG HAIR, CHUBBY BLD, BLK TSHIRT, BLK SHORTS, CAME ON A BIKE...UNK IF DK OR HI BUT ACTING VERY ERRATIC AND AGRESSIVE...CT COULD HEAR JUV SCREAMING AT CLERK AND SAYING THINGS LIKE 'I AM NOT AFRAID OF THE COPS LET THEM COME AND SEE WHAT I DO' ...ETC.
14BR2198	11/10 20:57	1E	3464 E VENTURA AV / S FIFTH ST, FRESNO (VALERO 485-3466)	DIST...RP STS UNK HMA WALKED INTO STORE WHILE RP WAS THERE AND THREATENED TO KILL HIM...HMA, 20S, 5'4/123, LSW BLK TSHIRT KIA
14BG5731	08/25 23:25	3C	3464 E VENTURA AV / S FIFTH ST, FRESNO (VALERO 485-3466)	
14BD9139	08/07 04:48	4E4	3464 E VENTURA AV / S FIFTH ST, FRESNO (VALERO 485-3466)	ABA...TRIP ZONE 10 MOTION IN STOORAGE ROOM ...PREM [REDACTED]...RESPO NOT RESPONDING C,4E4
14BC8992	07/30 20:29	1A	3464 E VENTURA AV / S FIFTH ST, FRESNO (VALERO 485-3466)	DRUNK MALES CAUSING A DIST , ALL RP COULD TELL ME IS THEY ARE OUT FRONT AND ONE HAS A HAT AND ONE HAS A SHIRT BOTH HMS , RP WANTS THEM SOW
14BC2476	07/25 23:56	1N	3464 E VENTURA AV / S FIFTH ST, FRESNO (VALERO 485-3466)	
14BC2473	07/25 23:54	1N	3464 E VENTURA AV / S FIFTH ST, FRESNO (VALERO 485-3466)	

EventMain Search:

<u>Event</u>	<u>Receive Time</u>	<u>Class</u>	<u>Address</u>	<u>Synopsis</u>
14AZ8071	07/08 00:36	2A	3464 E VENTURA AV / S FIFTH ST, FRESNO (VALERO 485-3466)	FFD NEEDED FOR HOUSE FIRE...FFD ADVSD...RP SAYING PEOPLE ARE INSIDE THE HOUSE...WILL BE THE HOUSE NEXT DOOR
14AY9290	07/01 23:49	1E3	3464 E VENTURA AV / S FIFTH ST, FRESNO (VALERO 485-3466)	VERBAL DIST, SUBJ HARASSING CUSTOMERS IN PARKING LOT, BMA, 50'S, BLU SHIRT, SHORTS, NO KNOWN WEAPONS, RP WANTS SUBJ SOW
14AV5305	06/07 20:45	1N	3464 E VENTURA AV / S FIFTH ST, FRESNO (VALERO 485-3466)	OUT W/I
14AV3690	06/06 16:32	4F	3464 E VENTURA AV / S FIFTH ST, FRESNO (VALERO 485-3466)	BEER RUN...2 JUVS 17-18YR....HMS...BOTH WHT T SHIRT SHORTS....RP FOLLOWD SUSPS IN HIS VEH....SEVENTH/MONO..RP IS
14AT5482	05/24 22:03	1J4	3464 E VENTURA AV / S FIFTH ST, FRESNO (VALERO 485-3466)	STANDBY IN A GRN MERCEDES SUV..... LOC OF R/A..HE WANTS TO TURN HIMSELF IN..HE SAYS HE WILL WAIT INSIDE
14AT2281	05/22 18:43	1E2	3464 E VENTURA AV / S FIFTH ST, FRESNO (VALERO 485-3466)	FEM CRYING SAYING HER NEIGHBOR HIT HER 3YR SON AND HER NIECE.....TRYING TO GET FURTHER
14AR9867	05/13 22:04	1E2	3464 E VENTURA AV / S FIFTH ST, FRESNO (VALERO 485-3466)	PHYS DIST BETWEEN MALE AND FEMALE.....
14AQ3256	05/01 23:18	1E	3464 E VENTURA AV / S FIFTH ST, FRESNO (VALERO 485-3466)	SUBJ INSIDE OFFICE, REF TO LEAVE, AND HAVING ANXIETY ATTACK, MM, 55 YRS,WEARING WHT SHIRT, EMS ENRT AS WELL
14AQ3244	05/01 23:13	MANT	3464 E VENTURA AV / S FIFTH ST, FRESNO (VALERO 485-3466)	ANXIETY ATTACK, INSIDE LOC, EMS ADVD
14AN5568	04/11 22:03	1E3	3464 E VENTURA AV / S FIFTH ST, FRESNO (VALERO 485-3466)	PRIOR DIST.....5 HMJ JUST GOT INTO PHYS DIST W/ A BMATHE JUVS LEFT WALKING TWRDS EL MONTE ...THE BMA/ VICT POSS WENT INSIDE THE STORE....RP STS THESE JUVS CAUSE PROBLEMS IN THE NEIGHBORHOOD ALL THE TIMERP GIVEN POP PH#AREA CK
14AM4466	04/04 06:12	1E	3464 E VENTURA AV / S FIFTH ST, FRESNO (VALERO 485-3466)	4 HMA WERE AFTER RP - RP NOT COOPERATIVE

Memo from Fresno ABC dated April 8, 2015

Exhibit "1"

Christopher Preciado

From: Borunda, Corinna@ABC <corinna.borunda@abc.ca.gov>
Sent: Wednesday, April 08, 2015 9:37 AM
To: Christopher Preciado
Subject: Tony's 1 Stop Shop, 3464 E Ventura Ave File#478435 Reg#11075714

Christopher,

On 06/27/11 the above Licensee violated or permitted violation of Business and Professions Code Section 25658(a) "Alcohol Sales to a Minor". The Department has accepted the Licensee's Offer in Compromise in the amount \$1,901.85 in lieu of a 15 day suspension. There has been no other incidents or violations.

Thanks,
Corinna Borunda
Licensing Rep II
Dept. of Alcoholic Beverage Control
corinna.borunda@abc.ca.gov
Ph 559.225.6334
Fx 559.225.8740





**California Department of Alcoholic
Beverage Control
License Query System Summary
as of 4/6/2015**

License Information
License Number: 478435
Primary Owner: KAUR, KULDIP
ABC Office of Application: 21 - FRESNO
Business Name
Doing Business As: TONY'S 1 STOP SHOP
Business Address
Address: 3464 E VENTURA AVE Census Tract: 0004.00
City: FRESNO County: FRESNO
State: CA Zip Code: 93702
Licensee Information
Licensee: KAUR, KULDIP
Licensee: SINGH, PARMINDER
License Types
1) License Type: 20 - OFF-SALE BEER AND WINE
License Type Status: ACTIVE
Status Date: 03-AUG-2009 Term: 12 Month(s)
Original Issue Date: 03-AUG-2009 Expiration Date: 31-JUL-2015
Master: Y Duplicate: 0 Fee Code: P40
License Type was Transferred On: 03-AUG-2009 FROM: 20-441109
2) License Type: 21 - OFF-SALE GENERAL
License Type Status: PENDING
Status Date: 22-DEC-2014 Term: 12 Month(s)
Original Issue Date: Expiration Date:
Master: Y Duplicate: 0 Fee Code: P40
License Type was Transferred On: FROM:
Current Disciplinary Action
. . . <i>No Active Disciplinary Action found</i> . . .
Disciplinary History
Reg. Number: 11075714
1) Section: 25658(A)
2) Section: 24200(A&B)
Proceeding Status: CLOSED Decision: POIC
Suspension Days: 15 Stayed Days: POIC/Fine: 190185
Suspension Start Date:
Suspension End Date:
Hold Information
. . . <i>No Active Holds found</i> . . .

Escrow
. . No Escrow found . . .

--- End of Report ---

For a definition of codes, view our [glossary](#).

Environmental Assessment No. C-14-148
dated February 10, 2015

Exhibit "J"

**CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT NO. C-14-148-ABCUP**

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: Elias Salibas
Aesthetics Designs,
4668 W. Pine Ave.
Fresno, CA. 93722

PROJECT LOCATION: 3464 E. Ventura Avenue, located at the northwest corner of S.
Fourth Street and S. Fifth Street

**(APN: 470-042-15)
(Council District No: 5 – Councilmember Quintero)**

PROJECT DESCRIPTION: **Conditional Use Permit Application No. C-14-148-ABCUP** upgrade was filed by Elias Saliba of Aesthetics Designs, on behalf of Kuldip Kaur, and pertains to ±0.68 acre of property located on the southwest corner of South Fifth Street and East Ventura Avenue. The applicant requests authorization to upgrade the State of California Alcoholic Beverage Control license type from an approved Type 20 (Conditional Use Permit C-08-034) to a Type 21 alcohol license ((Package Store – sale of beer, wine, and distilled spirits for consumption off the premises where sold) for Tony's One-Stop Shop. The property is zoned C 6/cz (Heavy Commercial/conditions of zoning).

This project is exempt under Section 15301/Class 1 and Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines.

EXPLANATION:

Section 15301/Class 1 exempts the licensing of existing public or private structures or facilities, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Section 15332/Class 32 exempts from the provisions of CEQA, construction of projects characterized as in-fill development meeting the following conditions: 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 acre and is substantially surrounded by urban uses, c) the project site has no value as habitat for endangered, rare or threatened species, d)

approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and e) the site can be adequately served by all required utilities and public services.

The proposed project is consistent with the exemption because the project is requesting a State of California Alcoholic Beverage Control licensing upgrade from an approved Type 20 Type to a Type 21 alcohol license (*Package Store – sale of beer, wine, and distilled spirits for consumption off the premises where sold*) for Tony's One-Stop Shop, which is permitted in the existing C-6 zone district subject to a conditional use permit.

This site is located within the City limits and is consistent with the new Fresno General Plan update designation, policies, and zoning. The proposed C-6 zone district is consistent with the "Corridor General" land use designation approved for this site by the new Fresno General Plan update adopted by the Fresno City Council on December 18, 2014. The proposed development occurs on a project site of approximately 0.15 acres, which is less than the five acre maximum, and is substantially surrounded by urban uses. The site has no value as habitat for endangered, rare or threatened species and can be adequately served by all required utilities and public services. No adverse environmental impacts will 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. Furthermore, the proposed project is not expected to have a significant affect on the environment. Accordingly, a categorical exemption, as noted above, has been prepared for the project.

The project is not located on a site which is included on any of the lists enumerated under Section 65962.5 of the Government Code including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in the Hazardous Waste and Substances Statement required under subdivision (f) of that Section.

Date: February 10, 2015

Prepared By: Christopher Preciado, Planner II

Submitted by: 

Bonique Emerson, AICP, Planning Manager
City of Fresno
Development and Resource Management Dept.
(559) 621-8024

Map of ABC licenses within a half-mile of the subject site

Exhibit "K"

