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Agenda Date: 11/5/2020  
Council Meeting

2020 NOV -5 P 1:19

CITY OF FRESNO  
CITY CLERK'S OFFICE

# FRESNO CITY COUNCIL



## Information Packet

### ITEM(S)

#### **File ID 20-001495 (1:30 P.M.)**

CONTINUED Consideration of Conditional Use Permit Application No. P20-00545, located on the northwest corner of North Cedar Avenue and East Tulare Street (Council District 7) - Planning and Development Department.

### **Contents of Supplement: Community Emails Received.**

#### **Item(s)**

##### **Supplemental Information:**

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

##### **Americans with Disabilities Act (ADA):**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

## Bernard Canez

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**From:** Marco Martinez-Velasquez  
**Sent:** Thursday, November 05, 2020 11:16 AM  
**To:** Bernard Canez; Briana Parra  
**Subject:** FW: P20-00545  
**Attachments:** AGAINST P20-00545.doc; AGAINST P20-00545.pdf

**From:** Frank CIAUDELLI <fjciaudelli@gmail.com>  
**Sent:** Thursday, November 05, 2020 11:04 AM  
**To:** Clerk <Clerk@fresno.gov>  
**Subject:** P20-00545

**External Email:** Use caution with links and attachments

Please submit these to the Council in opposition to Conditional Permit P20-00545.  
Thank you.  
Regards,  
Frank Ciaudelli

## Crime

The FBI's Crime in the United States most recent report has 17,401 Convenience Store robberies up 6.7% from the prior year. Convenience stores are 6% of all robberies. Though low this has remained consistent since the 80s. Convenience Store employees suffer high rates of homicide second only to taxi cab drivers.

ASU Center for Problem oriented policing study has found some stores are repeatedly victimized. Location of stores in neighborhoods with older building and structures are more prone to robbery than those in shopping centers

According to the most recent study robbery offenders, to limit the risk of apprehension, generally operate at night between the hours of 10pm and 7am with 50% of robberies coming between the hours of 10pm and 12pm generally when business traffic is minimal. All 7Eleven stores are 24hr. operations.

In an LA times report , Southland Inc, 7Eleven's parent company, found from 1990 to 1993 5 of 6 7Eleven employees were killed in robberies from 11pm to 5am. An Anaheim 7Eleven franchisee said about Southland, "It's very bad." "They're never going to help." "We are in such a position we can't do anything."

A safe Escape Route is the second most important factor in targeting a store. The location of a store in or bordering an older residential neighborhood affords excellent escape and evasion routes for robbers at night. It allows them to park their getaway vehicle in a secure space, hidden from the scene of the crime, but easily accessible. This was true in a July 2020 7Eleven robbery at Fruit and Clinton occurring at 6am.

### Gas Station/Convenience Store Density

Presently there are 5 active and 1 closed Gas/Convenience Stores within a 1/2 mile of the Cedar Tulare Location.

- Maple & Tulare
- Maple @ Tulare
- Cedar & White
- Cedar & Ventura
- 7<sup>th</sup> & Tulare

## Health Affects

Health effects of living near gas stations are not well understood

A number of compounds injurious to human health are released from gas stations during vehicle fueling and from underground storage tanks. Measures to reliably resolve these adverse effects are **NOT** employed at new gas stations. Benzene is the gasoline constituent that is most harmful to human health. Adverse effects of benzene include nausea, cancer, anemia, increased susceptibility to infections and low birth weight. According to the World Health Organization ***there is no safe level for benzene.***

Studies worldwide have found:

- An average of 146 and 461 parts per billion (ppb) at the gas station property boundary in summer and winter respectively
- Noted median ambient benzene levels of 1.9 ppb in houses up to 328 feet from gasoline service
- Found there is a significant relationship between childhood leukemia and living near a fueling station
- Elevated air pollution within 328 feet of gas stations
- A higher rate of obesity was associated with the presence of convenience stores located within a 10 minute walk of a school
- A California study noted a 50% increase in smoking among adolescents exposed to tobacco advertising during weekly visits to convenience stores

This research prompted the California Air Resources Board, in 2005, to recommend a minimum public health safety zone of 300 ft between new gas stations and sensitive land use such as residences, schools, daycare centers, playgrounds or medical facilities. In later studies it has been found that benzene emissions from underground storage tank vents were sufficiently high to constitute a health concern at a distance more than 500 feet. Also the researchers noted:

“emissions were 10 times higher than estimates used in setback regulations (as in California ARB) to determine how close residences, schools, playgrounds and parks can be situated to the facilities [gas stations].”

Prior to the latest studies the consensus was that most of the benzene was released at the pump during fueling. But the irony of vapor recovery at the nozzle has created harmful emissions at the storage tanks:

“It is important to note that vapor recovery at the nozzle can cause vapor release at the storage tank, because vapors recovered at the nozzle are typically directed to the storage tank. The storage tank in turn can “breathe” and potentially release recovered vapors immediately or at a later time. “

Keep in mind the property under discussion is 187 feet wide by 125 feet deep. Directly across the street from a school and bordered on two sides by private residences.

#### Residential Property Values and Danger to the Neighborhood

A convenience store/gas station will lower the value of nearby homes. One of the most plausible effects is on mortgages. FHA insured mortgages are not available for properties within 300 feet of tanks capable of storing 1,000 gallons or more of gasoline. This restriction appears in Section 2-2M of the HUD handbook. Most gas stations storage tanks have a capacity far in excess of 1000 gallons. Another HUD document shows that while gas station fire explosions may not be common, they do occur often enough to be a concern for nearby residents:

“During a five year period of 2004-2008 the National Fire Protection Association (NFPA) estimates that U.S. fire departments responded to an average of 5,020 fires in gas station properties per year.” These fires caused a number of civilian deaths, civilian injuries and millions in direct property damage.

The danger of fuel tanker trucks supplying the gas station is real. A truck and trailer does not have the room to make a turn into the property safely. Any turn would take up two lanes; A crash similar to the one in Atwater in 2017 would be devastating to the neighborhood in both lives and private property damage.

#### Locations

According to the Community and Environmental Defense Service (CEDES) convenience stores/ gas stations should be located:

- At least 500 feet from the nearest home

- Buffered so the store cannot be seen from the nearest home
- To preserve public health a minimum of 500 feet from homes and 1,000 feet from schools
- Convenience stores should be located at least a 10 minute walk from schools
- In an area with few criminal escape routes
- In an area where the market can accommodate a new store without putting existing ones out of business.

The proposed 7Eleven at Cedar and Tulare meets **NONE OF THESE REQUIREMENTS**

- FRESNO, Calif. (KFSN) -- Fresno police are searching for three men who robbed a 7-Eleven store in central Fresno on Friday morning.

Investigators say three men wearing masks entered the store on Cedar and Clinton Avenues around 1 am. One of them pulled out a gun and demanded money from the clerk.

OCTOBER 23, 2020

# Officers investigate armed robbery at southeast Fresno convenience store

Four men walked into a 7-Eleven at Chestnut and Belmont avenues around 5 a.m. and demanded money, Fresno Police said. One of the men had a gun.

## September 16, 2020



# Armed robbery caught on camera in Fresno

FRESNO, Calif. (FOX26) — Fresno police are looking for a man caught on camera robbing a 7-Eleven on Monday.

September 8, 2020

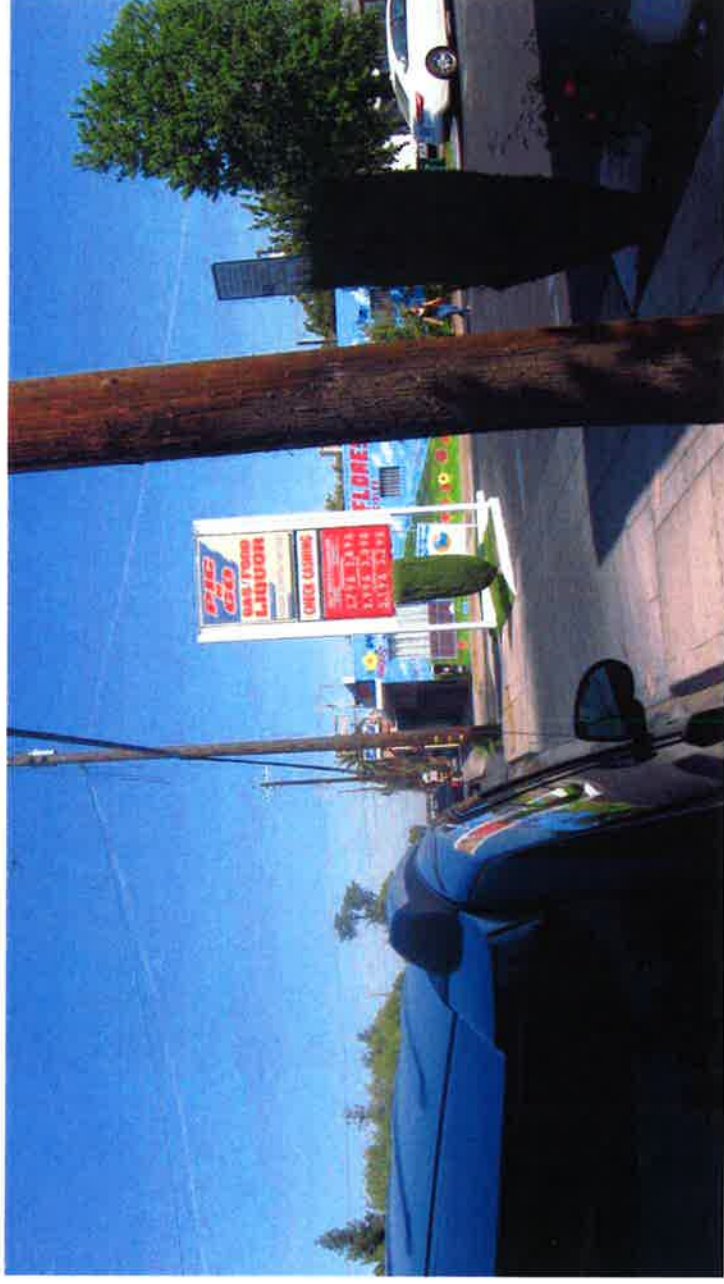
7-Eleven store robbed in central Fresno, police say

FRESNO, Calif. (KFSN) -- Fresno police are searching for the suspect who robbed a 7-Eleven in central Fresno on Wednesday morning.  
July 22, 2020

# MAPLE & TULARE- 0.4 MILES KWIK SERV GAS & CONVENIENCE



# MAPLE @ TULARE – 0.42 MILES PIC N GO GAS & CONVENIENCE



# CEDAR & WHITE – 0.5 MILES HANDI STOP MARKET





# CEDAR & VENTURA – 0.4 MILES CHEVRON 24 HR GAS & CONVENIENCE



# TULARE & 7<sup>TH</sup> – 0.35 MILES SUPER 1 GAS & CONVENIENCE

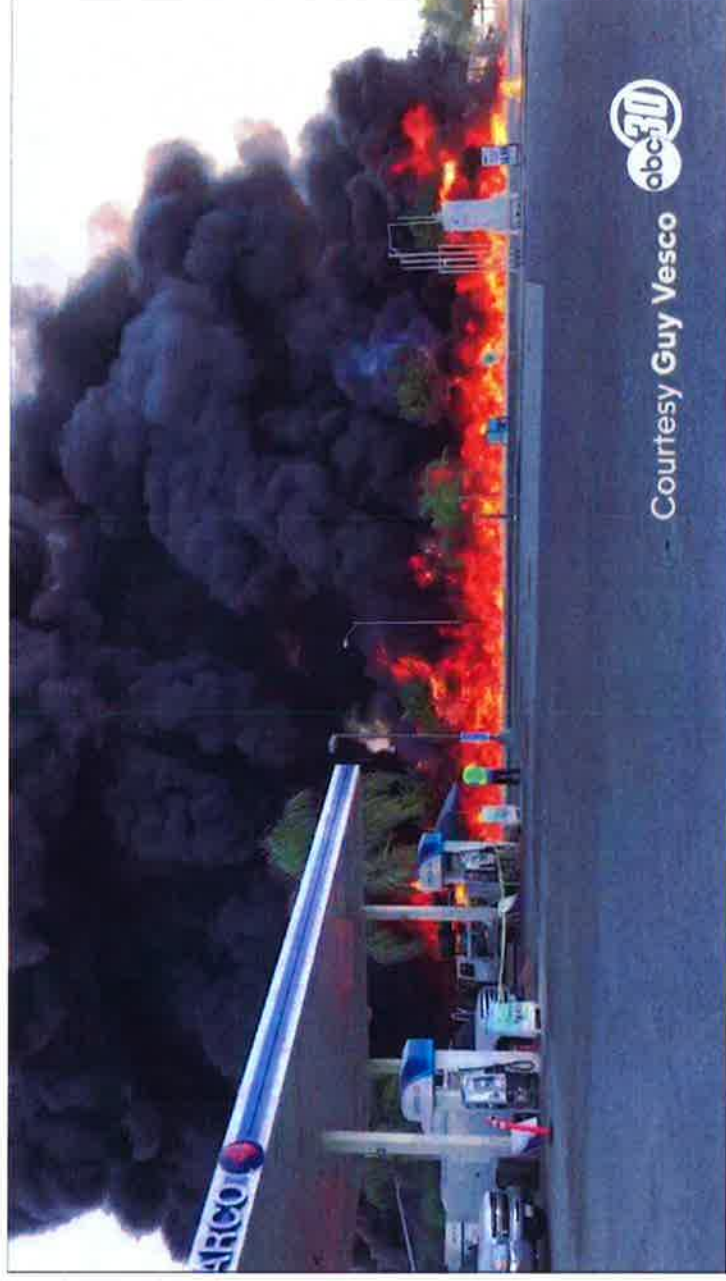


The California Air Resources Board 2005's Handbook recommends a minimum public health safety zone of 300 ft between new gas stations and sensitive land use such as residences, schools, daycare centers, playgrounds or medical facilities. In later studies it has been found that benzene emissions from underground storage tank vents were sufficiently high to constitute a health concern at a distance more than 500 feet.

The Cedar & Tulare property is 187 ft wide x 125 feet deep.



# Atwater Fire 2017



Courtesy Guy Vesco

