



Police Department

Mariposa Mall  
P.O. Box 1271  
Fresno, California 93715-1271

Jerry Dyer  
Chief of Police

March 20, 2019

Kao Vang  
Planner I  
City of Fresno  
Development and Resource Management Department  
2600 Fresno Street, Third Floor, Room 3043 Fresno, CA 93721

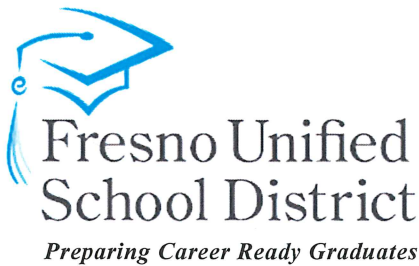
**RE: ABCCUP P18-03953 Dollar General**

Per Alcohol Beverage Control Form 245 (see attached), the location (premises) is located in a High Crime reporting District. The reporting district average number of criminal offenses is 452. The total number of Crime Offenses in that reporting district is 445. The addition of the ABC license to the above location will increase the criminal offenses for this district to either meet or more likely exceeds the average criminal offenses of 452.

This area also has a high concentration of Type 20 and Type 21 alcohol licenses. Furthermore, there is an elementary school (Aynesworth Elementary, 4765 E Burns Ave, Fresno, CA) directly across the street and two schools (Terronez Middle School and Phoenix Secondary School) within a mile from this premise. For these reasons, the Fresno Police Department **OPPOSES** the application of a new Type 20 Alcohol Beverage Conditional Use Permit.

If you have any questions or concerns, please feel free to contact me at (559) 621-6309 or via e-mail at [phu.nguyen@fresno.gov](mailto:phu.nguyen@fresno.gov).

Sincerely,  
Det. Phu Nguyen P1731  
Southeast Investigation / P.O.P.



## BOARD OF EDUCATION

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## SUPERINTENDENT

Robert G. Nelson, Ed.D.

March 5, 2019

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

SUBJECT: **APPLICATION NO. P18-03953**  
**4785 E. CHURCH AVE.**

Dear Ms. Vang,

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 'Dollar General' store to be located at 4785 East Church Avenue is requesting authorization to establish a State of California Alcoholic Beverage Control Type 20 (*Package Store – sale of beer and wine for consumption off the premises where sold*) alcohol license. It is located within approximately 175 feet from Aynesworth 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 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. 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 rates 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: Cha Vang, Principal, Aynesworth Elementary School





## DISTRICT 5 ADVISORY COMMITTEE

# MEETING ACTION AGENDA/MINUTES

**Monday, April 22, 2019 -- 4:00 P.M.**

Room 3054, Third Floor, Fresno City Hall

2600 Fresno Street, Fresno CA 93721-3604

### **AGENDA**

#### **1. ROLL CALL**

*This meeting was called to order at 4:00 p.m.*

#### **2. APPROVAL OF AGENDA/MINUTES**

##### **a. Agenda for April 22, 2019**

*Present: Andy Hansen-Smith, Gary Nachtigall (Vice Chair) and Mike Rabara (chair)*

*Absent: Josephine Kiran (recusal)*

*Staff: Israel Trejo*

*Hansen-Smith moved and Nachtigall seconded the motion to approve the agenda for April 22, 2019, motion carried (vote 3-0).*

#### **3. PROJECT REVIEW**

- a. Conditional Use Permit Application No. P18-03953** was filed by Steve Rawlings of Alcoholic Beverage Specialists, on behalf of Dollar General Store, and is a request to establish a State of California Alcoholic Beverage Control Type 20 (Off Sale General – sale of beer and wine - for consumption off the premises where sold) at a Dollar General grocery and consumer goods store located at 4785 East Church Avenue.

##### Applicant

The applicant explained the project which included the following information: approximately only 70 sq. ft. of overall floor space will be used for the sale of beer/wine, all other Dollar General Stores in Fresno (4-5 locations) sell beer/wine, applicant desires to utilize section 15-2706.D.5.b of the FMC, which states that new establishments may be excepted from location restrictions if the Review Authority determines that the sale of alcoholic beverages is incidental to the larger retail use...., no security guard is proposed with the project, store will close by 10 p.m. (not 11 p.m. as stated in the current op. statement).

### Staff

Staff explained that the project is located in a census tract that allows 4 licenses and there are only 2 current licenses. The project area is not considered high crime based on Form 245 prepared by ABC. The project must comply with the location restrictions of Section 15-2706 of the FMC for new establishments.

### Committee

The Committee discussed various issues, including: proximity of a school directly across the street, beer runs at other Dollar General locations may not be reported and do not appear to be taken seriously, floor plan may be conducive to beer runs since the beer is proposed near the front door. Additionally, there are only 2 existing ABC licenses in a census tract that allows 4. The two existing licenses are located at the southeast corner of East Church and South Maple Avenues. A 7-11, located at the northeast corner of Chestnut and Church sell alcohol. If the subject application were to be approved, there would be 4 ABC licenses in a half-mile distance.

### Voting Record

*Hansen-Smith motioned and Rabara seconded the motion to recommend **denial** of the project (vote 2 yes, 1 no).*

4. **COMMITTEE COMMENTS**
5. **PUBLIC COMMENTS**
6. **UNSCHEDULED MATTERS**
7. **ADJOURNMENT**