



**REPORT TO THE PLANNING COMMISSION**

AGENDA ITEM NO.  
COMMISSION MEETING 02-15-12

February 15, 2012

FROM: MIKE SANCHEZ, Planning Manager  
Development Services Division

THROUGH: SOPHIA PAGOULATOS, Supervising Planner  
Development Services Division

BY: JACK VAN PATTEN, AICP, Planner II  
Development Services Division

APPROVED BY

  
DEPARTMENT DIRECTOR

for M. Scott

**SUBJECT: CONSIDERATION OF CONDITIONAL USE PERMIT APPLICATION NO. C-11-131 AND ENVIRONMENTAL FINDING FOR ENVIRONMENTAL ASSESSMENT NO. C-11-131, LOCATED ON THE SOUTHWEST CORNER OF FIGARDEN DRIVE AND NORTH BRAWLEY AVENUE**

**RECOMMENDATION**

Staff recommends that the Planning Commission take the following actions:

1. APPROVE the finding of a Categorical Exemption for Environmental Assessment No. C-11-131 issued November 30, 2011.
2. DENY the appeals and UPHOLD the Director's Action approving Conditional Use Permit Application No. C-11-131 to open a grocery store and delicatessen, with an Alcohol Beverage Control Department Type 21 License, subject to the following conditions:
  - a. Development shall comply with Exhibits A and F, dated August 25, 2011.
  - b. Development shall comply with the operational statement for the project dated November 22, 2011.
  - c. Development shall comply with the Conditions of Approval dated November 30, 2011.

**EXECUTIVE SUMMARY**

The applicant, Robert Vermeltfoort, of Vermeltfoort Architects, Inc., filed Conditional Use Permit Application No. C-11-131 requesting authorization to open a grocery store and delicatessen, with an Alcohol Beverage Control Department Type 21 License. The project is located on the southwest corner of West Figarden Drive and North Brawley Avenue. The site is zoned C-P/UGM, *Administrative & Professional Office District*).

The Development and Resource Management Department Director approved the subject conditional use permit application on November 30, 2011. In accordance with the Special Permit Procedure of the Fresno Municipal Code, a notice of granting of the conditional use permit application was mailed to property owners (and others) within 350 feet of the subject site. In response to this notice, two appeal letters were received (Exhibits O and P).

**PROJECT INFORMATION**

PROJECT	Conditional Use Permit Application No. C-11-131 requests authorization to open a grocery store and delicatessen, with an Alcohol Beverage Control Department Type 21 License.		
APPLICANT	Robert Vermeltfoort, of Vermeltfoort Architects, Inc.		
LOCATION	4045 West Figarden Drive, located on the southwest corner of West Figarden Drive and North Brawley Avenue (APN: 507-350-20S) <b>(Council District 2, Councilmember Borgeas)</b>		
SITE SIZE	2.39-acres (a tenant space at north end of the westerly building on the site)		
LAND USE	Existing	-	<i>Commercial Office-mixed use</i>
ZONING	Existing	-	Same, with grocery store and delicatessen
PLAN DESIGNATION AND CONSISTENCY	Conditional Use Permit Application No. C-11-131 is proposed in accordance with the <i>commercial office</i> land use identified in the Bullard Community Plan and the 2025 Fresno General Plan.		
ENVIRONMENTAL FINDING	Categorical Exemption, dated November 30, 2011		
PLAN COMMITTEE RECOMMENDATION	The Council District 2 Plan Implementation Committee recommended approval of C-11-131 on September 12, 2011 by a 3-2-3 vote.		
STAFF RECOMMENDATION	Approve Conditional Use Permit Application No. C-11-131		

**BORDERING PROPERTY INFORMATION**

	Planned Land Use	Existing Zoning	Existing Land Use
<b>North</b>	Medium-Low Density Residential	R-1/UGM <i>(Single Family (Residential District/Urban Growth Management))</i>	Single Family Residential
<b>South</b>	Medium-Low Density Residential	R-1/UGM <i>(Single Family (Residential District/Urban Growth Management))</i>	Single Family Residential
<b>East</b>	Medium Density Residential	R-1/UGM <i>(Single Family (Residential District/Urban Growth Management))</i>	Single Family Residential
<b>West</b>	Office	C-P/UGM <i>(Administrative &amp; Professional Office District/Urban Growth Management)</i>	Office

**ENVIRONMENTAL FINDING**

Conditional Use Permit Application No. C-11-131 requests authorization to establish a grocery store with delicatessen with an Alcohol Beverage Control Type 21 License. This project is not expected to have an adverse impact on the environment and is categorically exempt pursuant to CEQA, Sections 15301/Class 1 and 15332/Class 32. (Categorical Exemption No. C-11-131 is enclosed as Exhibit H).

**BACKGROUND / ANALYSIS**

The applicant, Robert Vermeltfoort, of Vermeltfoort Architects, Inc., filed Conditional Use Permit Application No. C-11-131 requesting authorization to open a grocery store and delicatessen, with an Alcohol Beverage Control Department Type 21 License.

The project is located on the southwest corner of West Figarden Drive and North Brawley Avenue. The site is zoned C-P/UGM, *Administrative & Professional Office District*.

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 Bullard 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-11-131 will comply with all applicable codes, including parking, landscaping, walls, etc.

## LAND USE PLANS AND POLICIES

### 2025 Fresno General Plan

The 2025 Fresno General Plan designates the subject site for *commercial office* planned land uses and provides objectives to guide in the development of these projects. Conditional Use Permit Application No. C-11-131 meets all policies and objectives of the 2025 Fresno General Plan. The following are excerpts of such objectives.

Policy C-12-a of the 2025 Fresno General Plan is to ensure that all commercial land uses are developed and maintained in a manner complementary to and compatible with adjacent residential land uses, to minimize interface problems with the surrounding environment and to be compatible with public facilities and services. The subject property was developed under previous special permits in accordance with the C-P zone district and City of Fresno standard requirements and is complementary to and compatible with adjacent residential land uses.

### DIRECTOR'S ACTION ON CONDITIONAL USE PERMIT

The Development and Resource Management Department Director took action on November 30, 2011. In accordance with Government Code Section 65091 (Planning and Zoning Law) and the Special Permit Procedure of the Fresno Municipal Code, a notice of granting of the conditional use permit application was mailed to surrounding property owner with 350 feet of the subject property (Noticing Map attached as Attachment 3). The special permit does not become effective until 15 days from the date the special permit is granted, in order to allow time for any interested parties to file an appeal. Two appeals (dated December 12 and 13, 2011) were received during the 15-day appeal period. (These appeals are attached as Exhibits O and P.)

### APPEAL AND ANALYSIS OF THE APPEAL

The Department received two appeals, one with the names of seven householders following the signature of the appellant.

The appellants raise the following concerns (Staff responses are the lettered items following each numbered concern):

- (1) The project is a convenience store, which is not permitted.
  - (a) 'Convenience Store' is not defined by the Zoning Ordinance (FMC Chapter 12, Articles 1 through 4.5, inclusive); neither is 'Grocery Store', but the floor plan, Exhibit E, shows:
    - (1) Only 9 out of 24 doors of the reach-in cooler designated for alcohol (); the rest of the reach-in cooler (15 doors) is designated for dairy, soft drinks, juices, and delicatessen items.
    - (2) Only about 27 linear feet, behind the cashiering counter, of shelf space designated for 'hard liquor'.
    - (3) The rest of the floor space given to display and self-service is designated for items that are, typically, found in grocery stores.
- (2) Increased traffic on appellants' local streets.
  - (b) The Public Works Department Traffic Engineering Division, Traffic Planning Section has addressed concerns about increases in traffic on local streets caused by the continuing development of the area in previous entitlements governing development in the area. Traffic

Planning Staff found this project to be such as to require no comments about traffic on local streets.

- (3) The project shall cause students from a nearby elementary school to litter and loiter. The elementary school is about 500 feet from the southern boundary of the mixed-use center—straight line distance).
  - (c) This concern is speculative, and could be true of many uses, as, for example, a fast food outlet, or County Library Branch.
- (4) Those purchasing alcoholic beverages from the project site shall take over the shopping center (and the nearby [½ mile] neighborhood park) to use as a place to drink the alcohol.
  - (d) It has been established by long experience and many studies, including William H. Whyte's famous documentary, 'The Social Use of Small Urban Spaces', that the homeless, the vagrant, the 'undesirables' occupy only unused spaces: they are displaced from, and shun, those places that are actually used by the public.
- (5) The area is already over saturated by businesses that sell alcohol.
  - (e) All of the alcohol retailing businesses cited by the appellant are supermarkets, super drug stores, and restaurants, except for one 'convenience' store and one liquor store. All of these venues are at least ¾ of a mile away from this project site, and most are more than a mile away. The distance from this site is not germane; the issue of the number of police calls for service is. The 'Crime Map' of the vicinity (within a mile and a half of this site) shows that there are very few calls for service, even with the number of venues that retail alcohol. The 'Crime Map' is enclosed as Exhibit M, and the Alcohol Venues Location Map is enclosed as Exhibit N).
- (6) The other business locations of the business owner have a record of ABC violations.
  - (f) The Department has no evidence that the operator of this use at this site is in violation of the laws governing the retailing of items governed by the State of California Department of Alcohol Beverage Control.
- (7) The project use shall lower property values, de-valuing property owners' investments.
  - (g) Given that the City of Fresno is plentifully endowed with businesses like unto this proposed grocery store, the fear that this use at this location appears unfounded.

## **DISTRICT 2 PLAN IMPLEMENTATION COMMITTEE**

The District 2 Plan Implementation Committee recommended approval of C-11-131 on September 12, 2011 by a 3-2-3 vote.

## **NOTICE OF PLANNING COMMISSION MEETING**

The Development and Resource Management Department mailed notices of this Planning Commission hearing to all surrounding property owners within 350 feet of the boundaries of the property, pursuant to Section 12-326-G-2 of the FMC.

## **CONDITIONS OF APPROVAL**

Standard conditions of approval for convenience stores with Type 21 ABC licenses have been developed 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-11-131. 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 store operations.

**FINDINGS**

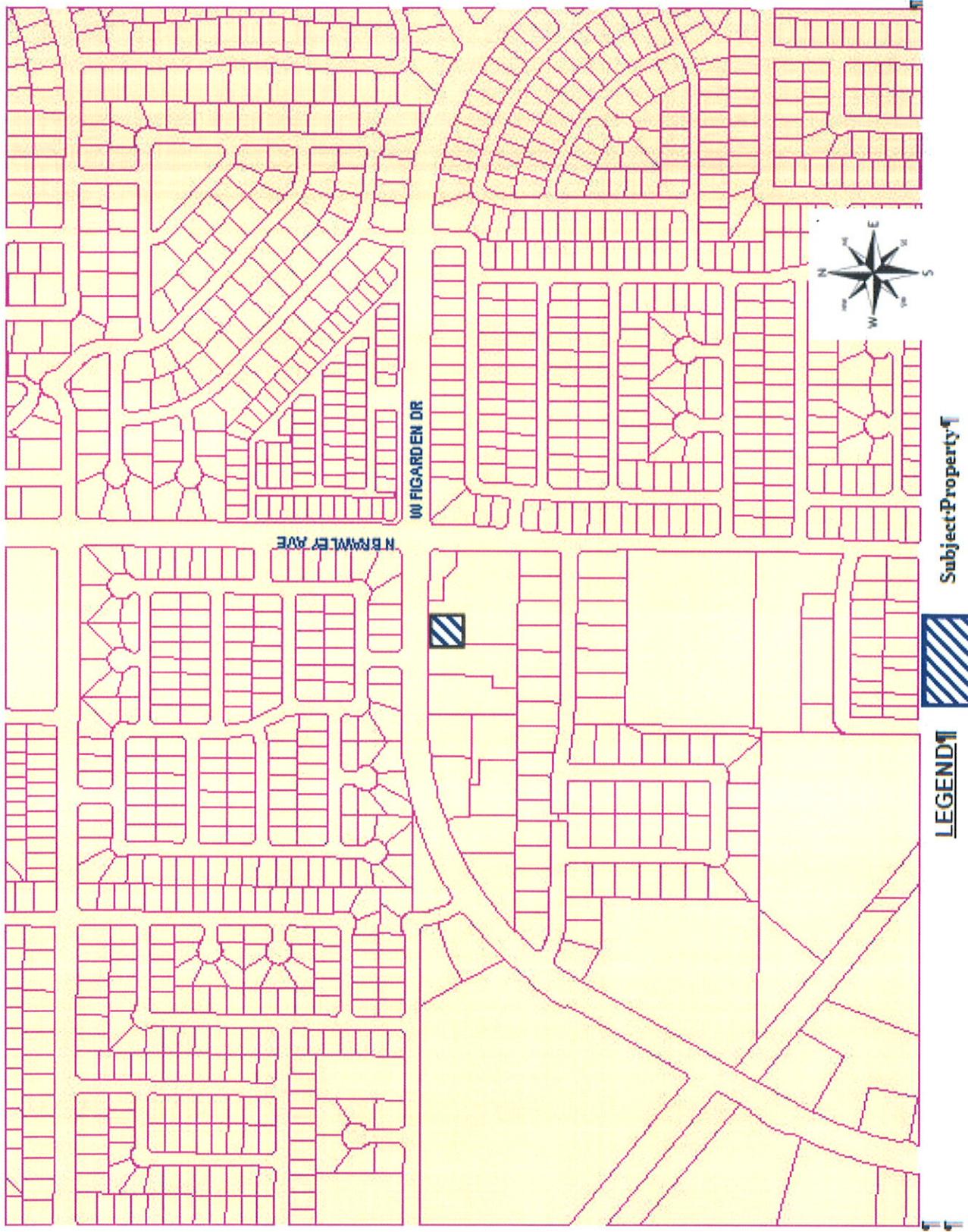
No special permit may be issued unless it is found that the privilege exercised under the permit, conforms to the findings of 12-405-A-2 of the FMC. Based upon analysis of the conditional use permit application, staff concludes that all of the required findings can be made for Conditional Use Permit Application No. C-11-131.

<b>Findings per Fresno Municipal Code Section 12-405-A-2</b>	
<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-11-131 will comply with all applicable codes, including parking, landscaping, walls, etc., as there is no new development 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 grocery store shall not have a negative impact on neither the subject site, nor neighboring properties given that the applicant shall be required to comply with the operational statement submitted for the project, as well as the conditions of approval required by the Police Department, which stipulate particular 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.

- Exhibits:
- A. Vicinity Map
  - B. 2008 Aerial Photograph of site
  - C. Noticing Map (350 foot radius)
  - D. Exhibit A, Site Plan, dated August 25, 2011
  - E. Exhibit F, Floor Plan, dated August 25, 2011
  - F. Operational Statement, dated November 22, 2011
  - G. Conditions of Approval, dated October 11, 2012
  - H. Categorical Exemption No. C-11-131, dated October 11, 2012
  - I. District 2 Committee Action, dated September 13, 2011
  - J. Fresno Police Department Conditions, dated September 21, 2011
  - K. Fresno Unified School District Comments, dated September 9, 2011
  - L. Fresno County Department of Environmental Health Comments, dated September 9, 2011
  - M. Crime Map for January 2012
  - N. Location Map of Businesses Retailing Alcohol
  - O. Appeal of Linda Calandra, *et al.*, dated December 12, 2011
  - P. Appeal of Mr. & Mrs. Frank Balekian, dated December 13, 2011

**Exhibit A**  
Vicinity Map

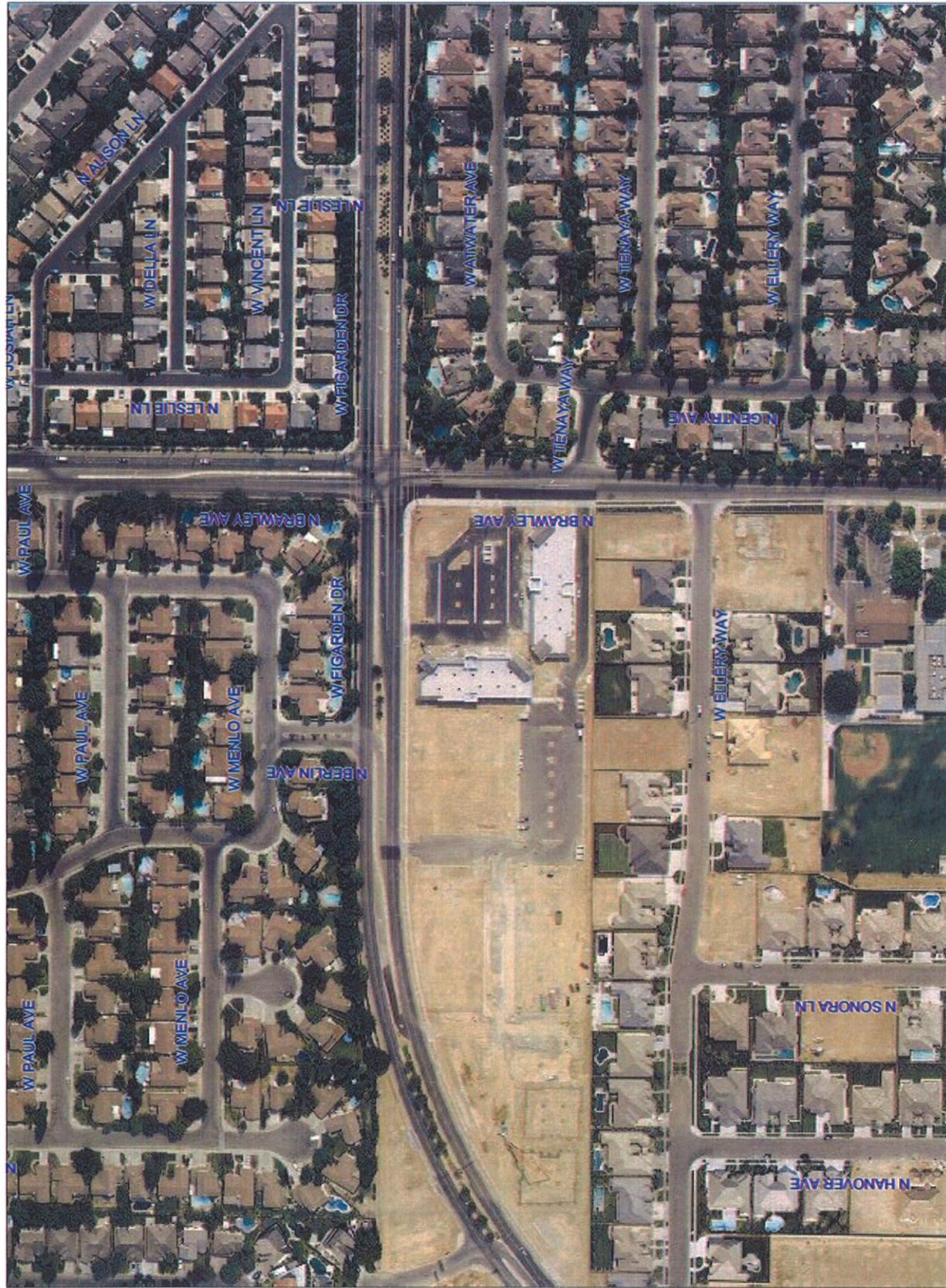
# VICINITY MAP



C-11-131 // 4045 East Figarden Drive

**Exhibit B**  
Aerial Photograph of Site

# City of Fresno



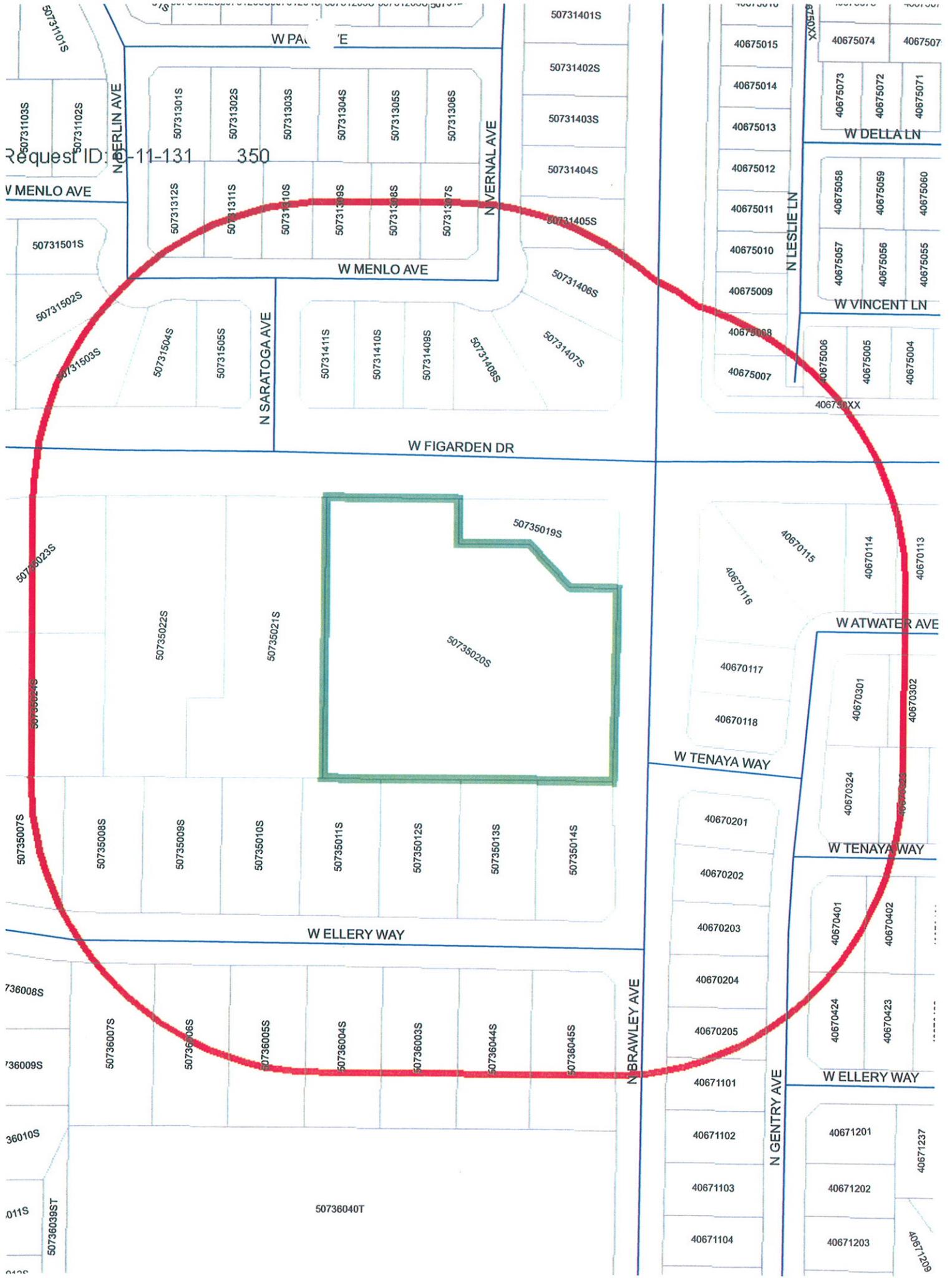
- Aerials
- City Limits
- Fresno County

SCALE 1 : 3,168



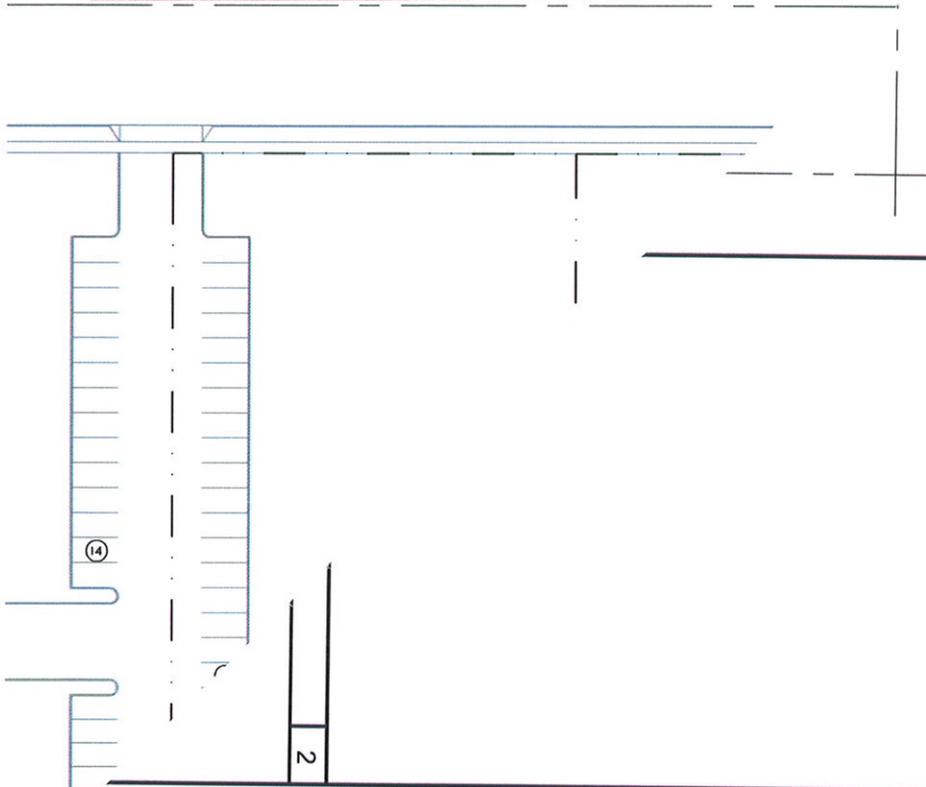
**Exhibit C**  
Noticing Map (350 foot radius)

Request ID: 11-131 350



**Exhibit D**  
Exhibit A, Site Plan

APPL. NO. C-16131 EXHIBIT A DATE 8/25/11  
 PROJ. ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
 COND. APPROVED BY [Signature] 11/30/11 DATE  
 CITY OF FRESNO DEVELOPMENT DEPARTMENT

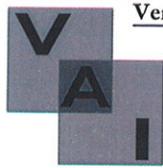


- (E-01) LANDSCAPING TO REMAIN, PROTECT FROM DAMAGE.
- (E-02) SIDWALK TO REMAIN, PROTECT FROM DAMAGE.
- (E-03) AC PAVING TO REMAIN, PROTECT FROM DAMAGE.
- (E-04) MONUMENT SIGN TO REMAIN.
- (E-05) PROPERTY LINE TO REMAIN.
- (E-06) STRIPING TO REMAIN.
- (E-07) TRASH ENCLOSURE TO REMAIN.

ER



(STAMP INVALID  
UNLESS  
WET-SIGNED)

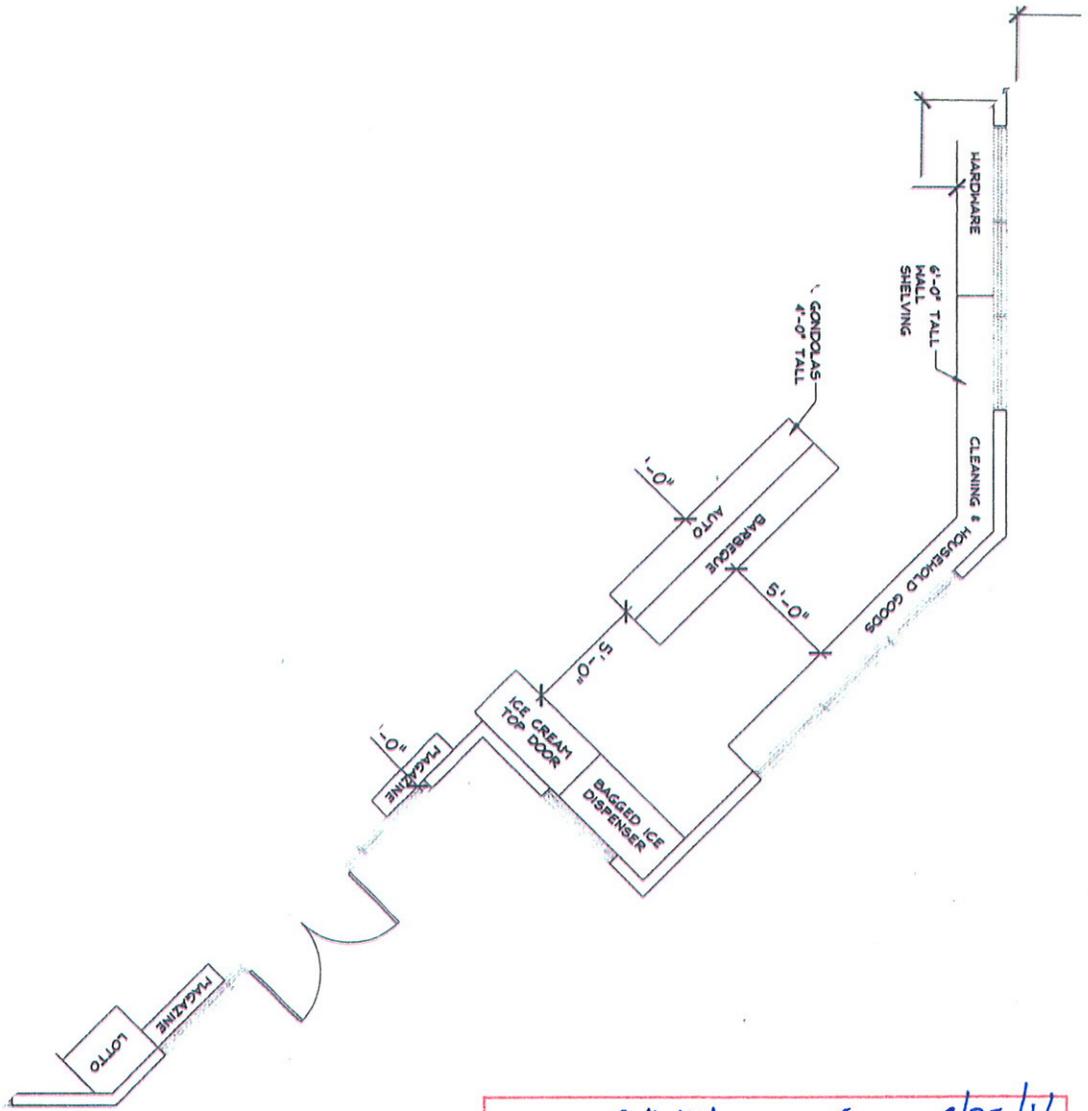


**Vermeltfoort Architects, Inc.**  
 Architecture and Planning  
 8525 North Cedar Avenue  
 Suite 106  
 Fresno, California 93720  
 Office: 559.432.6744  
 Fax: 559.432.6745

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DATE	REVISION

**Exhibit E**  
Exhibit F, Floor Plan



APPL. NO. <u>C-11-131</u>	EXHIBIT <u>F</u>	DATE <u>8/25/11</u>
PROJ. ENG. _____	DATE _____	
TRAFFIC ENG. _____	DATE _____	
COND. APPROVED BY <u>[Signature]</u>	DATE <u>11/30/11</u>	
CITY OF FRESNO DEVELOPMENT DEPARTMENT		

**Exhibit F**  
Operational Statement

November 22, 2011

**Super Deli & Liquor**  
4045 N. Figarden, Suite 107  
Fresno, California

### Operational Statement

Our proposed tenant improvement will be to use the existing space as a combined grocery, deli and liquor sales area. The proposed tenant has multiple similar locations interspersed around Fresno and Clovis, and has applied for a state liquor license. No outside or inside consumption of alcohol will be permitted on site.

The store will be open from 7am until 11pm. It is anticipated that 2 full time staff will be on site at all times, and 3 shifts will be used for the operating hours requested.

There is ample parking available on site due to previously approved CUP and the CC&R's combining parking with the office use to the west.

Water and sewer use will be minimal, due to no food being prepared on site. Trash service from existing dumpsters will be adequate and independent off hauling of recyclable material will be utilized.

Two facade signs will be requested and minimal window signage will be used.

A camera system will be utilized within the facility and Police Department will be offered access to the camera system...new exterior lighting will be added to the façade of the building to comply with additional light requirements. The existing rear door will not be used for stocking of the store. It will be emergency exit only. For security purposes an on-site drop safe will be utilized.

**Exhibit G**  
Conditions of Approval

## C-11-131 CONDITIONS OF APPROVAL

1. Development shall take place in accordance with the C-P/UGM, *Administrative & Professional Office District*, as defined in Section 12-216 of the Fresno Municipal Code.
2. Development shall take place in accordance with Exhibits A and F dated August 25, 2011. The correct address for the subject application is 4045 West Figarden Drive. All exhibits shall reflect the correct address.
4. Development shall take place in accordance with the Standards Specifications and Standard Drawings of the City of Fresno Public Works Department. Transfer all red line notes, etc., shown on all original site plan exhibits dated August 25, 2011, to the final site plan. CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.
5. Development shall take place in accordance with all city, county, state, and federal laws and regulations.
6. Development shall comply with the requirements of the attached City of Fresno Department of Public Utilities Planning and Engineering Division (Water) memo dated September 13, 2011. Please contact Greg Contreras, Senior Engineering Technician at (559) 621-8553 for further information.
7. Development shall comply with the requirements of the attached City of Fresno Department of Public Utilities Planning and Engineering Division (Sewer) memo dated September 13, 2011. Please contact Greg Contreras, Senior Engineering Technician at (559) 621-8553 for further information.
8. Development shall comply with the requirements of the attached City of Fresno Police Department Northwest Area Commander memo dated September 21, 2011. Please contact Detective Todd Fraizer, at (559) 621-6533 for further information.

9. Development shall comply with the requirements of the attached County of Fresno Environmental Health memo dated September 13, 2011. Please contact Janet Gardner, Environmental Health Specialist at (559) 600-3271 for further information.
10. Development shall comply with the requirements of the attached Fresno Unified School District memo dated September 9, 2011. Please contact Deana Clayton, Project Manager at (559) 457-3066 for further information.
11. The exercise of rights granted by this special permit must be commenced by November 30, 2015, (four years from the date of approval). **There is no extension.**

**Exhibit H**  
Categorical Exemption

**CITY OF FRESNO  
CATEGORICAL EXEMPTION  
ENVIRONMENTAL ASSESSMENT NO. C-11-131**

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:** Robert Vermeltoort, of Vermeltoort Architects, Inc.  
8525 North Cedar Avenue, Suite 106  
Fresno, CA 93720

**PROJECT LOCATION:** 4045 West Figarden Drive, located on the southwest corner of West Figarden Drive and North Brawley Avenue (APN: 507-350-20S)

(Council District 2, Councilmember Borgeas)

**PROJECT DESCRIPTION:** Conditional Use Permit Application No. C-11-131 has been filed by Robert Vermeltoort, of Vermeltoort Architects, Inc., on behalf of Jasbinder Singh requesting authorization to open a grocery store and delicatessen, with an Alcohol Beverage Control Department Type 21 License.

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

**EXPLANATION:**

Class 1 exempts the permitting, licensing, or minor alteration of existing facilities involving negligible or no expansion of the use beyond that existing at the time of the lead agency's determination.

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.

By current standards, this subject site and surrounding neighborhoods are identified as "in-fill" within an urban setting.

The above described project is consistent with the 2025 Fresno General Plan and the Bullard Community Plan without negatively impacting the characteristics of the area, and complies with all conditions described in Section 15332/Class 32, Section 15303/Class 3 of California CEQA Guidelines. No adverse environmental impacts will occur as a result of the proposed project.

Finally, there is no substantial evidence in the record that any of the exceptions to these Categorical Exemptions, set forth in CEQA Guidelines section 15300.2, apply to this project

Date: November 30, 2011

Prepared By: Jack Van Patten, AICP  
Planner

Submitted By:



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

**Exhibit I**  
District 2 Plan Implementation Committee Action

JVP



### COUNCIL DISTRICT 2 PLAN IMPLEMENTATION COMMITTEE

### PROJECT REVIEW - September 12, 2011

### Project Record

#### PROJECT INFORMATION

a. **Conditional Use Permit Application No. C-11-131** was filed by Robert Vermeltoort, on behalf of Jasbinder Singh, and pertains to 2.39 acres of property located on the southwest corner of Figarden Drive and North Brawley Avenue. The applicant requests authorization to establish a State of California Alcoholic Beverage Control Type 21 License (*Package Store -- sale of beer, wine, and distilled spirits for consumption off the premises where sold*) for a Super Liquor and Deli in an existing commercial center. The property is zoned C-P/BA-20/UGM/cz (*Administrative and Professional Office/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning*).

APN: 507-350-20s  
#108

ZONING: C-P/BA 20/UGM/cz

ADDRESS: 4045 Figarden Drive

#### COMMITTEE RECOMMENDATION

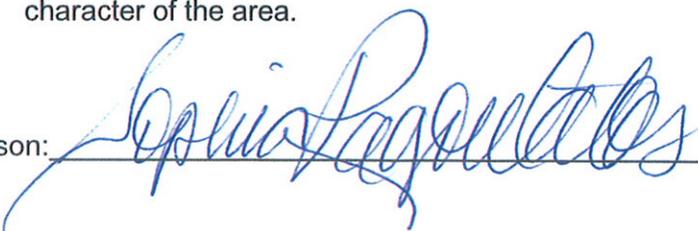
APPROVE      APPROVE WITH CONDITION(S)      DENY      TABLE      NO ACTION

	Bznouni	Hendry	Kachadouri an	Napoli	Poptanich	Rodriguez	Scott	Singh
Approve	X					X	X	
Deny		X						X
Abstain								
Absent			X	X	X			

#### COMMITTEE CONDITIONS / COMMENTS

V. Bznouni moved and D. Rodriguez seconded a motion to approve the Project. The motion passed by a 3-2 vote, with J. Singh and R. Hendry voting no.

Concerns were expressed about the proximity to a school (Figarden Elementary) and the residential character of the area.

Staff Liaison:  Date: 9-12-11

**Exhibit J**  
Fresno Police Department Conditions



**LIQUOR STORE ABCUP CONDITIONS**

September 21, 2011

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

**Attn. Jack Van Patten, Planning Division**

**Re: CONDITIONAL USE PERMIT APPLICATION NO. C-11-131 ABCUP**  
**Applicant: Jasbinder Singh**  
**Db: Super Liquor and Deli**  
**Address: 4045 N. Figarden #108**  
**Fresno, Ca. 93722**  
**A.P.N. 507-350-20s**

Dear Mr. Van Patton,

The City of Fresno has requested that the Fresno Police Department review an application for a Conditional Use Permit to operate a liquor store and deli, at **4045 N. Figarden #108**. The property has been zoned **C-P** which permits the operation of a liquor store pursuant to the requirements of FMC, section 12-326. We understand that along with this application, the applicant has also applied for a **Type 21** license which, if approved by Department of Alcoholic Beverage Control, will allow for the sale of beer and wine for consumption on or off the premises where sold.

We understand from the Operational Statement that the applicant intends to operate this business between the hours of 7:00 a.m. and 11:00 p.m., seven days a week. The Fresno Police Department's primary concern with the application is the propensity of the premises to generate calls for police service which indicates potential activities on the premises that are detrimental to the public welfare or injurious to property or improvements.

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 ABCUP allows for **the operation of a liquor store with a type 21 Ca. Dept. of Alcohol Beverage Control license**. We request the following conditions be included as Conditions of Approval for the updated Conditional Use Permit Application No. **C-11-131**. 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, provided the applicant agrees to the listed conditions. If the following conditions are not included as conditions of approval of the updated CUP No. **C-11-131** the Fresno Police Department shall oppose the approval of this Conditional Use Permit, as well as all other requested city permits, and shall appeal such approval to the Planning Commission. As such, we request that you provide Fresno Police Department Detective **Todd Fraizer #127** with notice of the Director's decision regarding this updated 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 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](http://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, federal, and local law, including but not limited to the following California Business and Professions Code sections and the California Department of Alcoholic Beverage Control 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 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. **ABC Education**

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

- (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,
- (2) Completed equivalent training acceptable to the ABC-- Fresno District Office to ensure proper distribution of beer, wine, distilled spirits, to adults of legal age.

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

- (1) The ABC-licensed proprietors shall have confirmed with the Development Department within 15 days of the final approval of the CUP, that a date certain has been scheduled with the local ABC Office for the prospective employees to take the LEAD Program course; and
- (2) Within 30 days of taking the course the employee(s) or responsible employer shall deliver a copy of each required LEAD Program Certificate evidencing completion of said course to the Fresno Police Department.

4. **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, prior to the event taking place.

5. **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 the updated CUP C-11-131. 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 (if applicable), 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 employees or 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 employees and/or 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.**

## 6. Video Camera

Prior to exercising any privileges granted by this CUP (No. C-11-131), the applicant must install a fully functional, color digital video recording (DVR) camera system that meets the following requirements:

- (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 secure location inside of the business.
- (2) The System shall have the correct date and time stamped onto the image at all times.
- (3) The camera storage capacity shall be for at least fourteen (14) calendar days. Such cameras must be capable of producing a retrievable and identifiable image that can be made a permanent record and that can be enlarged through projection or other means.

- (4) The System shall be capable of producing a CD or other acceptable digital playback feature and shall be provided to an authorized representative of the Fresno Police Department within 24 hours of the initial request relating to a criminal investigation.
- (5) The interior of the business must have at least one camera 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. This camera shall also be in a position to be capable of capturing the faces of all persons entering the business.
- (6) There shall be atleast one (1) exterior camera placed so as to record activities in the primary customer parking areas of the business. These cameras should be of sufficient quality to be able to identify persons and/or vehicles utilizing the business parking areas.
- (7) All cameras shall record in color.
- (8) All exterior cameras shall 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.
- (9) The DVR system shall be checked on a daily basis to ensure it is operating as intended in accordance to this CUP.
- (10) There shall be an employee who has been trained in the use and down-loading capabilities of this DVR on duty at all times during open business hours. This is to ensure that if a member of Law Enforcement needs to view images from this DVR, the images can be viewed without delay.

It is recommended, but not required, that the owner/operator provide the IP address 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.

**7. Sale of Malt and Wine-Cooler Alcoholic Beverages**

- (1) Malt liquor or malt beverage products must be sold in manufacturer pre-packaged, multi unit quantities of no less than six (6). This will include all sizes of containers.
- (2) Wine cooler products must be sold in manufacturer pre-packaged, multi unit quantities of no less than four (4).
- (3) Single sales of any other beer product, of any size, is permitted.

**8. 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.

**9. 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 locking shelving system, with access controlled either manually, by the use of remote controlled locking devices, or by other appropriate and acceptable locking devices approved in writing by the Fresno Police Department. During the hours between 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”.

**10. 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.

The establishment will control its total occupancy to comply with the Fresno Fire Department’s requirements, as the same may be adjusted for circumstances from time to time, and will keep an accurate count of patrons at all times.

The establishment shall not allow alcoholic beverages to be consumed **inside** and/or **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.

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

**11. 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.”

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

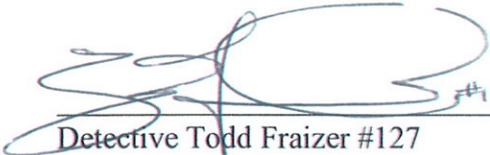
The owner and/or proprietor and/or applicant shall be responsible to conspicuously post the hours of operation near the entrance of the establishment. It shall be 8.5x11 inches in size, to be provided for by the City. This posting shall be made available to City officials upon request. Additionally,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

**13. 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.

**14. 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**

  
#157 Date: 9/21/11  
Detective Todd Fraizer #127  
Northwest District POP

UNAVAILABLE Date:  
Sergeant Len Gleim #S20  
Supervisor  
Northwest District Investigations/POP

  
Date: 9/21/11  
Captain Michael Reid  
Commander  
Northwest District

**Exhibit K**  
Fresno Unified School District Comments



Preparing Career Ready Graduates



Facilities Management & Planning

**BOARD OF EDUCATION**

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

**SUPERINTENDENT**

Michael E. Hanson

September 9, 2011

Jack Van Patten  
Development and Resource Management  
City of Fresno  
2600 Fresno Street, Third Floor  
Fresno, CA 93721-3604

**SUBJECT: CONDITIONAL USE PERMIT NO. C-11-131-ABCUP  
4045 W. FIGARDEN DR., #108**

Dear Mr Van Patten,

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

The proposed 'Super Liquor and Deli' store is requesting authorization to establish a Type 21 (*Package Store – sale of beer, wine, and distilled spirits for consumption off the premises where sold*) ABC liquor license. It is located within approximately 670 feet from Figarden Elementary School.

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

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

The Fresno Unified School District levies a commercial/industrial development fee of \$0.47 per square foot. If no new square footage is constructed, no development fee will be charged. Any new development on the property will be subject to the development fee prior to issuance of a building permit.

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

Sincerely,

Lisa LeBlanc, Executive Director  
Facilities Management and Planning

LL:hh

c. Michiko English, Principal, Figarden Elementary School

**Exhibit L**  
Fresno County Department of Environmental Health  
Comments



# County of Fresno

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

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September 13, 2011

999999999  
LU0016166  
PE 2602

Jack Van Patten  
City of Fresno  
Development Department  
2600 Fresno Street  
Fresno, CA 93721

Dear Mr. Van Patten:

**PROJECT NUMBER: C-11-131**

**Conditional Use Permit Application No. C-11-131** was filed by Robert Vermeltfoort, on behalf of Jasbinder Singh, and pertains to 2.39 acres of property located on the southwest corner of Figarden Drive and North Brawley Avenue. The applicant requests authorization to establish a State of California Alcoholic Beverage Control Type 21 License (*Package Store -- sale of beer, wine, and distilled spirits for consumption off the premises where sold*) for a Super Liquor and Deli in an existing commercial center. The property is zoned C-P/BA-20/UGM/cz (*Administrative and Professional Office/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning*).

**APN: 507-350-205                      ZONING: C-P/BA 20/UGM/cz                      ADDRESS: 4045 Figarden Drive #108**

Recommended Conditions of Approval:

- Prior to issuance of building permits, the applicant shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Consumer Food Protection Program at (559) 445-3334 for more information.
- Prior to operation, the applicant shall apply for and obtain a permit to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Consumer Food Protection Program at (559) 445-3334 for more information.
- The applicant shall contact the California Alcoholic Beverage Control Department at (559) 225-6334 for information relative to applying for and obtaining a license to sell alcoholic beverages.

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REVIEWED BY:

**Janet Gardner**

Digitally signed by Janet Gardner  
DN: cn=Janet Gardner, o=Environmental Health  
Division, ou=Fresno County Public Health  
Department, email=jgardner@co.fresno.ca.us, c=US  
Date: 2011.09.13 09:53:44 -0700

R.E.H.S., M.P.H.

Environmental Health Specialist

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(559) 445-3271

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cc: Baruti/Casagrande/Tolzmann, Environmental Health Division

C-11-131 Super Liquor

**Exhibit M**  
Crime Map for January 2012

### Incident Layers

Choose incident types to view: **SELECT ALL** | **DESELECT ALL**

-  Breaking & Entering
-  Homicide
-  Robbery
-  Theft
-  Theft of Vehicle
-  Theft from Vehicle
-  Vehicle Recovery
-  Sexual Offense
-  Assault
- Other Sexual Offense
- Sexual Assault
- Assault
- Assault with Deadly Weapon

-  Property Crime
- Property Crime
- Property Crime
- Commercial
- Property Crime
- Residential
- Other
- Alarm
- Arson
- Death
- Family Offense
- Kidnapping
- Missing Person
- Other
- Weapons Offense

-  Quality of Life
- Disorder
- Drugs
- Liquor
- Traffic
- Fire
- Emergency
- Proactive Policing
- Community Policing
- Pedestrian Stop
- Vehicle Stop

-  Sex Offenders

Apply & Close

Cancel



**Exhibit N**  
Location Map of Businesses Retailing Alcohol



**Exhibit O**  
Appeal of Linda Calandra, *et al.*

Linda M. Calandra  
3732 W. Tenaya Way · Fresno, CA 93711 · 559.435-5464  
[lcalandra@sbcglobal.net](mailto:lcalandra@sbcglobal.net)

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December 12, 2011

John M. Dugan, AICP, Director  
Development and Resource Management Department  
City of Fresno  
2600 Fresno Street  
Fresno, CA 93721

RE: Conditional Use Permit Application No. C-11-131

Dear Mr. Dugan:

I would like to appeal the approval of CUP No. C-11-131. I have seen the applicants' store at Ashlan and Blythe and the site plan for 4045 N Figarden Drive, Suite 107. While the application may say it is a delicatessen, for all intents and purposes it is a convenience store.

This property was rezoned in 2004 from AE-5 UGM to C-P/BA-20 UGM. In the Planning and Development Department report to the Planning Commission dated April 7, 2004, page 7 references an appeal I filed dated March 15, 2004 requesting that if the rezone is allowed "that restrictions be placed on the site that do not allow the following uses: gas stations, car washes, convenience stores, bars and restaurants that serve alcohol." The staff concluded that since these uses are not allowed in a C-P zoned planned office development, that the appellants' concerns had be adequately addressed.

My home is four houses east of Brawley. Access to Brawley is limited from this subdivision and rather than exit to Figarden Drive, drivers often use Tenaya as a short cut to Brawley. I anticipate that this will be exacerbated by the attractive nuisance of a convenience store.

If considered under the Mixed Used Ordinance approved in December 2005, the retail sale of alcohol is permitted with a CUP but the code does not expressly allow convenience stores. The code does allow delicatessens in the C-1 District; however, this project is not a delicatessen but a convenience store. My neighbors and I would welcome a true delicatessen in the neighborhood where we could purchase fresh cold cuts, and made-to-order sandwiches. This store does not have a deli counter, but it does have 41 feet of reach-in coolers. The applicant is misleading in his description of his project.

Fig Garden Elementary School is 670 feet south of the subject property and a great number of students walk past the site to and from school. I anticipate students will loiter and litter in the neighborhood. Fig Garden Loop Neighborhood Park is around the corner from the site. It will be an attractive place for someone who purchases alcohol to go and drink.

This applicant has a history of disciplinary action by the Alcohol and Beverage Control Department for his three existing sites in Fresno and Clovis. The actions were for 9 violations for sales to minors, 9 violations for gambling and one for violation of conditions. This disregard for the law is of concern to those who live in the neighborhood as we do not want to see these violations repeated in our neighborhood.

I am dismayed that the City would break its promise to the neighborhood and allow a use that that was prohibited when it was rezoned. It is bad enough that our property values have decreased due to economic conditions but to further allow them to erode due to this development is unconscionable.

John M. Dugan, AICP, Director  
Development and Resource Management Department  
December 12, 2011  
Page 2.

The following neighbors join me in appealing this approval.

Sincerely,

  
Linda M Calandra

Name MR & MRS Giff Kennedy  
Address 3718 W. Tenaya

Name Mr. & Mrs. Dennis Gregg  
Address 3748 W. Tenaya

Name Nancy Risinger  
Address 2733 W Tenaya Ave

Name Serena Locatelli  
Address 3724 W. Tenaya

Name Paul Hopkins  
Address 3733 W Tenaya Ave

Name \_\_\_\_\_  
Address \_\_\_\_\_

Name Cheri Long-Emery  
Address 6331 N. Gentry Ave.

Name \_\_\_\_\_  
Address \_\_\_\_\_

**Exhibit P**  
Appeal of Mr. & Mrs. Frank Balekian

## Jack VanPatten

---

**From:** Frank Balekian [araratcemetery@att.net]  
**Sent:** Tuesday, December 13, 2011 1:14 PM  
**To:** Jack VanPatten  
**Cc:** Andreas Borgeas  
**Subject:** Conditional Use Permit No. C-11-131

Project Site: 4045 West Figarden Drive

Mr. Van Patten:

My wife and I hereby protest the issuance of a conditional use permit allowing Jasbinder Singh to open a liquor store and delicatessen, with an Alcohol Beverage Control Department Type 21 License. We have already submitted our protests against the alcoholic beverage license application. Our protest is on the grounds that:

1. The shopping center is within 500 feet of the Figarden Elementary School. This is a neighborhood school where children walk to and from the school on a daily basis during the week, both down Brawley [North and South] and along Figarden Drive [East and West], past the proposed site of the liquor store. This school facility is also used on weekends, both Saturdays and Sundays for Little League Baseball and Soccer, which draws a huge element of children, both as participants and spectators. A liquor store within such proximity of the school, and such a large contingent of children, is certainly not within the best interests of the community.
2. This shopping center is surrounded by residential neighborhoods on all sides of Brawley and Figarden Drive. Children, as well as adults, exercise, walk, jog, bike ride, roller skate and skate board around and within the shopping center daily. A liquor store within this type of area would not maintain a family neighborhood atmosphere.
3. In less than  $\frac{1}{4}$  mile of the proposed liquor store is the Figarden Loop Park, which is a neighborhood facility for the residents and families with young children in the area who utilize this facility every day of the week. A liquor store this close to this facility would be detrimental and provide negative exposure to those using the park.
4. The area already is saturated with businesses that are licensed to sell alcoholic beverages. At the corner of Bullard and Figarden Drive is MGA Liquor which is 7/10's of a mile away; plus Walgreen's at that same corner also sells liquor. At Marks and Bullard/Figarden Drive is the EZ Quick Mart and Doc's Liquor that is 1 1/10 mile away; and at Herndon and Milburn Avenues there is the Save Mart Supermarket and the CVS Pharmacy that both sell alcoholic beverages and are only 1 4/10 mile away from the shopping center in question. That is six [6] businesses licensed to sell alcoholic beverages and to add another, has to be considered an oversaturation.
5. The property of the shopping center in question abuts to the rear of our property. We have been a property owner and resident at 4114 West Ellery Way since May, 2008. Other than the sound of children in the playground of the nearby elementary school during the day and the distant sound of the train traveling on the tracks, we cannot ask for a more serene atmosphere and environment. The shopping center currently has not been a detriment to this environment, however the inclusion of a business licensed to sell alcoholic beverages is not one that could maintain that same level of serenity. A business licensed to sell alcoholic beverages, as proposed, undoubtedly will bring increased traffic at all hours of the day and night. It is our opinion, and that of the neighbors in the area as well, that such a business would certainly decrease our property values, negatively impact our investment, and provide an undesirable environment.

Frank H., Jr. and Karen Balekian  
4114 West Ellery Way  
Fresno, California 93722  
559.432.1855