



**REPORT TO THE PLANNING COMMISSION**

AGENDA ITEM NO. **VIII-B**  
COMMISSION MEETING 9-21-11

September 21, 2011

APPROVED BY  
  
DEPARTMENT DIRECTOR

FROM: KEVIN FABINO, Planning Manager  
Development Services Division

THROUGH: MIKE SANCHEZ, Planning Manager  
Development Services Division

BY: SOPHIA PAGOULATOS, Supervising Planner  
Development Services Division

SUBJECT: CONSIDERATION OF CONDITIONAL USE PERMIT MINOR AMENDMENT NO. C-11-056 FOR RESTAURANT/NIGHTCLUB EXPANSION AT THE ME-KHONG RESTAURANT AND RELATED ENVIRONMENTAL ASSESSMENT

**RECOMMENDATION**

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan, the Central Area Community Plan, and the Jefferson Redevelopment Project Area 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 below and by the accompanying environmental assessment. Upon consideration of this evaluation, it has been concluded the nightclub use proposed in Conditional Use Permit Application No. C-11-056 is appropriate for the project site. Therefore, staff recommends that the Planning Commission:

1. ADOPT the environmental finding of a Categorical Exemption pursuant to Class 15301 of the California Environmental Quality Act Guidelines as the minor expansion and licensing of an existing facility;
2. APPROVE Conditional Use Permit Minor Amendment Application No. C-11-056 for the expansion of the existing Me-Khong Restaurant/Nightclub by 1,325 square feet subject to the conditions of approval dated September 21, 2011.

**EXECUTIVE SUMMARY**

Conditional Use Permit Application No. C-11-056 has been filed by Sing Sonophady of the Me-Khong Restaurant/Nightclub and pertains to a 0.34 acre property located at 2001 East Belmont Avenue, on the north side of East Belmont Avenue between North Diana and North Clark Streets. Conditional Use Permit Application No. C-11-056 requests authorization to demolish an interior wall between the existing travel agency and restaurant/nightclub and expand the interior of the restaurant/nightclub by 1,325 square feet. No change is requested to the existing State of California Alcoholic Beverage Control Type 41 license (*restaurant – sale of beer and wine for consumption on the licensed premises*).

The property is located in the C-6 (*Heavy Commercial*) zone district. Pursuant to Fresno Municipal Code Section 12-326 related to Restaurants, Taverns and Nightclubs, the Planning Commission is the granting authority for nightclubs proposed in the C-6 zone district.

## PROJECT INFORMATION

PROJECT	Conditional Use Permit Application No. C-11-056 requests authorization to expand the existing Me-Khong Restaurant/Nightclub by 1,325 square feet.
APPLICANT	Cynthia Zamora, on behalf of Sing Sonophady
LOCATION	2001 East Belmont Avenue, on the north side of East Belmont Avenue between North Diana and North Clark Streets <b>(Council District 3, Councilmember Sterling)</b>
SITE SIZE	0.34 acres
LAND USE	Commercial Mixed Use Level 1
ZONING	C-6 ( <i>Heavy Commercial</i> )
PLAN DESIGNATION AND CONSISTENCY	The proposed expansion of the restaurant/nightclub uses is a conditional use in the C-6 ( <i>Heavy Commercial</i> ) zone district. The land use consistency table (Exhibit No. 8) of the Central Area Community Plan does not list the C-6 zone district as consistent with the Mixed Use Level 1 planned land use, however Fresno Municipal Code Section 12-607-A exempts properties zoned prior to the adoption date of the article. The subject property was zoned C-6 prior to adoption of the article in 1987, therefore consistency is not required.
ENVIRONMENTAL FINDING	Finding of a Categorical Exemption pursuant to CEQA Guidelines Section 15301 as the minor alteration and licensing of an existing facility
PLAN COMMITTEE RECOMMENDATION	The District 3 Plan Implementation Committee reviewed and approved the project at its regularly scheduled meeting of July 18 <sup>th</sup> 2011 by a 5-0 vote.
STAFF RECOMMENDATION	Approval of Conditional Use Permit Amendment C-11-056 with conditions and adoption of related environmental assessment.

**BORDERING PROPERTY INFORMATION**

	Planned Land Use	Existing Zoning	Existing Land Use
North	Residential (Central Area)	R-3 <i>(Medium Density Multiple Family District)</i>	Alley and multiple family residential
South	Open Space	C-6 <i>(Heavy Commercial District)</i>	vacant
East	Commercial Mixed Use Level 1	C-6 <i>(Heavy Commercial District)</i>	Retail Building
West	Commercial Mixed Use Level 1	C-6 <i>(Heavy Commercial District)</i>	AT & SF Railroad tracks Multipurpose trail Church

**ENVIRONMENTAL FINDING**

The project was determined to be exempt from the California Environmental Quality Act (CEQA) under Section 15301 of the CEQA Guidelines as the minor expansion and licensing of an existing facility. In addition, none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project. Therefore, no further environmental assessment is required.

**BACKGROUND / ANALYSIS**

**Project Description**

Conditional Use Permit Application No. C-11-056 has been filed by Sing Sonophady of the Me-Khong Restaurant/Nightclub and pertains to a 0.34 acre property located at 2001 East Belmont Avenue, on the north side of East Belmont Avenue between North Diana and North Clark Streets. Conditional Use Permit Application No. C-11-056 requests authorization to demolish an interior wall between the existing travel agency and restaurant/nightclub and expand the interior of the restaurant/nightclub by 1,325 square feet. No change is requested to the existing State of California Alcoholic Beverage Control Type 41 license (*restaurant – sale of beer and wine for consumption on the licensed premises*). This would result in the restaurant/nightclub expanding from its existing configuration of 1,825 square feet to 3,150 square feet.

The hours of operation would remain as approved under the previous conditional use permit which originally established the use, C-10-185 (approved by the Planning Commission on December 15, 2010). These are as follows:

- a. Restaurant: 10:00 am – 10:00 pm Thursday through Sunday  
 10:00 am – 1:00 am Monday through Wed (must stop alcohol service at 12:30 am)
- b. Nightclub: 10:00 pm – 2:00 am Thursday through Sunday

The applicant has owned the 3,650 square foot building and adjacent parking lot since 1989. The building currently has two tenant spaces, each 1,825 square feet. The restaurant/nightclub currently occupies the western half, but this conditional use permit proposes its expansion into all but approximately 500 square feet of the eastern half. The travel agency that previously occupied the eastern space will now be reduced to 500 square feet and located in the rear of the building to accommodate the expansion. A Site Plan Review application was approved in December of 2002 for a parking lot on the adjacent property to the east (also owned by the applicant) for 20 spaces, which meets the requirements for nightclubs within the boundaries of the Central Area Community Plan.

Originally, the applicant proposed the nightclub operation 7 days per week from 10:00 p.m. to 2:00 a.m. However, staff has recommended that the nightclub operate only 4 days per week (Thursday – Sunday) from 10:00 p.m. to 2:00 a.m. The applicant agreed to this limitation when the nightclub was originally established in December of 2010. Pursuant to the Fresno Municipal Code, only patrons 21 and older would be allowed in the night club.

## **LAND USE PLANS AND POLICIES**

The most relevant objectives and policies of the various plans that pertain to the project are discussed below:

### ***2025 Fresno General Plan***

Objective C-12: Commercial land uses shall be classified, located, sized and developed to meet needs for goods and services while minimizing travel requirements, infrastructure demands and adverse impacts.

C-12-a Policy: 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 proposed Conditional Use Permit would allow a restaurant/nightclub expansion in an existing neighborhood restaurant from 1825 square feet to 3,150 square feet. The nightclub operation is located on Belmont Avenue, a commercial corridor in the Jefferson District of the Central Area. Commercial corridors such as the one on Belmont Avenue typically have residential interface issues with adjacent residential property. The particular design of the building that would house the nightclub and its location on the property provide the best interface possible. The building has few windows on the north side, facing residential properties, and is buffered on the inside by the kitchen and travel agency office. The distance between the building and the nearest residential structure is 100 feet. Furthermore, no outdoor patio is allowed with this application, and Police Department conditions prohibit amplified music that is audible outside the building.*

Policy C-2-c: Promote the Central Area Community Plan consistent with the 2025 General Plan objectives and policies to enhance its role as the focal point of regional governmental, entertainment, civic and business activities with supporting commercial uses and substantially increased residential opportunities to achieve a pleasing, vibrant and active cosmopolitan environment.

- Pursue all appropriate strategies to stimulate new office, commercial and residential development within the Central Area Community Plan including the new or innovative measures and funding sources to provide facilities and amenities necessary to attract a broad range of residents.

Approval of a small scale nightclub on the Belmont corridor adds a neighborhood entertainment venue that would be accessible to neighborhood residents without the use of a car. The nightclub could provide a security and "eyes on the street" to the street, alley and railroad frontages on which it is located. Previous conditions of approval required new lighting be installed to increase the safety in the area.

### ***Central Area Community Plan***

The Central Area Community Plan Exhibits 9 and 10 show the project site to be located within the Jefferson District, which is described as a neighborhood in a "serious stage of deterioration." The Blackstone/Abby and Belmont corridors are the commercial corridors which serve this mostly residential neighborhood located in the south west quadrant of the SR 180/41 interchange.

In order to protect the residential character of the neighborhood, the nightclub use has been limited to 4 nights per week, and the ABC license is a Type 41 license (beer and wine only). In addition, the Police Department conditions contain a provision requiring reduced hours of operation if calls for service become "frequent" over the first six (6) months of the nightclub's operation.

### **Land Use Consistency**

It should be noted that while the property along the Belmont Corridor is planned Commercial Mixed Use Level 1; the C-6 zone district that underlies this planned land use along the entire corridor is inconsistent with the Mixed Use Level 1 planned land use designation. However since the zoning was in place prior to the adoption of the Local Planning and Procedures ordinance (FMC Section 12-607-A) in 1987, consistency between planned land use and zoning is not required and the zoning is the governing land use regulation. A night club is a conditional use in the C-6 zone district.

### **Conditions of Approval**

The conditions of approval are attached in Exhibit G and include the following:

- Standard Planning conditions related to compliance with local building codes and zoning regulations;
- Police Department conditions related to employee training, compliance with state and federal laws governing the sale of alcohol, and video surveillance. The conditions also contain security provisions that require a minimum of two (2) state licensed uniformed security guards at all times that the establishment is operating as a nightclub. No persons under 21 years of age are allowed during nightclub operations. Frequent calls for service during the first six (6) months of operations will result in a 12:00 am closure time for nightclub operations.

- Redevelopment Agency Conditions require healthy landscaping, attractive fencing and gates, and compliance with all relevant codes and design guidelines.

**PUBLIC NOTICE AND COMMENT**

A public hearing notice for the September 21, 2011 planning commission hearing was mailed to all property owners within 500 feet of the project site on September 9, 2011 (at least 10 days prior to the hearing date). No comments from the public have been received to date.

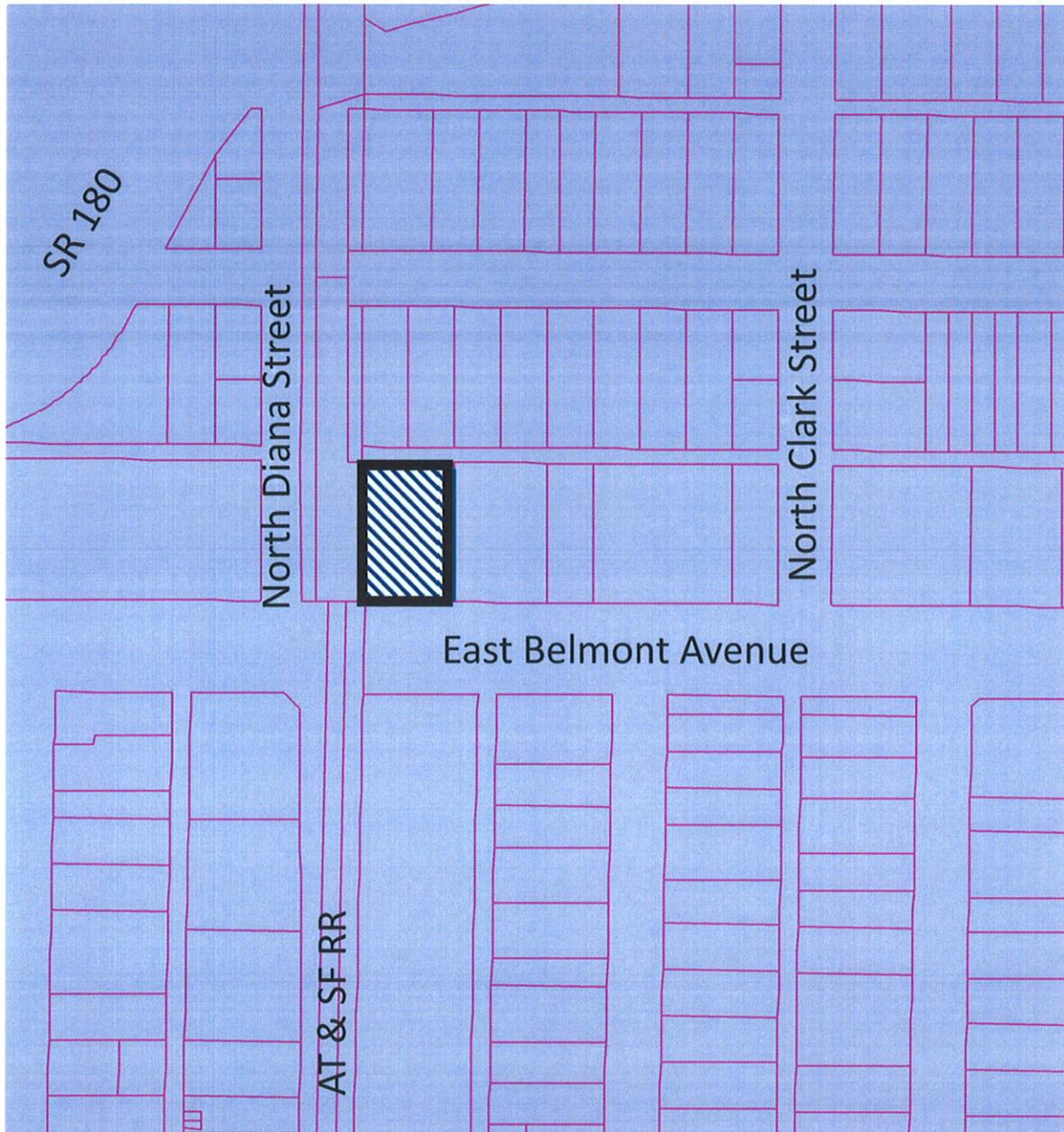
**CONDITIONAL USE PERMIT FINDINGS**

FINDINGS PER FRESNO MUNICIPAL CODE SECTION 12-405-A-2.	
<i>a. All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,</i>	
<i>Finding a:</i>	Adequate space on site does exist to accommodate the parking for the proposed nightclub use, as well as yards, walls, fences, recycling areas and landscaping. 20 spaces is within the allowable parking range for nightclubs within the Central Area Community Plan Area, pursuant to FMC Section 12-306-I
<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>	
<i>Finding b:</i>	A traffic study was not required for the request; traffic-related impacts were considered less than significant. Belmont Avenue is operating well within its capacity, and the ADT generated by the project is 154 trips (5 am peak and 14 pm peak trips).
<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 this Code.</i>	
<i>Finding c:</i>	Approval of Conditional Use Permit Application No. C-11-056 would not be detrimental to those properties in the vicinity or detrimental to public welfare, with Conditions of Approval imposed. All plan policies and standards required by the Fresno Municipal Code have been applied to the proposed project as applicable to ensure compatibility with those surrounding land uses and to prevent any detriment to public welfare. Proposed nightclub operations must comply with state and federal regulations for such uses, as well as all standard Police Department requirements for security, video surveillance, loitering, and property management. Increased lighting and neighborhood presence could enhance safety in the area.

Exhibits:

- A. Vicinity Map
- B. Aerial Photograph, 2008
- C. Planned Land Use Map
- D. Site Plan and Floor Plan
- E. Noticing Map
- F. Conditions of Approval
- G. Environmental Assessment

**Exhibit A**  
Vicinity Map



**Subject Property**

## VICINITY MAP

## DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

**CONDITINAL USE PERMIT  
APPLICATION NO. C-11-056**

PROPERTY ADDRESS

**2001 East Belmont Avenue**



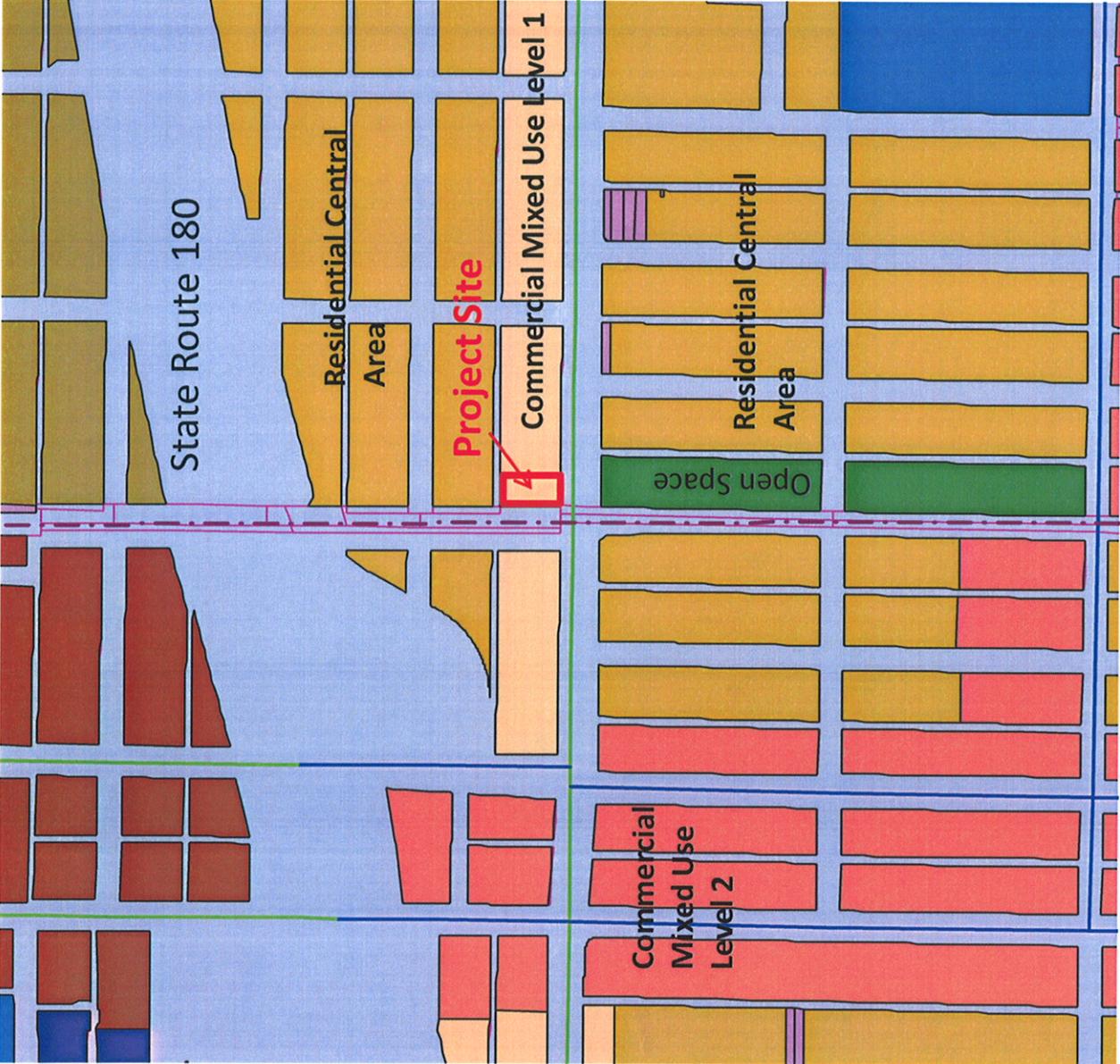
Not To Scale

**APN:** 452-306-11,-12  
**Zone District:** C-6 (*Heavy Commercial*)  
zone district  
**By:** S. Pagoulatos  
**Date:** September 21, 2011

**Exhibit B**  
2008 Aerial Photograph of Site



**Exhibit C**  
Planned Land Use Map  
2025 Fresno General Plan



State Route 180

Residential Central Area

Project Site

Commercial Mixed Use Level 1

Open Space

Residential Central Area

Commercial Mixed Use Level 2

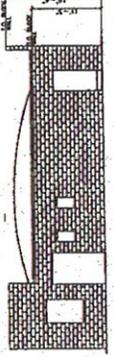
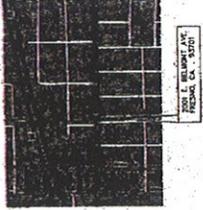
**Exhibit D**

Site Plan, Elevations and Floor Plan submitted for  
Conditional Use Permit Application No. C-11-056  
(These exhibits are subject to conditions of approval)

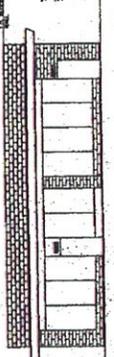
OWNER'S NAME: SID VIXAY  
 LOCATION: 2001 E. BELMONT AVE  
 APN: 452-316-12  
 ZONING: M-1.7  
 OCCUPANCY: W-B  
 CONSTRUCTION: 100% 10' = 1000 S.F.  
 LOT AREA: 10,000 S.F.

ATTN: NANCY

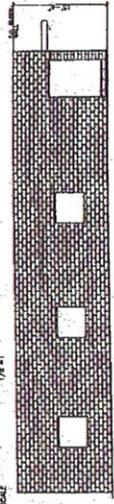
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF FRESNO SPECIFICATIONS AND STANDARDS. ALL EXISTING UTILITIES SHALL BE LOCATED BY GEOTECHNICAL SERVICES AHEAD (GSA). CALL 1-800-452-1144.
2. MAINTAIN EXISTING CURBS AND SIDEWALKS. ALL NEW CONCRETE SHALL BE 4" MINIMUM THICKNESS WITH REINFORCING BARS. ALL EXISTING SIDEWALKS SHALL BE REPAIRED TO ORIGINAL CONDITION.
3. MAINTAIN EXISTING CURBS AND SIDEWALKS. ALL NEW CONCRETE SHALL BE 4" MINIMUM THICKNESS WITH REINFORCING BARS. ALL EXISTING SIDEWALKS SHALL BE REPAIRED TO ORIGINAL CONDITION.



NORTH ELEVATION  
 SCALE: 1/8" = 1'-0"



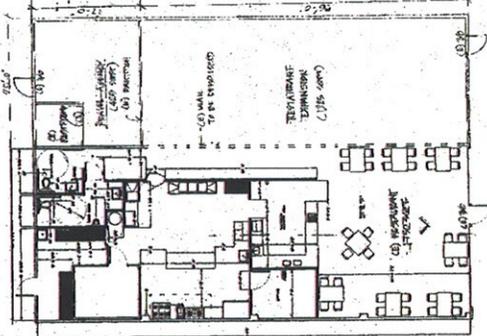
SOUTH ELEVATION  
 SCALE: 1/8" = 1'-0"



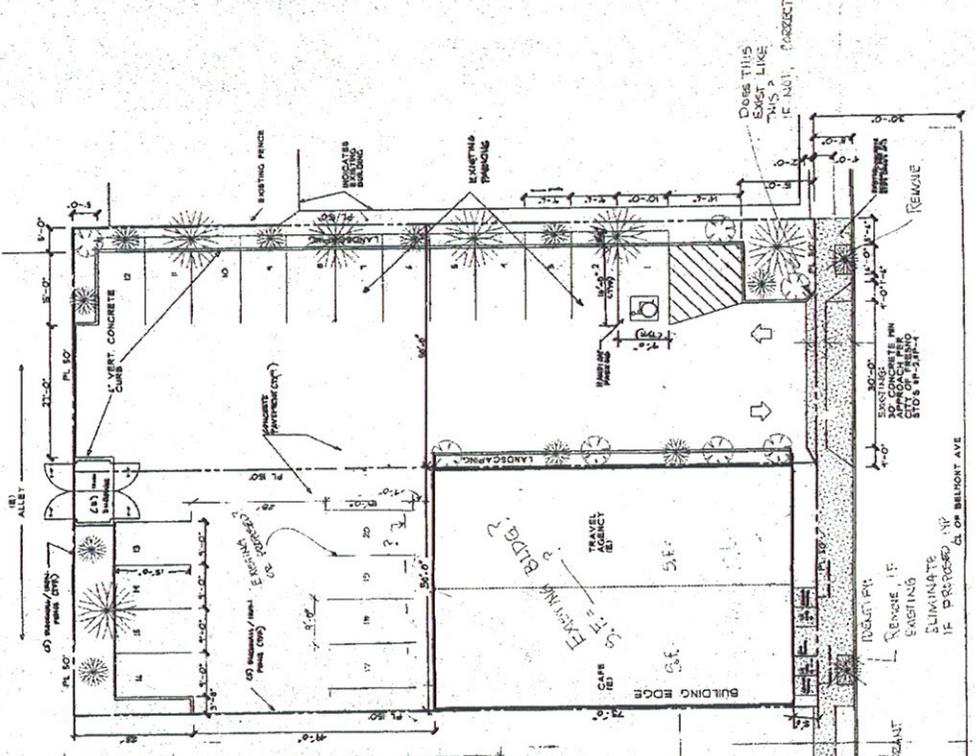
EAST ELEVATION  
 SCALE: 1/8" = 1'-0"



WEST ELEVATION  
 SCALE: 1/8" = 1'-0"



PROPOSED FLOOR PLAN  
 SCALE: 1/8" = 1'-0"  
 (CAFE)



SITE LAYOUT  
 SCALE: 1/8" = 1'-0"

PLANS PREPARED FOR:  
 SID VIXAY  
 2001 E. BELMONT AVE.  
 FRESNO, CA 93701

NOTICE:  
 THE DRAWING IS PREPARED BY THE ARCHITECT AND IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE ARCHITECT'S PERMISSION.

SHEET TITLE: SITE PLAN  
 DATE: 05-25-11  
 PROJECT: 452-316-12  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

A-1



**Exhibit E**  
Noticing Map (500-foot radius)

Request ID: C-11-056 500



**Exhibit F**  
Conditions of Approval for  
Conditional Use Permit Application  
No. C-11-056

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

**CONDITIONS OF APPROVAL**

SEPTEMBER 21, 2011

**CONDITIONAL USE PERMIT APPLICATION No. C-11-056**

2001 EAST BELMONT AVENUE

1. Exercise of the special permit shall take place in accordance with the following sections of the Fresno Municipal Code and any other applicable sections:
  - a. Section 12-222: C-6 (*Heavy Commercial*) zone district;
  - b. Sections 12-326 and 327 related to restaurants, taverns and night clubs;
  - c. Section 12-306 related to Property Development standards
2. No outdoor activities are approved with the special permit;
3. Exercise of the special permit shall comply with all requirements of previous special permits on the property (including Site Plan Review S-02-300 and Conditional Use Permit No. C-10-185);
4. Exercise of the special permit shall comply with Exhibit A (Site Plan, Elevations and Floor Plan), dated May 16, 2011;
5. This special permit is granted, and the conditions imposed, based upon the attached Exhibit O (Operational Statement) dated April 5, 2011. The Operation Statement is material to the issuance of this special permit. Unless the conditions of approval specifically require operation inconsistent with the Operation Statement, a new or revised special permit is required if the operation of this establishment changes or becomes inconsistent with the Operation Statement. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the special permit or any other enforcement remedy available under the law.
6. No signage (except directional) is approved with this application. Any outdoor advertising (i.e. signs promoting use) require sign permit approval. Contact Edward Paz in the Development and Resource Management Department at 621-8061 for more information.
7. The restaurant expansion's exterior walkways will be clear of any obstructions at all times. The expansion shall be in compliance with the American Disabilities Act.
8. Development shall comply with Labor Code 6404.5 (AB 13/3037) "California Smokefree Workplace".
9. The hours of operation are as follows:
  - a. Restaurant: 10:00 am – 10:00 pm Thursday through Sunday

- 10:00 am – 1:00 am Monday through Wed (must stop alcohol service at 12:30 am)
- b. Nightclub: 10:00 pm – 2:00 am Thursday through Sunday

The owner and /or proprietor and/or applicant shall be responsible to conspicuously post the hours of operation for each phase type (i.e. restaurant, nightclub) near the entrance of the establishment. It shall be 8.5 x 11 inches in size, to be provided for by the City. This posting shall be made available to City officials upon request. Additionally, the address of each facility shall be posted in compliance with city codes.

10. Exercise of the special permit shall comply with the Building and Safety division memo dated April 8, 2011. A change of occupancy is required;
11. Exercise of the special permit shall comply with the Fire Department memo dated April 11, 2011;
12. Exercise of the special permit shall comply with the Public Works, Traffic Engineering division memo dated May 9, 2011;
13. Exercise of the special permit shall comply with the Police Department's conditions dated September 21, 2010;
14. Exercise of the special permit shall comply with the Redevelopment Agency conditions dated April 25, 2011;
15. Exercise of the special permit shall comply with the Department of Public Health conditions dated April 15, 2011;
16. Exercise of the special permit shall comply with the Department of Public Utilities, sewer and water memoranda dated April 19, 2011;
11. Exercise of the special permit shall take place in accordance with all city, county, state and federal laws and regulations, including ABC licensing requirements.

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-11-056

P&D/Building and Safety Svcs - Yeghia Oulashian

**Return Completed Form to:**

Sophia Pagoulatos  
Development Services/Planning  
Email: [Routing@fresno.gov](mailto:Routing@fresno.gov)  
Telephone: 559-621-8277  
Development & Resource Management  
2600 Fresno Street, Third Floor  
Fresno CA 93721-3604

**PROJECT DESCRIPTION AND LOCATION:**

**Conditional Use Permit Application No. C-11-056** was filed by Cynthia Zamora, on behalf of the Me-Khong Restaurant, and pertains to 0.17 acre of property located on the north side of East Belmont Avenue between North Diana and North Clark Streets adjacent to the Burlington Northern Santa Fe Railroad tracks. The applicant requests authorization to demolish an interior wall between the existing travel agency and restaurant and expand the interior of the restaurant by 1,325 square feet and build an interior wall on the north side of the existing travel agency office and relocate it to a 425 square-foot area. No change is requested to the existing State of California Alcoholic Beverage Control Type 41 license (*restaurant – sale of beer and wine for consumption on the licensed premises*). The property is zoned C-6 (*Heavy Commercial*).

APN: 452-306-12

ZONING: C-6

ADDRESS: 2001 East Belmont Avenue

DATE ROUTED: April 8, 2011

COMMENT DEADLINE: April 18, 2011

*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.)

SUGGESTION(S) TO REDUCE IMPACTS/ADDRESS CONCERNS:

*Expansion is a  
change of occupancy  
plans/permits req'd  
pass incl. more restroom  
facilities*

REQUIRED CONDITIONS OF APPROVAL:

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

REVIEWED BY:

*Yeghia Oulashian*  
Name and Title

*8155*  
Telephone Number

*4-8-11*  
Date



FIRE DEPARTMENT

DATE: April 11, 2011

TO: SOPHIA PAGOULATOS, Planner  
Development Services/Planning

FROM:  MIKE SCHMIDT, Supervising Inspector  
Fresno Fire Department, Prevention Division

SUBJECT: 2001 E Belmont, C-11-056

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

Access and hydrants - No requirements.

**Note:**

The proposed changes will require a "change of occupancy" from "B" to "A-2" for the restaurant. This will further require a 2-hour occupancy separation between the new "A-2" and the remaining "B" occupancy.

sent to applicant 5.9.11 via email

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-11-056

Public Works/Traffic Engineering/Traffic Planning

L

**Return Completed Form to:**  
Sophia Pagoulatos  
Development Services/Planning  
Email: [Routing@fresno.gov](mailto:Routing@fresno.gov)  
Telephone: 559-621-8277  
Development & Resource Management  
2600 Fresno Street, Third Floor  
Fresno CA 93721-3604

**PROJECT DESCRIPTION AND LOCATION:**

**Conditional Use Permit Application No. C-11-056** was filed by Cynthia Zamora, on behalf of the Me-Khong Restaurant, and pertains to 0.17 acre of property located on the north side of East Belmont Avenue between North Diana and North Clark Streets adjacent to the Burlington Northern Santa Fe Railroad tracks. The applicant requests authorization to demolish an interior wall between the existing travel agency and restaurant and expand the interior of the restaurant by 1,325 square feet and build an interior wall on the north side of the existing travel agency office and relocate it to a 425 square-foot area. No change is requested to the existing State of California Alcoholic Beverage Control Type 41 license (*restaurant – sale of beer and wine for consumption on the licensed premises*). The property is zoned C-6 (*Heavy Commercial*).

APN: 452-306-12                      ZONING: C-6                      ADDRESS: 2001 East Belmont Avenue

DATE ROUTED: April 8, 2011                      COMMENT DEADLINE: April 18, 2011

*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.) **154 ADT INCREASE**  
**YES, REMOVE EXISTING OR PROPOSED TREEWELLS FROM EXISTING STREET EASEMENT.**

SUGGESTION(S) TO REDUCE IMPACTS/ADDRESS CONCERNS:

**PAPEWORK IN CONFLICT W/ SITE PLAN**  
**SITE PLAN BLDG SHOWN = 73'x50' = 3,650 SF**  
**PAPER WORK . . . . . 3,500 SF**      **CLARIFY**

REQUIRED CONDITIONS OF APPROVAL:

**PAY APPLICABLE FEES**

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

**YES, PARKING LOT IS NOT CLEAR AS TO WHAT IS NEW OR EXISTING, CLARIFY.**

REVIEWED BY: LOUISE                      8678                      5/9/11  
Name and Title                      Telephone Number                      Date

**RESTAURANT/NIGHTCLUB ABCUP CONDITIONS**

December 15, 2010

City of Fresno, Development and Resource Management Department  
Director of Development and Resource Management.  
Special Permit, Conditional Use Permit  
2600 Fresno Street  
Fresno, California, 93721-3604

**Attn: Sophia Pagoulatos Planning Division**

**Re: SPECIAL PERMIT NO. C-10-185 ABCUP**  
**Applicant: Bettie Vixay/Sonephady**  
**DBA: Me-Khong Restaurant**  
**Address: 2001 E Belmont Avenue**  
**Fresno, Ca. 93701**  
**A.P.N: 452-306-12**

Dear Ms. Pagoulatos,

The City of Fresno has requested that the Fresno Police Department review the Conditional Use Permit to operate a Restaurant with the retail sale of alcohol for on-site consumption and a Nightclub as defined by Fresno Municipal Code, sections 12-105-R-5 and 12-105-N-0.5 at **2001 E. Belmont Avenue**. The property has been zoned **C-6** which permits the operation of a Restaurant and Nightclub pursuant to the requirements of FMC, sections 12-304, 12-326 and 12-327. We understand that along with this CUP application, the applicant has also applied for a type 41 license which if approved by Department of Alcoholic Beverage Control will allow for on-sale beer and wine.

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

Restaurant operation	hours 8:00 am – 10:00 pm	Day(s) of week <b>Monday through Sunday</b>
Nightclub operation	hours 10:00 pm - 2:00 am	Day(s) of week <b>Thurs through Sunday</b>

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 CUP allows for **the operation of a Restaurant serving alcohol and Nightclub**. We request the following conditions be included as Conditions of Approval for Conditional Use Permit Application No. **C-10-185**. 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 CUP No. **C-10-185** 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 the Fresno PD with notice of the Director's decision regarding this Conditional Use Permit as well as a complete copy of the conditions of approval, should the Director approve the Conditional Use Permit.

**Requested Conditions of Approval:**

**1. Fresno Municipal Codes**

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

- FMC 9-502 (Amusement Devices - Permit Required)
- FMC 9-1803 (Hours of Operation Billiard Hall)
- FMC 9-1804 (Restriction on Attendance of Minors in Billiard Rooms)

FMC 9-1805 (Minors allowed: Family Billiard Rooms)  
FMC 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 and distilled spirits to adults of legal age.

If any prospective employee designated to sell alcoholic beverages, tobacco or inhalants 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 each required LEAD Program Certificate evidencing completion of said course.

**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.

**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 CUP C-10-185. 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 acceptable interior security personnel and exterior security personnel who will monitor and control the behavior of customers inside and outside the building, the parking lot and any adjacent property under the establishment's control. The security personnel may be employees of the establishment or licensed security personnel retained from a security firm.
- Confirm that the security personnel shall regularly monitor the parking lot and any adjacent property under the establishment's control to ensure the areas are (a) free of people loitering or causing a disturbance and (b) are cleared of patrons and their vehicles one-half hour after closing.

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

The establishment shall correct any safety or security problem or security plan violation as soon as possible after receiving written notice of such problem from the Fresno Police Department. After the initial security plan is approved and implemented, it is the responsibility of the owner or owner's representative to contact the Fresno Police Department to inquire about police calls for service or public safety problems at the location. Contact may be made in person, by telephone or by electronic mail. Review of police calls for services may be conducted at any time by the Fresno Police Department.

The applicant will maintain a copy of the current Security Plan and shall present the Security Plan immediately upon request by a peace officer.

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

- **Additionally, during all hours the establishment operates as a nightclub, there shall be a minimum of two (2) state licensed, uniformed security guards or one (1) state licensed uniformed security guard per one hundred, of the total number of guests permitted, whichever is greater, on the premises at all times. The total number of guests is limited by the permitted occupancy as determined by the Fresno Fire Department.**

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

**establishment shall be required to have three (3) state licensed uniformed security guards.**

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

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

**6. Dance Area**

Patrons may access any area used for dancing, from outside the premises of the establishment, only through entrances that are manned and controlled, at all times, by at least one employee of the establishment.

**7. Video Camera**

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

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

**8 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.

9. **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.”

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

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

11. **Posting Property**

The applicant shall post the property with the appropriate Fresno Municipal Code signs advising that consumption of alcoholic beverages, gambling, trespassing or loitering will be in violation of municipal ordinances. The applicant must send a letter to the Fresno Police Department, signed and dated by the applicant, every 180 days that authorizes FPD peace officers to enter the applicant’s real property and/or establishment to enforce against the aforementioned activities at the business. The owners and employees are responsible for abating those activities when they occur during business hours.

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

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

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

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

12. **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. Each written acknowledgement shall be maintained by the establishment and made available to the Fresno Police Department upon reasonable request.**

**FRESNO POLICE DEPARTMENT**

12/21/2010 Date:  
Sergeant [Signature]  
Central Dist. Investigation Supervisor

12/21/10 Date:  
Captain [Signature]  
Central District Commander

**REDEVELOPMENT AGENCY OF THE CITY OF FRESNO**  
2344 Tulare Street, Suite 200, Fresno, CA 93721 (559) 621-7600

Application No.: C-11-056 (Sophia Pagoulatos)	Date: 4/25/2011
Assessor Parcel No.: 452-306-12	Reviewer: Jeff Findley, Senior Project Coordinator
Site address: 2001 E. Belmont Avenue	Telephone: 621-7609
Redevelopment Area: Jefferson	

Agency Staff Recommendation:

**APPROVE PROJECT WITH THE FOLLOWING CONDITIONS:**

1. The property identified in Application No. C-11-056 is located within the adopted Jefferson Area Redevelopment Project and is subject to all requirements of the Redevelopment Plan.
2. The Redevelopment Agency does not object to the expansion of the Me-Khong restaurant and the part time use as a nightclub. Agency support of this project is conditioned on the ability of the development to be in conformance with all requirements of the Redevelopment Plan and the C-6 (Heavy Commercial) zone district and Section 12-304 (including subsequent applicable Sections of the Fresno Zoning Ordinance).
3. The project shall also be subject to and be in conformance with the requirements of the Industrial Development Design Guidelines as applicable.
4. The project shall be subject to all applicable requirements associated with any active approved Site Plan or permits that are enforced for the development of the overall site located at 2001 E. Belmont Avenue.
5. The Agency recommends review of past entitlement applications which approved the development of the existing commercial property and the implementation of any pending or incomplete property improvement requirements.
6. As a condition of approval for this project, the project shall be subject to all applicable requirements associated with the previously approved conditional Use Permit Application C-10-185-ABCUP and any other active approved Site Plan or permits that are enforced for the development of the overall site.
7. The project identified in this entitlement application shall be developed in accordance with the Operational Statement and Site Plan (or as revised by the City of Fresno) submitted for Conditional Use Permit Application No. C-11-056.
8. Portions of the existing landscaping areas adjacent to the building and surrounding the perimeter of the parking lot are generally void of plants, trees, or ground cover. All landscaped areas shall conform to the submitted site plan and be properly maintained and any dead plants, trees or ground cover will be removed and immediately replaced with the appropriate landscaping. All landscaping irrigation systems on site shall be properly maintained or repaired to ensure the healthy growth of plants and trees. Trash cans shall not be stored in the landscaping areas.
9. All fences and gates that are visible to the public along the frontage (within 45 feet) of

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**PLEASE MAKE APPLICANT AWARE OF AGENCY COMMENTS**

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Belmont Avenue shall be constructed of wrought iron.

10. Approval of this entitlement applies only to the development identified in Application No. C-11-056, any modifications or additions shall not be allowed without the modification of this Conditional Use Permit Application with prior approval from the City of Fresno Development Department and the Redevelopment Agency.
11. All outdoor storage on-site shall be screened from view of public streets and in conformance with requirements of City code.
12. The use of entrance control barricades, such as rope fences and gates, for patrons in the public right-of-way (sidewalk) shall be restricted and subject to approval by the City of Fresno and the Redevelopment Agency.
13. All outdoor advertising on site for the business shall be restricted and be in conformance with the requirements of the Fresno Zoning Ordinance and subject to approval of the City of Fresno and the Redevelopment Agency.
14. The Fresno Police Department should review this application for any past or existing problems or violations.
15. The Agency reserves the right to reconsider the issuance of Conditional Use Permit Application No. C-11-056 should the City of Fresno or the Redevelopment Agency of the City of Fresno receives any complaints about the maintenance and operations of the Me-Khong restaurant/night club (business) inconsistent with the conditions and requirements of this Application can result in a recommendation to the City of Fresno to revoke the application.



## County of Fresno

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

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April 15, 2011

FA0275461  
LU0015993  
PE 2602

Sophia Pagoulatos  
City of Fresno  
Development Department  
2600 Fresno Street  
Fresno, CA 93721

Dear Ms. Pagoulatos:

**PROJECT NUMBER: C-11-056**

**Conditional Use Permit Application No. C-11-056** was filed by Cynthia Zamora, on behalf of the Me-Khong Restaurant, and pertains to 0.17 acre of property located on the north side of East Belmont Avenue between North Diana and North Clark Streets adjacent to the Burlington Northern Santa Fe Railroad tracks. The applicant requests authorization to demolish an interior wall between the existing travel agency and restaurant and expand the interior of the restaurant by 1,325 square feet and build an interior wall on the north side of the existing travel agency office and relocate it to a 425 square-foot area. No change is requested to the existing State of California Alcoholic Beverage Control Type 41 license (*restaurant - sale of beer and wine for consumption on the licensed premises*). The property is zoned C-6 (*Heavy Commercial*).

**APN: 452-306-12**

**ZONING: C-6**

**ADDRESS: 2001 East Belmont Avenue**

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 of the expanded facility, the applicant shall obtain an updated 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 following comments pertain to the demolition/remodel of the existing structure:

- In the process of demolishing/remodeling the existing structure, the contractor may encounter asbestos containing construction materials and materials coated with lead based paints.
- If asbestos containing materials are encountered, contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000 for more information.

- If the structure was constructed prior to 1979 or if lead-based paint is suspected to have been used in the structure, then prior to remodel work the contractor should contact the following agencies for current regulations and requirements:
  - California Department of Public Health, Childhood Lead Poisoning Prevention Branch, at (510) 620-5600.
  - United States Environmental Protection Agency, Region 9, at (415) 947-8000
  - State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) at (559) 454-5302.
- Any construction materials deemed hazardous as identified in the demolition/remodel process must be characterized and disposed of in accordance with current federal, state, and local requirements.

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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: 2011.04.15 13:13:22 -0700

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

Environmental Health Specialist

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(559) 445-3271

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jg

cc. Baruti/Casagrande/Tolzmann, Environmental Health Division  
Amy Arnold, Environmental Health Division

C-11-056 Me-Khong



**DEPARTMENT OF PUBLIC UTILITIES**

**Date:** April 15, 2011

**To:** SOPHIA PAGOULATOS, Planner III  
Planning and Development Department, Advance Planning

**From:** CHRIS WEIBERT, Management Analyst II  
*CW* Public Utilities Department, Administration

**Subject:** C-11-056 was filed by Cynthia Zamora, on behalf of the Me-Khong Restaurant, and pertains to 0.17 acre of property located on the north side of East Belmont Avenue between North Diana and North Clark Streets adjacent to the Burlington Northern Santa Fe Railroad tracks, 2001 East Belmont Avenue, APN 452-306-12. The applicant requests authorization to demolish an interior wall between the existing travel agency and restaurant and expand the interior of the restaurant by 1,325 square feet and build an interior wall on the north side of the existing travel agency office and relocate it to a 425 square foot area. No change is requested to the existing State of California Alcoholic Beverage Control Type 41 license, restaurant - sale of beer and wine for consumption on the licensed premises. The property is zoned C-6, Heavy Commercial.

**Does Project Affect Your Agency/Jurisdiction**

Yes - Project is currently serviced by Solid Waste Division.

**Suggestions to Reduce Impacts/Address Concerns**

None

**Recommended Conditions of Approval**

Project will continue to be serviced by Solid Waste Division.



**DEPARTMENT OF PUBLIC UTILITIES**

**Date:** April 19, 2011

**To:** McKENCIE CONTRERAS  
Planning and Development Department

**From:** GREG CONTRERAS, Senior Engineering Technician   
Department of Public Utilities, Planning and Engineering

**Subject:** SEWER REQUIREMENTS FOR CONDITONAL USE PERMIT C-11-056

**General**

C-11-056 was filed by Cynthia Zamora, on behalf of the Me-Khong Restaurant, and pertains to 0.17 acre of property located on the north side of East Belmont Avenue between North Diana and North Clark Streets adjacent to the Burlington Northern Santa Fe Railroad tracks, 2001 East Belmont Avenue, APN 452-306-12. The applicant requests authorization to demolish an interior wall between the existing travel agency and restaurant and expand the interior of the restaurant by 1,325 square feet and build an interior wall on the north side of the existing travel agency office and relocate it to a 425 square foot area. No change is requested to the existing State of California Alcoholic Beverage Control Type 41 license, restaurant - sale of beer and wine for consumption on the licensed premises. The property is zoned C-6, Heavy Commercial.

**Sewer Requirements**

1. The Project Developer shall contact Wastewater Management Division/Environmental Services at (559) 621-5100 prior to pulling building permits regarding conditions of service for special users.

**Sewer Fees**

1. Payment of all applicable sewer connection fees shall be required.



**DEPARTMENT OF PUBLIC UTILITIES**

**Date:** April 19, 2011

**To:** Sophia Pagoulatos  
Planning and Development Department

**From:** GREG CONTRERAS, Senior Engineering Technician   
Department of Public Utilities, Planning and Engineering

**Subject:** WATER REQUIREMENTS FOR CONDITONAL USE PERMIT C-11-056

**General**

C-11-056 was filed by Cynthia Zamora, on behalf of the Me-Khong Restaurant, and pertains to 0.17 acre of property located on the north side of East Belmont Avenue between North Diana and North Clark Streets adjacent to the Burlington Northern Santa Fe Railroad tracks, 2001 East Belmont Avenue, APN 452-306-12. The applicant requests authorization to demolish an interior wall between the existing travel agency and restaurant and expand the interior of the restaurant by 1,325 square feet and build an interior wall on the north side of the existing travel agency office and relocate it to a 425 square foot area. No change is requested to the existing State of California Alcoholic Beverage Control Type 41 license, restaurant - sale of beer and wine for consumption on the licensed premises. The property is zoned C-6, Heavy Commercial.

**Water Requirements**

1. Water service with meter shall be required.

**Water Fees**

1. Payment of all applicable water connection fees shall be required.

**Exhibit G**  
Environmental Assessment No. C-11-056

**CITY OF FRESNO  
CATEGORICAL EXEMPTION  
ENVIRONMENTAL ASSESSMENT NO. C-11-056**

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:** Sing Sonophady  
2001 East Belmont Avenue  
Fresno, CA 93701

**PROJECT LOCATION:** 2001 East Belmont Avenue  
Fresno, CA 93701  
(APN: 452-306-11,-12)

**PROJECT DESCRIPTION:** Conditional Use Permit Minor Amendment Application No. C-11-056 requests authorization to demolish an interior wall between the existing travel agency and restaurant/nightclub and expand the interior of the restaurant/nightclub by 1,325 square feet. No change is requested to the existing State of California Alcoholic Beverage Control Type 41 license (*restaurant – sale of beer and wine for consumption on the licensed premises*). The project is located within the boundaries of the 2025 Fresno General Plan, the Central Area Community Plan, and the Jefferson Redevelopment Project Area Plan.

**This project is exempt under Section 15301/Class 01 of the California Environmental Quality Act (CEQA) Guidelines.** Section 15301/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 1 allows commercial expansions of 50% of floor area before the expansion or 2,500 sf; whichever is less. In this case, 50% of the floor area is 1,575 square feet, and the proposed expansion is 1,325 square feet, which is the lesser of the two options and hence falls within the criteria for the exemption. The expansion in use is negligible, as the restaurant/nightclub use already exists in this location and would not expand its hours of operation or its alcohol license. Average daily trips estimated as a result of the expansion are 154, which is considered less than significant. All urban services are available to serve the expansion, as evidenced by file memos from service providers dated April and May of 2011.

None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

Date: September 13, 2011

Prepared By: Sophia Pagoulatos, Supervising Planner

Submitted By:



City of Fresno  
Development and Resource Management Department  
(559) 621-8062