

**Exhibit K-1**  
**Materials Submitted by Applicant**  
**For Planning Commission**

**City Council Hearing:**

Consideration of Conditional Use Permit Application No. P22-03906

January 5, 2024

Ms. Jennifer Clark, Director  
City of Fresno  
Development Department  
2326 Fresno St.  
Fresno, CA 93720

SUBJECT: Supplemental Information Regarding Changes to Conditional Use Permit  
Application No. P22-03906

Dear Ms. Clark:

Reference is made to Conditional Use Permit Application No. P22-03906 proposed by my client, Baldev and Jasjit Khela. Upon further consideration of their use permit proposal, the Khelas are proposing a series of modifications to the subject project that will make it compatible with the surrounding neighborhood. In addition, the inclusion of a *general market* component will provide a wider range of healthy choices for the community. It is acknowledged some of the proposed changes will require, among other things, a review by city staff to assure compatibility with the approved project site plan:

### Operational Changes

1. The project will comply with the City of Fresno *general market* criteria by providing fresh fruit and produce, cold sandwiches, and dairy products.
2. An area within the building will be set aside for dining as illustrated on the revised project floor plan (EXHIBIT "A"). To the extent feasible, an outside dining area will also be proposed on the north side of the building.
3. The sale of spirits will be limited to an approximately 75 sq. ft. *shelving area* on the wall behind the sales counter which will not be accessible to the public. The building is 2,932 sq. ft. with the area designated for spirits representing an incidental portion of the floor area and displays ("EXHIBIT "B").

Wine will be displayed on four 18-inch-deep shelves approximately 8-feet long for a total of 48 sq. ft. or having a footprint of approximately 12 sq. ft. Beer will be available in the refrigerated section of the store in five cabinets occupying an area 15 feet wide, 5 feet high and two feet deep for a total of 150 square feet ("EXHIBIT "B"). Total alcohol beverage products will occupy approximately 5.5% of the overall market floor area. All alcohol

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January 5, 2023

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sales will be conducted in compliance with Fresno Police Department and Department of Alcoholic Beverage Control requirements.

4. No magazines of any of any kind, including adult magazines, will be sold on the premises.
5. No e-cigarettes will be sold.
6. No drug or smoking paraphernalia, such as smoking papers, pipes, etc. will be sold.

### **Building Changes**

The attached *photo-shopped* illustrations included as EXHIBIT "C" contrast the proposed attractive improvements to the existing project site and building. These include:

1. Updated building colors and signage to be more attractive and inviting.
2. Modified landscape materials to improve durability of plantings and provide color around the perimeter of the property.
3. Adding windows to the west and south building elevations to improve building attractiveness, enhance natural lighting and provide security viewsheds in and out of the building.
4. Removing two obsolete on-site telephone booths.
5. Replacing perimeter fencing.

I trust these modifications are acknowledged to be substantial improvements to the project. If you have any questions, please feel free to contact me.

Sincerely,

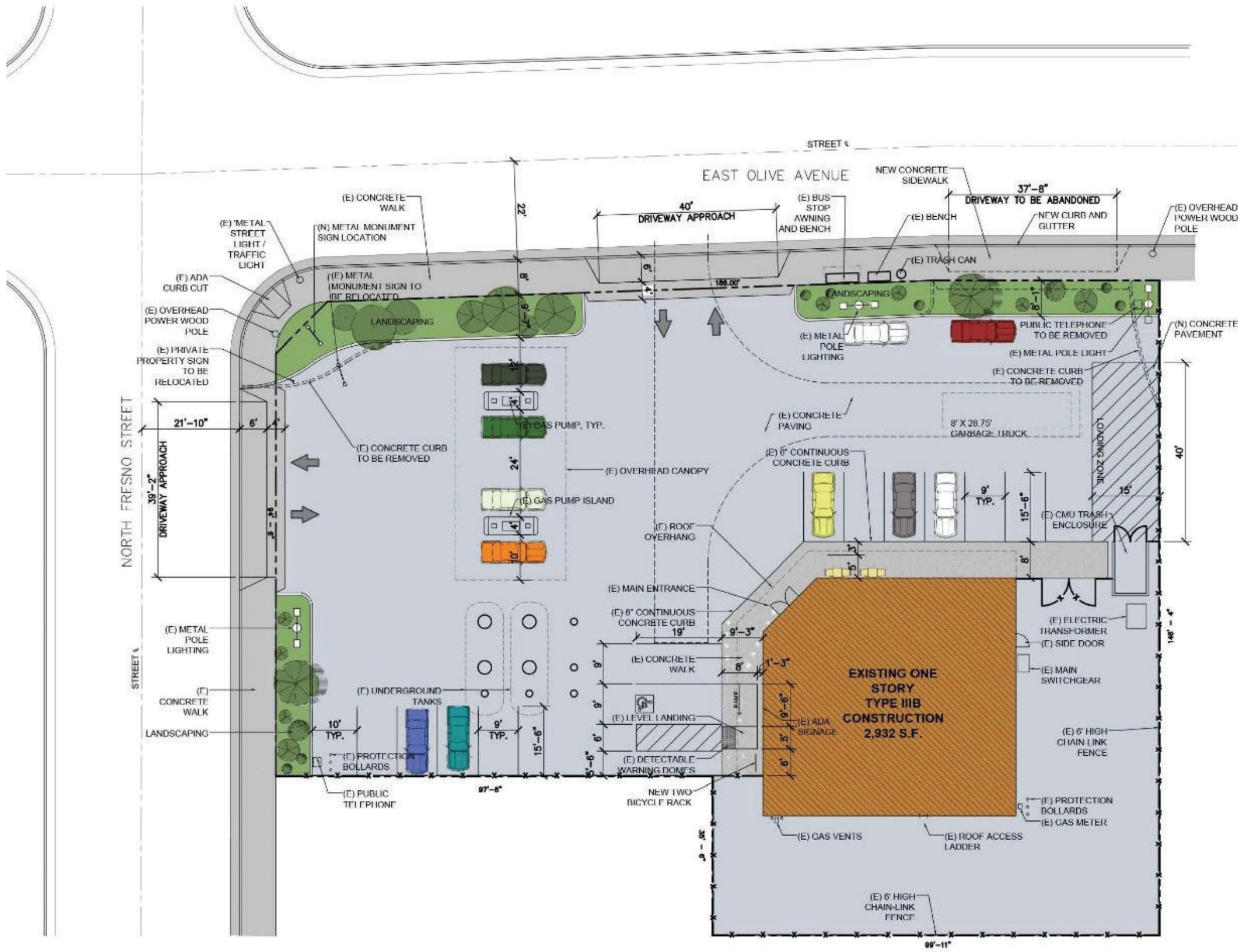


Dirk Poeschel, AICP

cc: Mr. & Mrs. Baldev and Jasjit Khela  
Ms. Diana Gallardo  
Mr. Steven Martinez  
Anthony Capozzi, Esq.

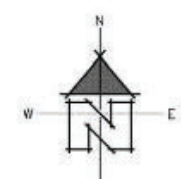
Attachments: EXHIBITS

EXHIBIT "A"



**Site Plan**

SCALE: 1/16" = 1'-0"



**Project Data**

**Scope of Work:**

- RENOVATE (E) CONVENIENCE STORE
- ADD TWO MORE GASOLINE PUMP STATIONS AND EXTEND (E) CANOPY
- CLOSE OFF (E) EAST DRIVEWAY AND APPROACH AND TURN IT INTO NEW LANDSCAPE AREA

**Owner:** Baldev and Jasjit Khela  
11770 N. Bella Vista  
Fresno California 93730  
(559) 548-7492  
jasjitkhela@yahoo.com

**Project Address:** 2520 E. Olive  
Fresno, California 93701

**A.P.N. #** 452-081-17S

**Existing General Plan Use:** Commercial General

**Existing Zone District:** CG

**Article 67 Use Classification:**

- Liquor Store
- Food and Beverage Sales
- corner commercial

**Site Coverage Summary**

Project Site Area:	24,988 s.f.
(E) Building Data:	2,932 s.f.
Proposed Canopy Area:	777 s.f.
Building Coverage:	4,992 s.f. 20%
Concrete Paved Area:	14,620 s.f. 58%
AC Paved Area:	4,417 s.f. 18%
Landscaping Area:	1,587 s.f. 6%
Floor Area Ratio:	2,932 s.f./24,988 s.f. = 12%

**Legal Description**

LOTS 8 THRU 15 INCLUSIVE IN BLOCK 3 OF THE LISNEY TRACT, IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO MAP RECORDED IN VOLUME 4 OF RECORDS OF SURVEYS, AT PAGE 29, FRESNO COUNTY RECORDS.

EXCEPTING THEREFROM THE SOUTH 42.5 FEET OF LOTS 12 THRU 15

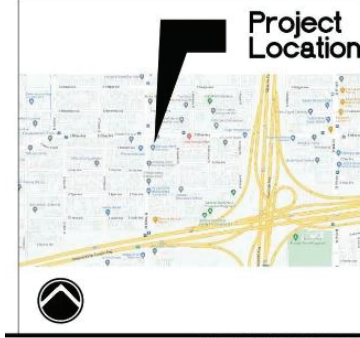
ALSO EXCEPTING THEREFROM THE WEST 10 FEET OF SAID LOT 15

EXCEPTING AND RESERVING THEREFROM ALL OIL, GAS AND OTHER HYDROCARBONS, NON-HYDROCARBON GASES OR GASEOUS SUBSTANCES, ALL OTHER MINERALS OF WHATSOEVER NATURE, WITHOUT REGARD TO SIMILARITY TO ABOVE-MENTIONED SUBSTANCES, AND ALL SUBSTANCES THAT MAY BE PRODUCED THEREWITH FROM SAID REAL PROPERTY, BELOW THE DEPTH OF 500 FEET, AS EXCEPTED AND RESERVED IN DEED EXECUTED BY CHEVRON U.S.A., INC., A CORPORATION, RECORDED ON SEPTEMBER 30, 1986, AS DOCUMENT No. 86113640

**Required Notes**

1. ANY SURVEY MONUMENTS WITHIN THE AREA OF CONSTRUCTION SHALL BE PRESERVED OR RESET BY A PERSON LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF CALIFORNIA
2. REPAIR ALL DAMAGED AND/OR OFF-GRADE CONCRETE STREET IMPROVEMENTS, AS DETERMINED BY THE CONSTRUCTION MANAGEMENT ENGINEER, PRIOR TO OCCUPANCY
3. 2 WORKING DAYS BEFORE COMMENCING EXCAVATION OPERATIONS WITHIN THE STREET RIGHT-OF-WAY AND/OR UTILITY EASEMENTS, ALL EXISTING UNDERGROUND FACILITIES SHALL HAVE BEEN LOCATED BY UNDERGROUND SERVICES ALERT (USA). CALL 1-800-542-2444

**Vicinity Map**

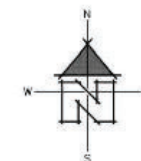


<p>DATE: _____</p> <p>REVISION: _____</p> <p>PLAN CHECK REVIEW CORRECTIONS</p>	<p>PROJECT NAME: _____</p> <p>PROJECT ADDRESS: _____</p> <p>PROJECT NUMBER: _____</p> <p>PROJECT SHEET: _____</p>
<p><b>SITE PLAN</b></p>	<p><b>Felipe Ceballos</b> 5714 N. Prospect Avenue Fresno, California 93711 (559) 408-4888</p>
<p>Project Name &amp; Address:</p>	<p><b>Circle D Food &amp; Liquor</b> 2520 E. Olive Avenue Fresno, CA 93701 (559) 498-0710</p>
<p>Stamp:</p>	
<p>Job No.:</p>	<p>_____</p>
<p>Sheet No.:</p>	<p><b>A-1</b></p>
<p>Release Date:</p>	<p>_____</p>

EXHIBIT "B"



**Floor Plan**  
SCALE: 1/4" = 1' - 0"



ROOM NAME	FLOOR		WALL BASE		WALLS								CEILING			REMARKS	
					NORTH		EAST		SOUTH		WEST		MAT	FIN	HT		
					MAT	FIN	MAT	FIN	MAT	FIN	MAT	FIN					
CASHIER	PT	FF	PB	FF	4"	GB	P	GB	P	GB	P	GB	P	ACT	FF	9'-0"	
SALES FLOOR	PT	FF	PB	FF	4"	GB	P	GB	P	GB	P	GB	P	ACT	FF	9'-0"	
COFFEE BAR	PT	FF	PB	FF	4"	GB	P	GB	P	GB	P	GB	P	ACT	FF	9'-0"	
OFFICE	PT	FF	WD	FF	4"	GB	P	GB	P	GB	P	GB	P	GB	P	8'-0"	
EQUIPMENT ROOM	PT	FF	PB	FF	4"	GB	P	GB	P	GB	P	GB	P	GB	P	8'-0"	
HALLWAY	PT	FF	PB	FF	4"	GB	P	GB	P	GB	P	GB	P	GB	P	8'-0"	
STAFF TOILET	PT	FF	PB	FF	4"	GB	P	GB	P	GB	P	GB	P	GB	P	8'-0"	
DRY STORAGE 1	PT	FF	WD	FF	4"	GB	P	GB	P	GB	P	GB	P	GB	P	8'-0"	
DRY STORAGE 2	PT	FF	WD	FF	4"	GB	P	GB	P	GB	P	GB	P	GB	P	8'-0"	

ACT = 2'x4' SUSPENDED ACOUSTICAL TILE CEILING SYSTEM	PB = PORCELAN WALL BASE WITH 3/8" COVE RADIUS
FF = FACTORY FINISH	PT = PORCELAN FLOOR TILE
GB = GYPSUM BOARD	WD = WOOD WALL BASE
P = SEMIGLOSS WHITE PAINT	

- ## KEY NOTES
1. NEMCO SLANT ROLLER GRILL
  2. PAPA PRIMOS PIZZA DISPLAY
  3. GEHL'S 2.0 CHEESE SAUCE DISPENSER (5.25"Wx14.75"Dx21"H) 110V
  4. INTERNATIONAL DELIGHT ICED COFFEE MAKER 17.75"x23.85Dx23.85"H 110/120v/15 AMP
  5. CAFE TANGO FROZEN COFFEE MAKER 24"Wx36"Hx30"D 120v/DEDICATED 20AMPS ELECTRICAL CIRCUIT
  6. BLUE BUNNY ICE CREAM BUNKER
  7. SUGA' MAE BAKERY DISPLAY CASE (30)
  8. FRAZIL & FRAZIL ENERGY DRINK DISPENSER 24"Wx36"Hx30"D 120V/DEDICATED 20 AMPS
  9. CAPPUCCINO COFFEE MAKER
  10. COFFEE CUP DISPENSER
  11. SUGAR AND CREAM DISPENSER
  12. ASSORTED COFFEE CONTAINER/DISPENSER (4) 6"DIAx20"H
  13. COFFEE MAKER
  14. 10"DIAx24" COFFEE CONTAINER/DISPENSER
  15. SIDE MOUNTED CHIP RACK
  16. EXISTING WHIRLPOOL 50 GALLON TANK, GAS WATER HEATER  
MODEL No. - NU50T61-403  
SERIAL No. - 1408T4552999

EXHIBIT "C"

**West Elevation**



EXHIBIT "C"

**North Elevation**



EXHIBIT "C"

East Elevation





EXHIBIT "C"

South Elevation



EXHIBIT "C"

**West Elevation**



BEFORE



AFTER

EXHIBIT "C"

## North Elevation



BEFORE



AFTER

EXHIBIT "C"

**East Elevation**



BEFORE



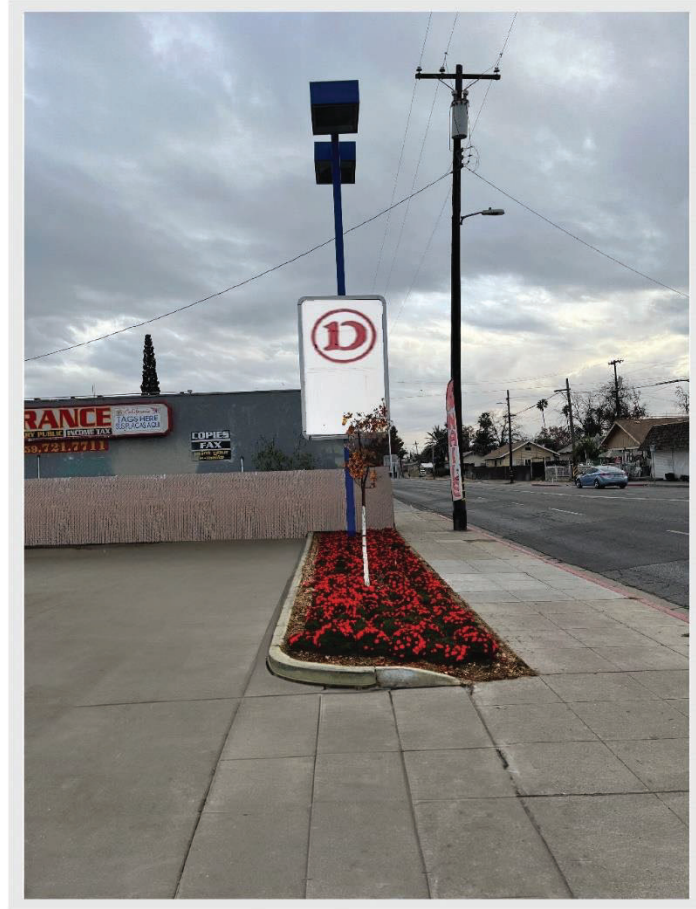
AFTER

EXHIBIT "C"

**Looking South**



BEFORE



AFTER

**Circle D Food, Liquor & Gas  
Operational Statement  
2520 E. Olive Ave.  
February 27, 2024**

**Project Description/Request**

Request for a Conditional Use Permit to allow operation of a refurbished general market and gas station at the southeast corner of E. Olive Ave. and N. Fresno St. at 2520 E. Olive Ave., Fresno.

Other facts pertinent to this project are as follows:

**Owner/Applicant:**

Baldev S. & Jasjit Khela  
11770 N. Bella Vita  
Fresno, CA 93730  
e-mail: [jasjitkhela@yahoo.com](mailto:jasjitkhela@yahoo.com)  
cell: 559-548-7492

**Representative**

Dirk Poeschel Land Development Services, Inc.  
923 Van Ness Ave., Ste. 200  
Fresno, CA 93721  
(559) 445-0374  
[dirk@dplds.com](mailto:dirk@dplds.com)

- Project Address:** 2520 E. Olive Ave.
- Area/APN:** 0.57 +/- acres/APN: 452-081-17S
- Existing Land Use:** Neighborhood Market & Gas Station
- Proposed Land Use:** Neighborhood Market & Gas Station
- Existing Zone District:** CC (Commercial Community)
- Proposed Zone District:** CC (Commercial Community)
- Community Plan Area:** Fresno High Community Plan

**Background & Project Operation**

The existing Circle D Food, Liquor & Gas convenience store has operated at 2520 E. Olive Ave. since 1994. As part of its operation, a Type 21 Off-Sale General license was issued by the Alcoholic Beverage Control (ABC) department on July 5, 2012. The owners have had no violations during their almost three decades of operation at this location.

On April 17, 2018, the building suffered significant structural damage due to a fire. On April 23, 2018, the owners surrendered their Type 21 license back to ABC. Following the fire, the owners indicated their intent to renovate the building and reactivate the license at a future time. A dispute with the owner's insurance carrier took over 1½ years to resolve. Due to the complications with the insurance claim, the repair work was not able to proceed until 2023.

The existing convenience store has been refurbished and converted to a *General Market* which is an allowed use in the CC (Community Commercial) zone district. According to the City of Fresno's Code of Ordinances, a *General Market* is defined as "Retail food markets of food and grocery items for offsite preparation and consumption. Typical uses include supermarkets, neighborhood grocery stores, and specialty food stores."

The owner has rebuilt and refurbished the facility as a 2,932 sq. ft. *general market* that will include healthy food choice items such as fresh fruits and vegetables and fresh sandwiches from a local bakery. The owners have made substantial internal and external improvements including the addition of windows to improve visibility to the parking lot, and the addition of indoor and outdoor seating areas for on-site dining. The owner will also rehabilitate the four existing gas pumps to resume sale of gasoline.

The project also includes the sale of liquor which has historically occurred on-site for almost three decades without incident. The Type 21 Off-Sale General license is being processed under a separate CUP P22-03906.

### **1. Hours of Operation**

As occurred previously, the owner is proposing to be open 20 hours a day from 6:00 a.m. to 2:00 a.m. daily and will be operating year-round.

### **2. Employees**

As previously operated, 3 full-time employees work each of the 2 shifts with 2 part-time employees.

### **3. Customers**

According to the owner, approximately 60% of the customers purchase both gas and groceries and 40% purchase groceries only. Many customers walk to the site due to its proximity to the U.S. Post Office as well as the Fresno Area Rapid Transit stop to the north of the property.

### **4. Service Delivery Vehicles**

Typically, there will be 15 deliveries per week for the general market and 2 deliveries of gas for the pumps.

**5. Access to the site**

The site will be accessible from a driveway approach off N. Fresno St. and another off E. Olive Ave. An existing second driveway along E. Olive Ave. will be abandoned leaving two points of access.

**6. Number of parking spaces for employees, customers, and service/delivery vehicles.**

No change. There are currently 12 paved site parking stalls, 1 handicapped stall, and 4 parking bays underneath the gas island company. Three cars can also be parked along the landscaping island in the northeast portion of the site. A 15 ft. by 40 ft. truck loading zone is also provided along the eastern side of the property. The type of surfacing used is asphalt concrete. See Attachment "A" Site Plan.

**7. Estimated traffic**

No change.

**8. Are any goods to be sold on-site?**

The types of goods that will be sold include groceries, gas, beverages, dairy products, burritos, sandwiches, and coffee. Wine, beer and distilled spirits (i.e. liquor) will again be sold with approval of CUP P22-03906 for a Type 21 Off-Sale General license. The owners will devote the same amount of shelf and refrigeration displays with no expansion of offerings. As was previously done, spirits will be located behind the counter. The owners have had no violations during their almost three decades of operation at this location.

Wine will be displayed on four 18-inch deep shelves approximately 8-feet long for a total footprint of approximately 12 sq. ft. (1.5 ft. x 8 ft.). Beer will be available in the refrigerated section of the store in five displays occupying an area 15-feet wide and 2-feet deep for a total of 30 sq. ft. (15 ft. x 2 ft.). The sale of spirits will be limited to a *shelving area* measuring 12-inches deep and 12-feet in length for a total of 12 sq. ft. (1 ft. x 12 ft.). The spirits will be located behind that counter and *will not* be accessible to the public.

The building is 2,932 sq. ft. with the area designated for spirits representing a very small fraction of the overall floor area (See Attachment "B" Floor Plan). Total alcohol beverage products will occupy approximately 1.8% of the overall market floor area (54 sq. ft. ÷ 2,932 sq. ft.) demonstrating that the sale of alcohol is clearly *incidental* to the overall *general market*.

All alcohol sales will be conducted in compliance with Fresno Police Department and Department of Alcoholic Beverage Control requirements.

No magazines of any of any kind, including adult magazines, will be sold on the premises.

No e-cigarettes will be sold.

No drug or smoking paraphernalia, such as smoking papers, pipes, etc. will be sold.



**9. What equipment is used?**

Equipment includes 2 point of sale cash registers, a soda machine, slant roller grill, hot pizza display, coffee maker, ice cream bunker, bakery display, nacho machine, ice freezer, 15 refrigerated displays with cool storage and 4 gas pumps.

**10. What supplies or materials are used and how are they stored?**

The general market will store canned and frozen food and groceries on shelving gondolas accessible from the aisles. Dairy products, prepared sandwiches, meats and cheeses will be stored in refrigeration units. Dry storage for fruits and vegetables will be on racks.

Gasoline for the pumps will be stored in two existing underground storage tanks.

The facility is professionally deep cleaned twice a week. No cleaning supplies or chemicals are stored on-site.

**11. Does the use cause an unsightly appearance?**

**Glare:**

None.

**Dust:**

None.

**Odor:**

This project will not produce odors.

**12. List any solid or liquid waste to be produced.**

No change. The project will produce approximately 225 lbs. of domestic garbage per day and 270 pounds of paper/cardboard. Garbage will be placed in a dumpster and paper and cardboard will be stored in a container. Both will be hauled by solid waste management twice per week.

**13. Water usage**

No change. The water use estimated consumption is 1,800 gallons per day.

**14. Describe proposed advertising including size, appearance, and placement.**

The existing metal monument sign with market name and gas price will be refurbished. An existing pole sign remains in place in the planter along N. Fresno St. The name of the business will also be painted on the building above the entry. (See Attachment "C" Before and After Elevations).

**15. Will existing buildings be used or will new buildings be constructed?**

**Describe type of construction materials, height, color, etc. Provide floor plan and elevations, if appropriate.**

The existing general market building is 2,932 sq. ft. The existing gas canopy is 777 sq. ft. The refurbished general market includes updated building colors to make the building more attractive and inviting. Windows are prosoed on the west and south building elevations to improve building attractiveness, enhance natural lighting and provide security viewsheds in and out of the building. Two obsolete on-site telephone booths will be removed. Perimeter fencing will be replaced. (See Attachment "B" Floor Plan and Attachment "C" Before and After Elevations)

**16. Will any outdoor lighting or an outdoor sound amplification system be used? Describe and indicate when used.**

No change. Outdoor lighting is hooded and directed to not cause any nuisance to nearby residents. No sound amplification will be used on site.

**17. Landscaping or fencing proposed? Describe type and location.**

Modified landscape materials are proposed to improve durability of plantings and provide complimentary color. All landscaping will be in conformance with city standards. (See Attachment "C" Before and After Elevations)

**18. Any other information that will provide a clear understanding of the project or operation.**

The project includes cameras and security monitors inside the store and outside in the parking lot for security purposes per City of Fresno Police Department requirements.

The owners implement a comprehensive training program focused on the safe and legal sale of age restricted products and prevent the sale of alcoholic beverages to minors or intoxicated persons. A program refresher is required every year.





ATTACHMENT "C"  
BEFORE & AFTER ELEVATIONS

**West Elevation**



BEFORE



AFTER

ATTACHMENT "C"  
BEFORE & AFTER ELEVATIONS

**North Elevation**



BEFORE



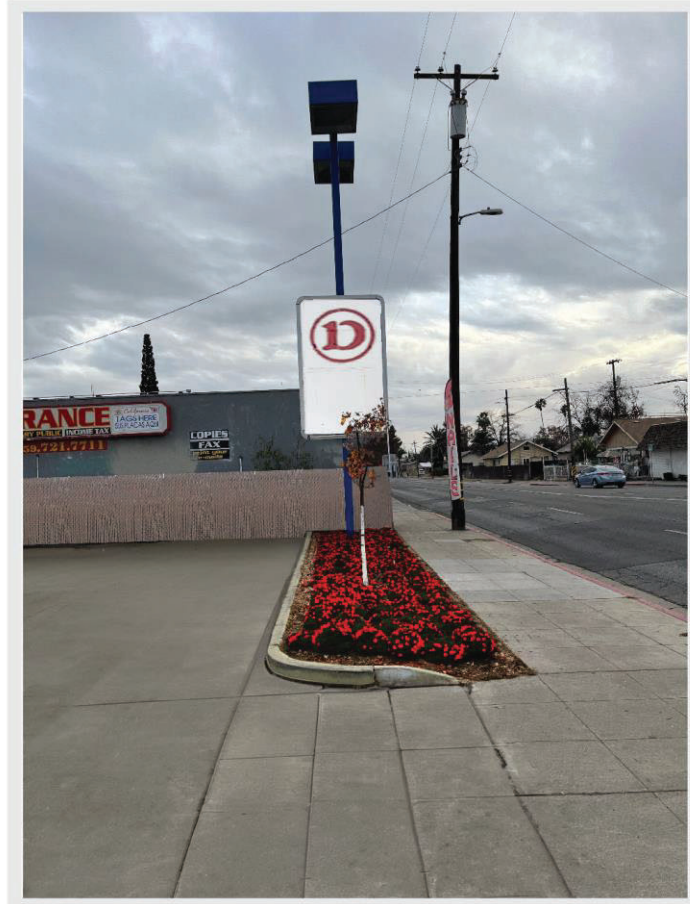
AFTER

ATTACHMENT "C"  
BEFORE & AFTER ELEVATIONS

**Looking South**



BEFORE



AFTER

ATTACHMENT "C"  
BEFORE & AFTER ELEVATIONS

**East Elevation**



BEFORE



AFTER