

DRAFT

October 14, 2020

Review Comments for Conditional Use Permit application: P20-02556

DPU Solid Waste Management

This review was performed by: Kevin Gray
Status: Reviewed with Conditions

General Findings:

- Location will be serviced by Mid Valley Disposal. Please contact at Mid Valley Disposal at 559-237-9425 for servicing... .or
- The proposed location of the trash enclosure is acceptable but we will require seeing dimensions of trash enclosures as well as the area around it on future site plans.
- A three 3-cell enclosure is required for restaurants. Trash enclosure shall be designed to accommodate separate facilities for trash and recyclable materials along with a single 1-cell grease enclosure) constructed to current Solid Waste standards (P-33, P-34 and P-95) to be serviced weekly.

General Requirements:

- The area of the proposed trash enclosure will require a 44' turnaround or T-turnaround (hammerhead) for the vehicle to turn around after servicing this location or other viable exit for vehicles to exit location once service has been completed.

Future Needs/Requirements:

Future site plans will be required to show the new location and details of 3-cell trash enclosure.

Fire Review

This review was performed by: Brennen Henry
Status: No Comment

Approved as submitted. No appointment or initial required. Approval of this plan does not authorize or approve any omission or deviation from applicable adopted codes and adopted standards. Final approval is subject to field inspection.

Fresno County Environmental Health

This review was performed by:
Status: Reviewed with Conditions

Recommended Conditions of Approval:

- Prior to issuance of building permits, the applicants will be required to 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) 600-3357 for more information.
- Prior to operation, the applicants shall apply for and obtain permits 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) 600-3357 for more information.
- Prior to alcohol sales, the applicant shall first obtain their license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.
- Prior to the issuance of building permits, the applicant shall submit three (3) sets of complete plans and specifications regarding the installation of any underground storage tanks to the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency (CUPA), at (559) 600-3271 for more information.
- Prior to operations, the fuel facility applicant shall apply for and secure a Permit to Operate an Underground Storage Tank System from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
- Facilities that use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Your proposed business will handle hazardous materials and/or hazardous waste and will be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 (<http://cers.calepa.ca.gov/>). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
- The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to conformance with the Noise Element of the City's municipal code.
- As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
- Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.

Planner Review

This review was performed by: Phillip Siegrist
Status: Reviewed with Conditions

The request to establish a conditional use permit and obtain a State of California Alcoholic Beverage Control (ABC) Type 21 (Beer, Wine, and Distilled Spirits) alcohol license for a proposed 7-11 convenience store at this location is not in compliance with the requirements of Fresno Municipal Code (FMC) Section 15-2706-E (Location Restrictions). The proposed off-sale alcoholic beverage establishment is located within 500 feet of four existing off-sale alcoholic beverage establishments (Didier's Liquor (Type 21), Family Dollar (Type 20), Fresno Community Market (Type 21), and EZ Mart #5 (Type 20)), would lead to a grouping of more than four off-sale establishments within a 1,000 foot radius, and is located within a high concentration area.

Therefore, the request to sell alcohol at this location is not permitted.

Police Review

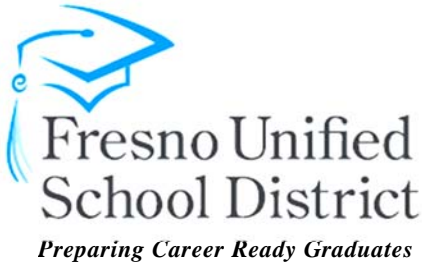
This review was performed by: Southeast PD
Status: Review Complete

This letter is to inform the City of Fresno Planning and Development that the Fresno Police Department has received a notice of application for a Type 20 alcohol beverage license for the above address. Based on B&P Section 24013(a) & B&P 23800(e) – Protests, the Fresno Police Department is protesting the issuance of the ABC license at this location. We have completed our review and recommend denial of the alcoholic beverage license. Please refer to attached document for further.

School District

This review was performed by:
Status: Review Complete

Fresno Unified School District response uploaded to Documents. Thank you.



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Robert G. Nelson, Ed.D.

September 3, 2020

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

**SUBJECT: APPLICATION NO. P20-02556
1137 N. CHESTNUT AVE.**

Dear Mr. Siegrist,

In response to the City's request for comments on the pending application referenced above, Fresno Unified School District (FUSD) has the following comments and concerns.


The proposed '7-Eleven' convenience store to be located at 1137 North Chestnut Avenue is requesting authorization to establish a State of California Alcoholic Beverage Control Type 21 (*Package Store – sale of beer, wine, and distilled spirits for consumption off the premises where sold*) alcohol license. It is located within approximately 850 feet from Ewing Elementary School.

As per the State of California's Alcohol Beverage Control Act, an alcohol license can be refused by the State if the location is "within at least 600 feet from schools." Per California Business and Professions Code Section 23789(b), "The department is specifically authorized to refuse the issuance, other than renewal or ownership transfer, of any retail license for premises located within at least 600 feet of schools and public playgrounds or nonprofit youth facilities, including, but not limited to, facilities serving Girl Scouts, Boy Scouts, or Campfire Girls. This distance shall be measured pursuant to rules of the department." The District **does not support** the alcohol license request and continues to have concerns regarding potentially dangerous interaction between our students and the proposed operation. FUSD's response on this project is subject to the Alcohol Beverage Control Act and the Fresno Police Department's review and support of the project with regard to the concentration and use of alcohol-related business in close proximity to school sites.

The District levies a commercial/industrial development fee and the current fee rate is \$0.66 per square foot. Any new development on the property will be subject to the development fee prior to issuance of a building permit and fees will be calculated pursuant to the rate effective at the time of payment.

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

Sincerely,



Alex Belanger, Assistant Superintendent
Facilities Management and Planning

AB:hl
c: Rosalinda Torres, Principal, Ewing Elementary School

DWC



September 24, 2020

Re: SEVEN ELEVEN
DBA: "7/11, Starbucks"
1137 N Chestnut Ave
Fresno, Ca. 93702

Dear Mr Vermeltoort,

This letter is to inform the City of Fresno Planning and Development that the Fresno Police Department has received a notice of application for a Type 20 alcohol beverage license for the above address.

Based on B&P Section 24013(a) & B&P 23800(e) – Protests, the Fresno Police Department is protesting the issuance of the ABC license at this location. We have completed our review and recommend denial of the alcoholic beverage license for the following reasons:

- During the past 9 months, there have been excessive incident reports and calls for police service within a 1 mile radius of the premise.
- The above census tract is over-concentrated with eight (8) existing licenses, which four (4) licenses allowed.
- The premise may potentially be the subject of numerous community complaints for nuisance activities such as: loitering, litter, loud music, vandalism, and incident involving alcoholic beverages.

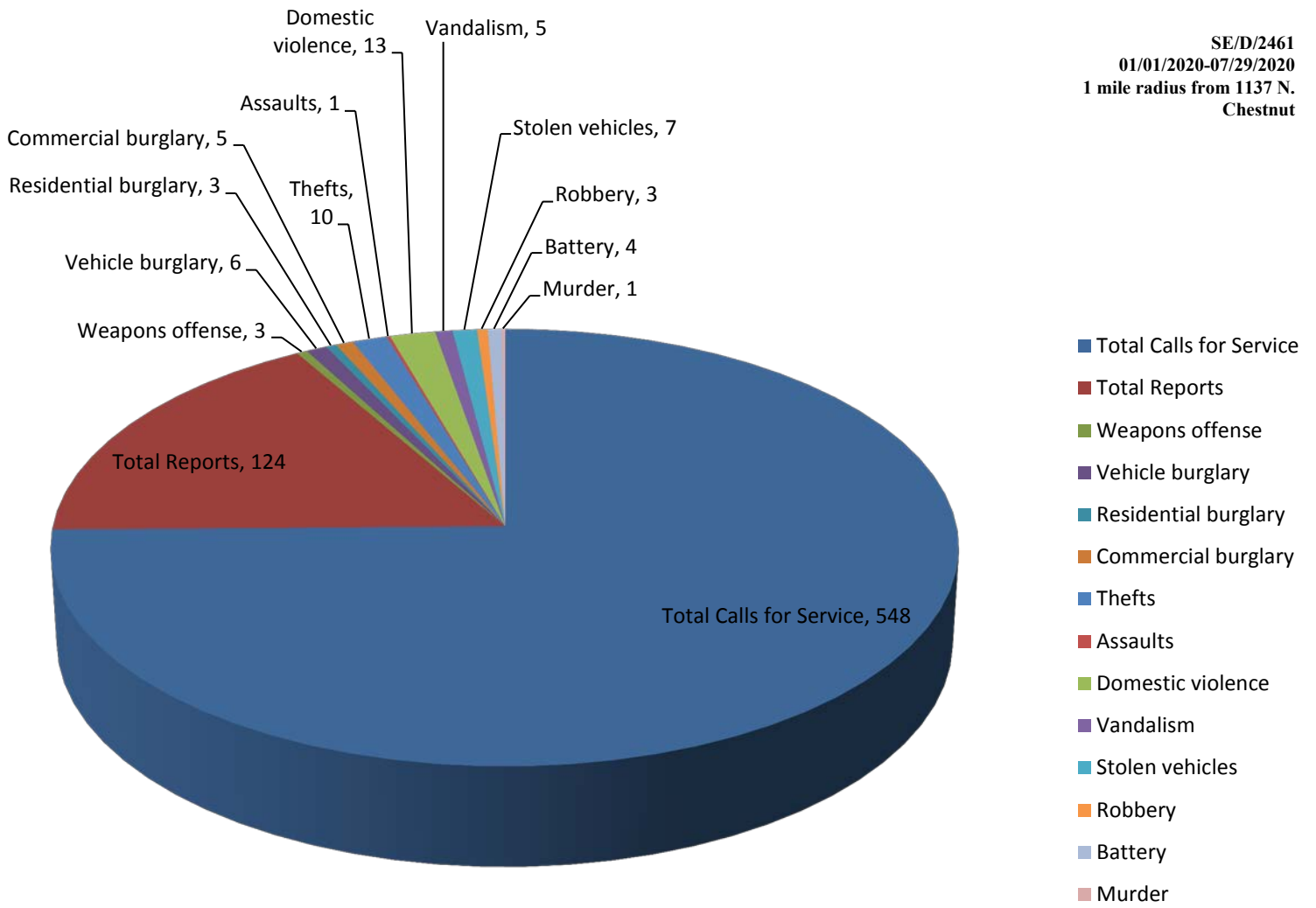
Attached are calls for service justifying the protest.

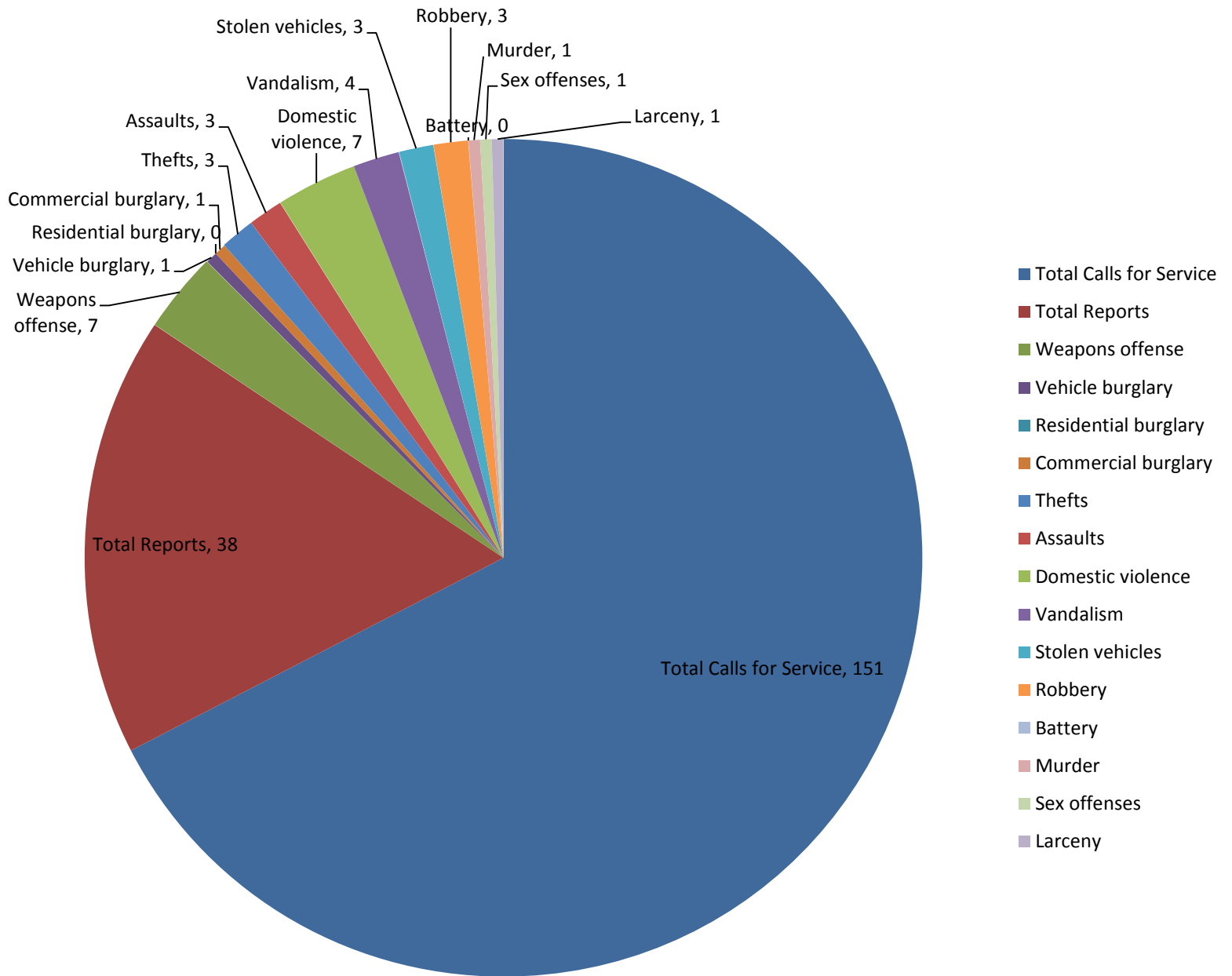
Sincerely,

Andrea Flores

Det. Andrea Flores (SE POP)

SE/D/2461
01/01/2020-07/29/2020
1 mile radius from 1137 N.
Chestnut





**SOUTHEAST AREA
DECEMBER**

Month vs Month	2018			Calendar Year			2019	% Change in Total
	Total	Cleared	C/Rate	Total	Cleared	C/Rate		
Violent Crime Offenses	69	26	37.7%	81	34	42.0%	17.4%	
Willful Homicide	1	1	100.0%	1	4	400.0%	0.0%	
Forcible Rape	2	3	150.0%	5	1	20.0%	150.0%	
Robbery	23	3	13.0%	26	5	19.2%	13.0%	
Agg. Assaults	43	19	44.2%	49	24	49.0%	14.0%	
Property Crime Offenses	338	70	20.7%	319	58	18.2%	-5.6%	
Burglary	61	6	9.8%	53	5	9.4%	-13.1%	
Larceny/Theft	222	56	25.2%	204	48	23.5%	-8.1%	
Motor Vehicle Theft	55	8	14.5%	62	5	8.1%	12.7%	
Arson	0	0	N/A	0	0	N/A	N/A	
Negligent Manslaughter	0	0	N/A	0	0	N/A	N/A	
Total Part I Crimes	407	96	23.6%	400	92	23.0%	-1.7%	
FBI Crime Index (-Arson)	407	96	23.6%	400	92	23.0%	-1.7%	
CCI Calif Crime Index	185	40	21.6%	196	44	22.4%	5.9%	
Arrests	587			0			-100.0%	
Felony	173			0			-100.0%	
Misdemeanors	414			0			-100.0%	
Status (Delinquents)	0			0			N/A	
Total CFS	8276			7184			-13.2%	

**January thru
DECEMBER**

Month vs Month	2018			Calendar Year			2019	% Change in Total
	Total	Cleared	C/Rate	Total	Cleared	C/Rate		
Violent Crime Offenses	808	371	45.9%	762	359	47.1%	-5.7%	
Willful Homicide	11	10	90.9%	19	12	63.2%	72.7%	
Forcible Rape	54	32	59.3%	34	14	41.2%	-37.0%	
Robbery	230	79	34.3%	218	75	34.4%	-5.2%	
Agg. Assaults	513	250	48.7%	491	258	52.5%	-4.3%	
Property Crime Offenses	3933	788	20.0%	3592	711	19.8%	-8.7%	
Burglary	645	50	7.8%	623	72	11.6%	-3.4%	
Larceny/Theft	2578	646	25.1%	2308	551	23.9%	-10.5%	
Motor Vehicle Theft	640	72	11.3%	661	88	13.3%	3.3%	
Arson	70	20	28.6%	0	0	N/A	-100.0%	
Negligent Manslaughter	0	0	N/A	0	0	N/A	N/A	
Total Part I Crimes	4741	1159	24.4%	4354	1070	24.6%	-8.2%	
FBI Crime Index (-Arson)	4671	1139	24.4%	4354	1070	24.6%	-6.8%	
CCI Calif Crime Index	2093	493	23.6%	2046	519	25.4%	-2.2%	
Arrests	7583			4810			-36.6%	
Felony	2096			1445			-31.1%	
Misdemeanors	5486			3365			-38.7%	
Status (Delinquents)	1			0			-100.0%	
CFS	99623			95752			-3.9%	