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Robert G. Nelson, Ed.D.

March 21, 2019

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

SUBJECT: **APPLICATION NO. P18-02804**  
**608 E. WELDON AVE.**

Dear Mr. Barnes,

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 existing 'Quesadilla Gorilla' restaurant located at 608 East Weldon Avenue is requesting authorization to establish a State of California Alcoholic Beverage Control Type 41 (*Restaurant – sale of beer and wine for consumption on or off the premises where sold*) alcohol license. It is located within approximately 130 feet from Fresno High 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 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 Fresno Unified School District levies a commercial/industrial development fee and the current fee rate is \$0.61 per square foot. However, if no new square footage is constructed no development fee would be charged.

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: Linda Laettner, Principal, Fresno High School

# Joseph and Lisa Libby

630 E. Weldon Ave. Fresno, CA 93704 | 559-445-9019 | libby88@comcast.net

30 May 2019

Jennifer K. Clark, Director  
Development and Resource Management Department  
2600 Fresno Street, Room 3043  
Fresno, CA 93721

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DARM - DEVELOPMENT SERVICES  
CITY OF FRESNO

Dear Ms. Clark:

Regarding Conditional Use Permit Application no. P18-02804.

We are writing to protest the possible authorization of a State of California Alcoholic Beverage Control Type 41 alcohol license for Quesadilla Gorilla restaurant. Our concerns are based in part on our experiences with the business, its suppliers and clientele in the time since it opened, and also on concerns with the restaurant's proximity to a high school and residences.

Quesadilla Gorilla sits just around the corner from Fresno High School, and since the type 41 license permits minors on the premises, we have concerns that they will find a way to be served alcohol. Also, the State of California can refuse to issue a license to a business within 100 feet of a residence if the operation might "interfere with the quiet enjoyment of the property by residents" (Section 23789 and Rule 61.4). Similarly, Fresno's own rules for Commercial Districts state that there must be a buffer between the commercial and residential uses to "preserve [the] residential environments" and that the traffic and parking impacts must be minimized (sections D and E).

The business already has had a negative impact on Weldon Avenue: the delivery trucks have crumbled the pavement and broken the trees along the length of this block; trash in the form of boxes, napkins, cups and menus litter our front yards; both customers and employees of the restaurant have blocked our driveways with their cars. Such issues have not been adequately addressed by the restaurant or the city and will surely get worse if alcohol is served. We are concerned with the fact that the license permits the sale of alcohol for consumption off premises. This too would seem to encourage disruptive behavior in an otherwise quiet neighborhood. This street has seen several destructive accidents caused by drunk drivers in recent years; will the sale of beer and wine help matters? Code enforcement has long been lacking here (we cannot forget the Lotus Royal "Spa", also across from the school), how can we trust the city will put the good of the neighborhood ahead of the desires of a business owner.

In all we would argue that this permit will degrade the neighborhood and property values. Please do not grant this alcohol license.

Sincerely,



Joseph and Lisa Libby