Exhibit I

July 6, 2023

Project No. 2019-022

To: Jennifer K. Clark, AICP, Director
Planning and Development Department
Development Services Division
2600 Fresno Street, Third Floor Rom 3043
Fresno, CA 93721

Subject: P23-00593 JQ#211 Barstow/Grantland
Request for Appeal of Director's Decision

Mrs. Clark,

We hereby request to appeal the Directors decision to the Planning Commission for ABC-CUP P 23-00593. We offer the following information and Findings:

1. The subject property was approved under P19-04594 for the permitted use of ABC Type 20 License.
2. The subject property is within Census Tract 42.07. The project proposes to retire/move the Type 20 License out of the census tract.
3. The upgrade of the existing Type 20 License to Type 21 License does not have a net increase in the number of ABC Licenses within this Census Tract.
4. The current zoning and General Plan Land Use is Community Commercial (CC). The CC district is intended for commercial development that primarily serves local needs such as convenience shopping and offices. The proposed land uses conforms to the CC zone district by constructing convenience shopping, retail, and restaurant uses. The proposed project implements the land uses as intended by the General Plan.
5. We notified the existing property owners within the required radius of the subject property. We received no objections to the proposed upgrade from Type 20 to Type 21 license.
6. We attended the council district 2 project review committee and received a recommendation for approval by all the committee members in attendance.

Section 15-2706E of the Municipal Code States the Following:
Location Restrictions for New Establishments. The following location restrictions apply, unless the establishment can be found qualified for exception by the Review Authority.

1. Near Sensitive Uses. The establishment shall not be located within 500 feet of the following:
   a. A public park, playground, recreational area, or youth facility, including a nursery school, preschool, or day care facility;
   The subject property is not within 500 feet of a public park, playground, recreational area, or youth facility, a nursery school, or preschool. The project is within 500 feet of a proposed daycare that has an approved entitlement. We have performed extensive public outreach and have discussed our proposed project with the owners of the proposed daycare. They are in support of our project and have no objections, please see attached letter dated 4-29-2020.
   b. A public or private State-licensed or accredited school; or
   The subject property is not within 500 feet of a public or private State-licensed or accredited school.
   c. An alcohol or other drug abuse recovery or treatment facility.
   The subject property is not within 500 feet of an alcohol or other drug abuse recovery or treatment facility.

2. Near Other Alcoholic Beverage Establishments. The establishment shall not be located within 500 feet of an existing establishment, nor may it lead to a grouping of more than four establishments within a 1,000 foot radius.

   The subject property is not within 500 feet of an existing establishment. There are no existing establishments within 1,000 ft.

3. Within High Crime Areas. The establishment shall not be located in an area of high crime, as defined by the California Business and Professions Code 23958.4(a)(1) et seq., and as determined by the Department of Alcoholic Beverage Control.

   The subject property is not located in a high crime area.

4. Within High Concentration Areas. The establishment shall not be located in an area of high concentration, as defined by the California Business and Professions Code 23958.4(a)(3) et seq., and as determined by the Department of Alcoholic Beverage Control.

   The upgrade of the existing Type 20 License to Type 21 License does not have a net increase in the number of ABC Licenses within this Census Tract.

5. Exceptions. A new establishment may be excepted from location restrictions if the Review Authority determines any of the following:
   a. The proposed use is not located within an area in which the Chief of Police has determined, based upon quantifiable information, that the proposed use a) would be detrimental to the public health, safety, or welfare of persons located in the area, or b) would increase the severity of existing law enforcement or public nuisance problems in the area.

      The project is not located in a high crime area.

   b. The proposed off-premises sale of alcoholic beverages is incidental and appurtenant to a larger retail use and provides for a more complete and convenient shopping experience.

      The Type 21 license allows the user the ability to provide and offer more products and services to the customer. As a gas service station with a convenience market, the sale of gasoline is the primary service provided. The convenience market provides a convenient retail shopping service for the customer. The sale of alcoholic beverages is incidental and appurtenant to a larger retail use and provides for a more complete and convenient shopping experience for the customer.

   c. The proposed outlet for the off-premises sale of alcoholic beverages would act as a public convenience or necessity to an underserved portion of the community and/or enhance the vitality of an existing commercial area without presenting a significant adverse impact on public health or safety.

      There are no gas service stations, retail, or off-premises sale of alcoholic beverages within one mile of the proposed project site. Therefore, the proposed gas service stations, convenience market, and off-premises sale of alcoholic beverages is a public convenience and necessity to an underserved portion of the community. The project would enhance the vitality of the existing community and does not have a significant impact on public health or safety.

Therefore, in accordance with section 15-5306 of the municipal code the following findings can be made in support of the project.

Findings:

A. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Code and all other chapters of the Municipal Code;

   The project is within 500 feet of a proposed daycare that has an approved entitlement. We have performed extensive public outreach and have discussed our proposed project with the owners of the proposed daycare. They are in support of our project and have no objections, please see attached letter dated 4-29-2020.

B. The proposed use is consistent with the General Plan and any other applicable plan and design guideline the City has adopted;

The current zoning and General Plan and West Area Community Plan land use is Community Commercial (CC). The CC district is intended for commercial development that primarily serves local needs such as convenience shopping and offices. The proposed land uses conforms to the CC zone district by constructing convenience shopping, retail, and restaurant uses. The proposed project implements the land uses as intended by the General Plan and West Area Community Plan.

C. The proposed use will not be substantially adverse to the public health, safety, or general welfare of the community, nor be detrimental to surrounding properties or improvements;

There are no gas service stations, retail, or off-premises sale of alcoholic beverages within one mile of the proposed project site. Therefore, the proposed gas service stations, convenience market, and off-premises sale of alcoholic beverages is a public convenience and necessity to an underserved portion of the community. The project would enhance the vitality of the existing community and does not have a significant impact on public health or safety.

D. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses in the vicinity; and

The City States "The proposed Johnny Quik convenience store/service station with alcohol sales is within close proximity to existing single family residences." However, there are no proximity requirements in the Municipal Code for the off-premises sale of alcoholic beverages and residential land uses. The proximity to the residential land uses encourages the residents to access the project site by walking or bicycling. Which reduces the overall vehicle trips, as envisioned by the City's Active Transportation Plan. The project proposes to use a "Chevron" franchise for sale of gasoline. Chevron has very high and strict cleanliness requirements that the project must meet. In addition, Beal Developments also has their own very high and strict internal guidelines and standards that must be met for each project site. Which is exhibited in their existing facilities throughout California.

E. The site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required; and

The existing property is very narrow, only 236 feet wide (after dedications), and will restrict, prohibit and limit the development of this property. The proposed project complies with all setbacks, parking, and zoning requirements. Therefore, the site is suitable for the type, density, and intensity of use being proposed.

Should you have any questions please don't hesitate to contact me at (559) 775-0023.

Sincerely,

Ken Vang, PE,TE,
Principal/President