

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

Ms. Jennifer Clark

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,

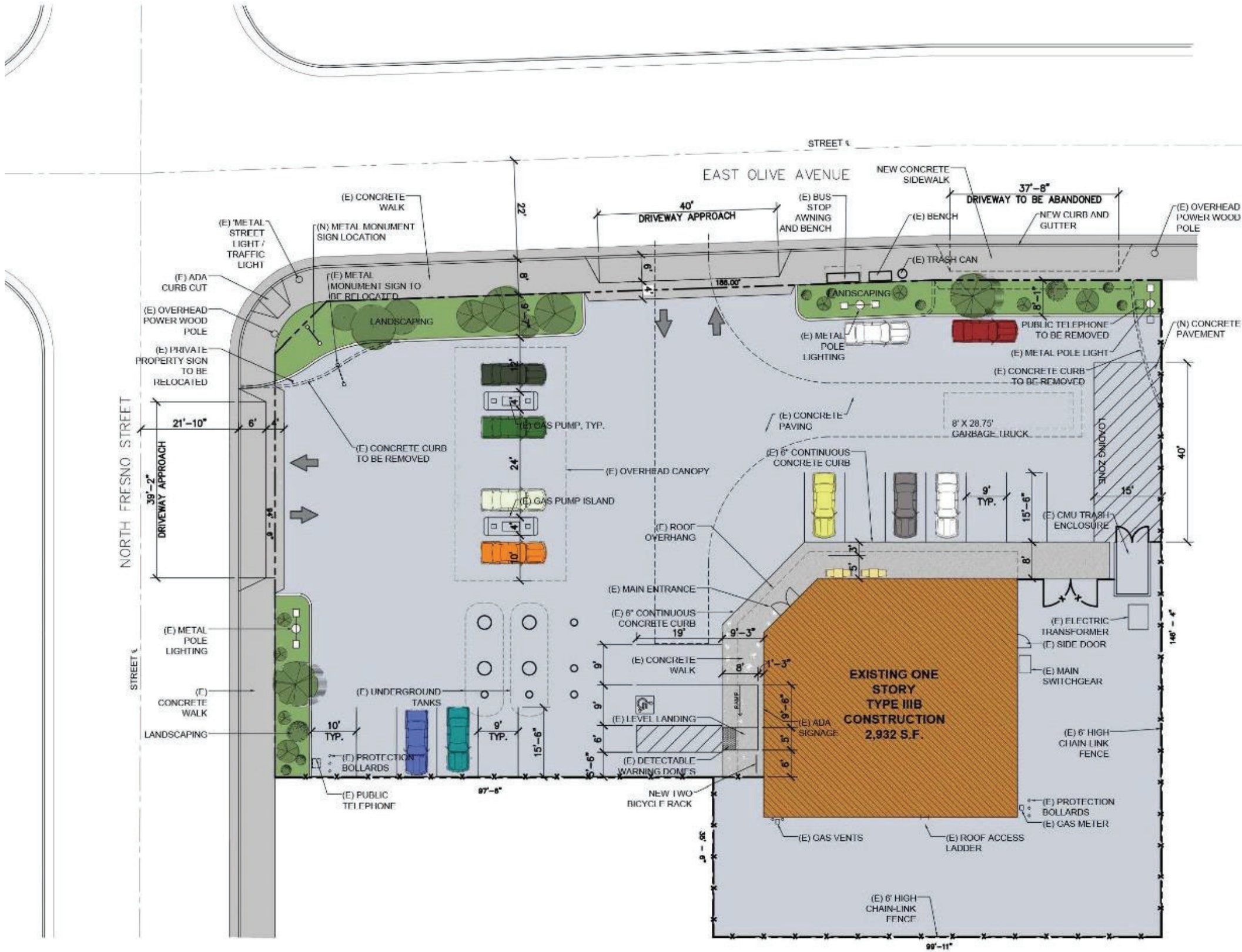


Dirk Poeschel, AICP

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 LEBENLY TRACT, IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO MAP RECORDED IN VOLUME 4 OF RECORD 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

- 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
- REPAIR ALL DAMAGED AND/OR OFF-GRADE CONCRETE STREET IMPROVEMENTS, AS DETERMINED BY THE CONSTRUCTION MANAGEMENT ENGINEER, PRIOR TO OCCUPANCY
- 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



Felipe Ceballos
5714 N. Prospect Avenue
Fresno, California 93711
(559) 408-4888

Circle D Food & Liquor
2520 E. Olive Avenue
Fresno, CA 93701
(559) 498-0710



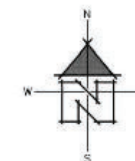
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EXHIBIT "B"



Floor Plan

SCALE: 1/4" = 1' - 0"



FINISH SCHEDULE																		
ROOM NAME	FLOOR		WALL BASE			WALLS								CEILING			REMARKS	
						NORTH		EAST		SOUTH		WEST						
	MAT	FIN	MAT	FIN	HT	MAT	FIN	MAT	FIN	MAT	FIN	MAT	FIN	MAT	FIN	HT		
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	=	PORCELAIN WALL BASE WITH 3/8" COVE RADIUS			
	FF	=	FACTORY FINISH										PT	=	PORCELAIN 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



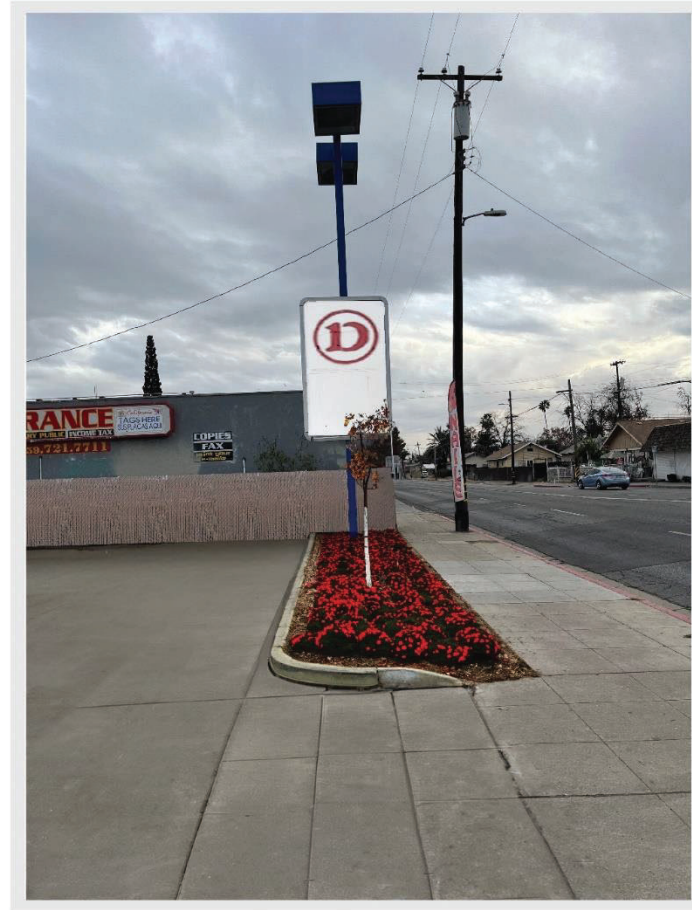
AFTER

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
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

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

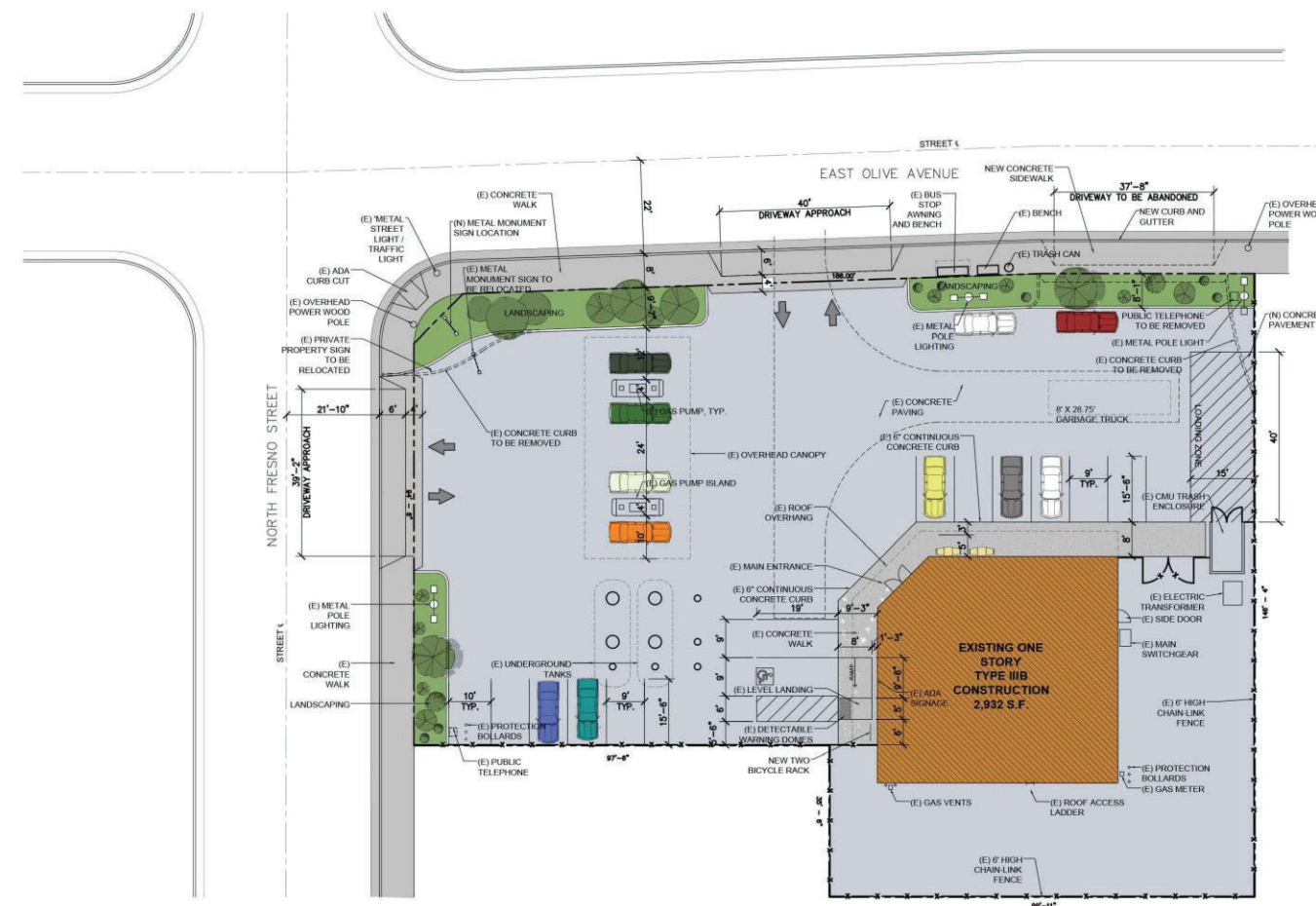
Modified landscape materials are proposed to improve durability of plantings and provide complimentary color. All landscaping will be in conformance with city standards. (See Attachment "C" Before and After Elevations)

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 “A” SITE PLAN



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	2520 E. Olive
Address:	Fresno, California 93701

A.P.N.: #	452-081-17S
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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.
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Concrete Paved Area:	14,620 s.f. 58%
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<i>Legal Description</i>

LOTS 8 THRU 15 INCLUSIVE IN BLOCK 3 OF THE LISENBY TRACT, IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO MAP RECORDED IN VOLUME 4 OF RECORD 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 MINERALS AND SEAMS, MINES, AND OTHER MINERALS OF WHATSOEVER NATURE, WITH 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

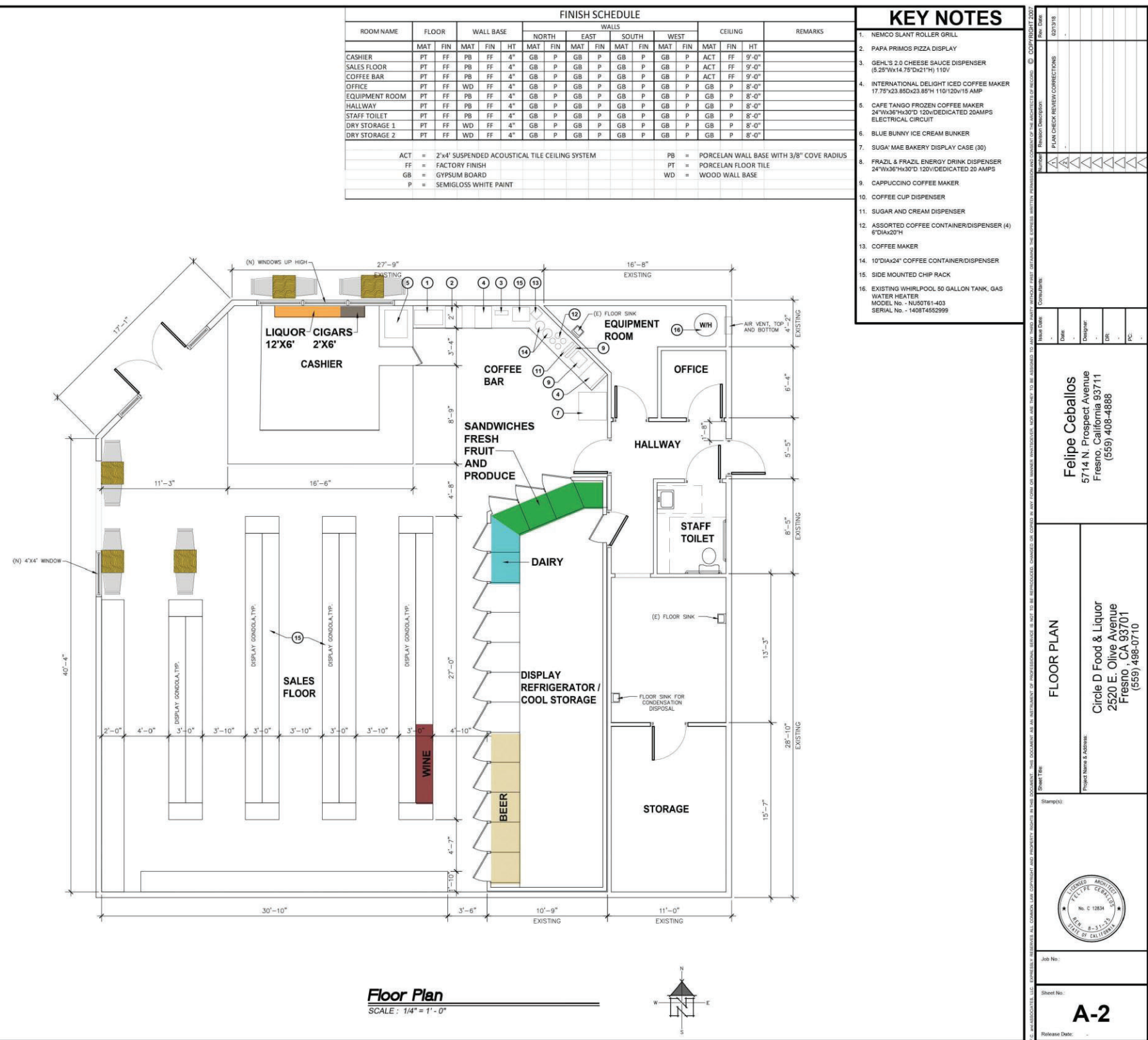
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3. 2 WORKING DAYS BEFORE COMMENCING EXCAVATION OPERATIONS WITHIN THE STREET RIGHT-OF-WAY AND/OR UTILITY EASEMENTS, ALL EXISTING UNDERGROUND FACILITIES SHALL HAVE BEEN LOCATED BY UNDERGROUND SERVICES ALERT (USA).
CALL 1-800-542-2444

Vicinity Map



Stamp(s):  Job No.: _____ Sheet No.: _____		Short Title: Project Name & Address: SITE PLAN Circle D Food & Liquor 2520 E. Olive Avenue Fresno , CA 93701 (559) 498-0710	Plan Title: SITE PLAN Felipe Ceballos 5714 N. Prospect Avenue Fresno, California 93711 (559) 408-4888 Title: _____ Date: _____ Designer: _____ Checker: _____ P.C.: _____ Consultant: _____
Approved: _____ Plan Check Review Corrections: _____ Revised: _____ Revised Description: _____ Revised Date: _____		Copyright © 2007 by the American Institute of Architects, Inc. All rights reserved. This document is the property of the American Institute of Architects, Inc. and is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the American Institute of Architects, Inc.	

ATTACHMENT “B” FLOOR PLAN



ATTACHMENT "C"
BEFORE & AFTER ELEVATIONS

West Elevation



BEFORE



AFTER

ATTACHMENT "C"
BEFORE & AFTER ELEVATIONS

North Elevation



BEFORE



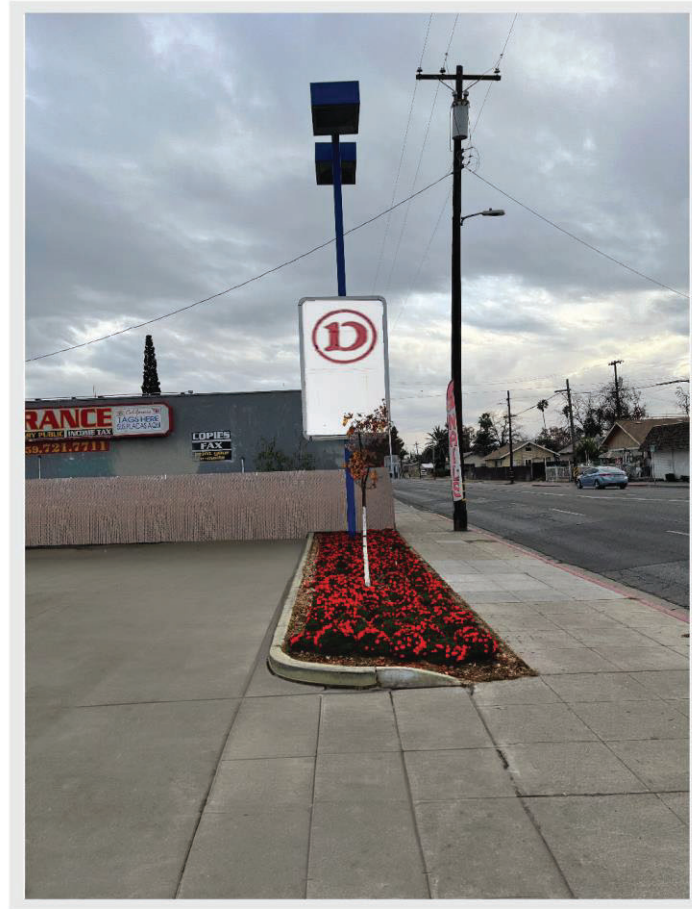
AFTER

ATTACHMENT "C"
BEFORE & AFTER ELEVATIONS

Looking South



BEFORE



AFTER

ATTACHMENT "C"
BEFORE & AFTER ELEVATIONS

East Elevation



BEFORE



AFTER