



Legislation Details (With Text)

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Title: Consideration of Conditional Use Permit Application No. P19-02593 request to establish a bar & nightclub with a Type 48 alcohol sales license (On Sale General - Public Premises (Bar, Night Club) for the sale of beer, wine and distilled spirits for consumption on the premises where sold) for the proposed Chido Bar, located at 3315 North Cedar Avenue in the Palm Plaza Center. (Council District 4).

1. ADOPT Environmental Assessment for P19-02593 dated November 20, 2019, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) through a Class 1 Categorical Exemption.
2. DENY the applicant's appeal and UPHOLD the action of the Planning and Development Department Director to deny Conditional Use Permit Application No. P19-02593 request to establish a bar/nightclub with a Type 48 alcohol sales license.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A - Vicinity Map, 2. Exhibit B - Land Use and Zoning Map, 3. Exhibit C - Project Information Tables, 4. Exhibit D - Master Application / Owner's Letter of Authorization, 5. Exhibit E - Operational Statement / Site Plan & Floor Plan, 6. Exhibit F - Correspondence, 7. Exhibit G - CUP Application Denial Letter, 8. Exhibit H - Applicant Appeal Letter, 9. Exhibit I - District 4 Committee Review, 10. Exhibit J - Neighborhood Meeting Information, 11. Exhibit K - Public Hearing Notice & Noticing Map, 12. Exhibit L - ABC License Reports (Census Tract 52.03), 13. Exhibit M - Environmental Assessment, 14. Exhibit N - Fresno Municipal Code Findings

Date	Ver.	Action By	Action	Result
12/4/2019	1	Planning Commission	approved	Pass

REPORT TO THE PLANNING COMMISSION

December 4, 2019

FROM: JENNIFER K. CLARK, AICP, Director
Planning & Development Department

THROUGH: MIKE SANCHEZ, AICP, Assistant Director
Development Services Division

BY: RALPH KACHADOURIAN, Supervising Planner

Development Services Division

SUBJECT

Consideration of Conditional Use Permit Application No. P19-02593 request to establish a bar & nightclub with a Type 48 alcohol sales license (*On Sale General - Public Premises (Bar, Night Club) for the sale of beer, wine and distilled spirits for consumption on the premises where sold*) for the proposed Chido Bar, located at 3315 North Cedar Avenue in the Palm Plaza Center. (Council District 4).

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EXECUTIVE SUMMARY

Conditional Use Permit Application No. P19-02593 was filed by Sheryl Brady, Permit Place on behalf of Ofelia Laurel of Laurel's Unique Imports pertaining to a vacant 4,000 sqft tenant space within the Palm Plaza center property. The owner is proposing to re-establish a new bar/nightclub within the former Crossroads Bar/Nightclub tenant space. The project site is within the CC (Community Commercial) zone district and Bars, Nightclubs and Lounges, including alcohol sales for these uses, is subject to conditional use permit approval.

On August 16, 2019, the conditional use permit application was denied as the proposed reuse of the tenant space for the new bar/nightclub will be substantially adverse to the public health, safety or general welfare of the community, and detrimental to surrounding properties. (Exhibit G) The Director's determination was based on the Fresno Police Departments review of the numerous calls for service they received over the years at the former Crossroads Bar, such as a homicide shooting and stabbings; violent patrons causing fights and disturbances; and other nuisance complaints from the surrounding community such as loitering, loud music, vandalism, and public drunkenness.

The Director's decision was appealed and staff recommends upholding the denial based on substantial evidence detailed in this staff report that; 1) specific Findings made by the Director in denial of the Conditional Use Permit contained in Section 15-5306 remain valid; and 2) that public safety concerns and other nuisance related activities with the re-establishment of a new bar/nightclub and the related alcohol sales license will not be adequately addressed and the use will be detrimental to the surrounding community.

BACKGROUND

The proposal by Laurel's Unique Imports is to establish their second Chido Bar location in the City of Fresno. The owner currently operates a similar bar in downtown Santa Maria, California, also known as Chido Bar, which opened in 2016. Prior to Laurel's obtaining ownership of the bar, the Santa Maria location was known to be a hangout for local gang members, drug dealers, prostitutes, and homeless. Since 2016, the owners hired new staff and made major positive changes and improvements.

The new bar will employ approximately twenty (20) employees at any given time. The interior of the 4,000 sqft bar will seat approximately 50 patrons with a 300-patron capacity. The hours of operation proposed will be from 2:00pm - 2:00am daily. The bar will cater to younger well-dressed patrons. Music and special dates include, but not limited to, Valentine's Day, New Year Celebration, and Labor Day. A DJ along with live music will entertain patrons Wednesday through Saturday including days when Monday is a holiday. (Exhibit E)

Appeal Request

An appeal of the Director's decision in denying the conditional use permit was received on August 28, 2019, within the 15 day appeal period for special permits. (Exhibit H) The appeal acknowledges the police department's comments on past calls for service and homicide incidents that have occurred at this location under the former Crossroads Bar.

The Chido Bar operation proposes to implement better security measures to address public safety concerns that will include: installation of a security camera system along with an alarm system; security staff positioned at the entrance and equipped with metal detection wands; posting of patron rules / dress code; providing emergency exits; and installing a landline phone system. The applicant is requesting that Laurel's Unique Imports be allowed the opportunity to establish and operate the Chido Bar in Fresno in a manner similar to what they have successfully accomplished with their bar in Santa Maria.

CORRESPONDENCE (Exhibit F)

Fresno Unified School District Review

On June 19, 2019, the Fresno Unified School District submitted a letter stating they do not support the conditional use permit request for the alcohol license and the proposed bar.

Fresno Police Department Review

On June 20, 2019, the Fresno Police Department Northeast Policing District, provided comments regarding the alcohol license request for the Chido Bar, and cited public safety concerns based on the following historical information from the former Crossroads Bar:

- Between 2010 and 2014, when the last bar/nightclub was in operation, there were over 150 police calls for violent patrons, fights and disturbances involving intoxicated subjects at the location.
- The previous bar/nightclub drew numerous complaints from community members regarding nuisance activities such as: loitering, litter, loud music from vehicles/patrons, vandalism, and open containers of alcoholic beverages.
- Violence at the previous bar/nightclub included a shooting that resulted in a homicide (FPD Case # 14-21254) inside the bar and a stabbing involving several patrons (FPD Case #14-39502).

Number of Existing and Allowed ABC Licenses

According to the ABC, there are two on-sale alcohol licenses issued within Census Tract 52.03 and up to four such licenses are allowed. The census tract is located in a high crime reporting district (Crime Reporting District #2059) as follows. (Exhibit L)

Crime Reporting District Number	2059
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Total Number of Reporting Districts	504
Total Number of Offenses in All Reporting Districts	228,678
Average Number of Offenses per District	452.83
120% of Average Number of Offenses	543
Total Number of Offenses in Reporting District	1,339

Source: California Department of Alcohol and Beverage Control (ABC-245)

PUBLIC INPUT AND NOTICING

Council District 4 Project Review Committee

The proposed conditional use permit application was reviewed by Council District 4 committee on July 22, 2019, with a recommendation on a 5/0 vote (one absent) that the special permit request be denied. (Exhibit I)

Neighborhood Meeting

The applicant conducted a neighborhood meeting on Monday, October 21, 2019, as required for the proposed project pursuant to FMC Sections 15-2751-G & Q, and 15-5006. The neighborhood meeting notice/invitation was mailed by the applicant to all property owners within a 500 foot radius of the project site/property.

The meeting was held inside the former Crossroads Bar location and was attended by the applicant, the Chido Bar owner(s), a couple who live in the neighborhood nearby on East Fountain Way, the two owners of the adjacent tattoo business next door, and a planning staff member there to only observe and take notes. Questions, issues and concerns were raised and discussed by the attendees regarding the new bar/nightclub proposal; the problems related to public safety issues with the former bar and its negative impacts to the neighborhood; and the attendees expressed their uncertainty that the reestablished bar would not create those same problems. A copy of the neighborhood meeting notice, map diagram of the properties identified for noticing, the sign-in sheet and notes, are provided by Exhibit J.

As a follow-up to the neighborhood meeting, a letter was received on October 29, 2019, submitted by the concerned couple that attended the meeting expressing their support of the Director's decision to deny the conditional use permit and the basis made for the denial. (Exhibit F)

Notice of Planning Commission Hearing

The Public Hearing Notice was mailed via U.S. mail to the property owners within 1,000 feet of the subject site on November 22, 2019. The notices were also sent via electronic mail to individuals who requested notification, including the project applicant and property owner. (Exhibit K)

LAND USE PLANS AND POLICIES

Fresno General Plan

The Fresno General Plan Elements identified under Urban Form, Land Use & Design, and Public Utilities & Services, provide the following applicable goals and implementation policies:

Goal 9 states: *Promote a city of healthy communities and improve quality of life in established neighborhoods.*

Goal 16 states: *Protect and improve public health and safety.*

Implementation Policy PU-1-i: Crime and Nuisances. Assist community and neighborhood groups seeking to reduce crime and nuisances they associate with high concentrations of establishments with off-sale or on-sale liquor licenses through Police Department consultations, other available services, and programs such as Neighborhood Watch.

Alcohol sales establishments possess certain characteristics that have the potential to cause deleterious effects and nuisances on surrounding neighborhoods and businesses, especially to nearby or adjacent residential neighborhoods. The City of Fresno relies on information from the Police Department and the State Alcoholic Beverage Control (ABC) in the consideration of alcohol permit applications respective to areas of high crime.

McLane Community Plan

Upon reviewing the policies contained in the McLane Community Plan, staff has determined that there are no goals or policies that are more restrictive than those contained in the Fresno Municipal Code.

ENVIRONMENTAL FINDINGS

A determination of a Categorical Exemption, Section 15301/Class 1 of the California Environmental Quality Act (CEQA) Guidelines was made and the Environmental Assessment for this special permit was completed on November 20, 2019. (Exhibit M)

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The proposed special permit request is to establish a bar & nightclub with a Type 48 alcohol sales license (On Sale General - Public Premises (Bar, Night Club) for the sale of beer, wine and distilled spirits for consumption on the premises where sold) in an existing and vacated tenant space within the center that was previously occupied by the Crossroads Bar.

None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project. Furthermore, the proposed special permit request is not expected to have any significant effect on the environment.

FRESNO MUNICIPAL CODE FINDINGS

Based upon analysis of the application, staff concludes that the required findings made by the Director to deny the special permit under Section 15-5306 of the Fresno Municipal Code are appropriate. These findings are attached as Exhibit N.

CONCLUSION

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the Fresno General Plan, the McLane Community Plan, and applicable provisions of the Development Code; 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 above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Conditional Use Permit Application No. P19-02593 for the establishment of a bar/nightclub and related alcohol license will

not be appropriate for the subject property.

Attachments:

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- Exhibit B - Land Use & Zoning Map
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