

Subject: City of Fresno
Planning Commission Meeting on October 7, 2020
Agenda Item ID 20-001287

Respected Chairperson, Vice Chairperson and Commissioners

This letter is in regard to upgrading our off-sale ABC License from Type 20 to Type 21. I would like you to know that our store is not a typical liquor store. We are one stop shop for the neighborhood. We provide the following services:

Chevron Gasoline
Johnny Quik Convenience Store
Propane Service
Port of Subs Fresh Sandwiches
Mexican food
Car Wash
Air and Water (for cars and filtered water machine)
ATM
Amazon Boxes
We accept EBT
We are ADA compliance facility
Indoor and outdoor seating

In our convenience store, we offer sales of fresh dairy products, over the counter medicine, hygiene products, seeds, nuts, candy, fresh coffee, soda, ice, ready to go sandwiches, breakfast/lunch burritos, beer/wine (only 9% sale space since 2007), cigarettes, pet food, phone accessories, auto maintenance products, etc.

With this upgrade we will only carry new products behind the counter only, since 2007 we never advertise or carry any cheap beer products or cigarettes, you will not see the stacks of beer or any type of beer sales in our store.

We keep our facility clean, well maintained, well-lit at night, plenty of parking and free of graffiti (our goal is to clean the graffiti as soon as we see it). Our restrooms are open to the public and we keep it very clean. Our store is a favorite stop for our law enforcement officials in the area.

We know that there is a lot of talk in the city to reduce liquor licenses and a new ordinance is on the way to reduce the number of licenses. In our town there are many bad operators who do not follow the City or State code, but I want to assure you we take pride in our store and we try our best to keep it updated, maintain and operate according to the City and State standard.

Planning and Development Director had denied our request for the upgrade based on over saturation of liquor licenses in our district. But in our case, there will be no net gain, we are bringing in Type 21 License and we are removing the existing Type 20 License. As the City is planning to reduce licenses, this upgrade will remove one of the local licenses out of service as we are planning to surrender/cancel the existing Type 20 so it will not be used anywhere in City of Fresno again.

The Fresno Police Department is not in opposition of this Conditional Use Permit upgrade.

Our Council District Committee had approved this upgrade with six to zero votes.

Please find our response to the City findings:

Finding 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;

This Finding (a) cannot be made. The existing Johnny Quik convenience store/service station with an alcohol sales permit (Type 21 license), does not comply with FMC Section 15-2706-E (Location Restrictions). The establishment is located within an area of high concentration of off-sale licenses and within 500 feet of an existing establishment (Super Liquor IV Store).

Applicant Response: The City is correct in stating that the Johnny Quick site is existing, however, we are NOT proposing to add any new alcohol licenses to the neighborhood. We are simply requesting to upgrade our existing license from a Type 20 to a Type 21 to continue to allow us to legally serve our 21+ customers and to help our business stay competitive during a time where businesses all over the City are shutting down due to the Pandemic. With the approved upgrade to a Type 21 license, we will be eliminating the Type 20 license from existence.

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

This Finding (b) cannot be made. The Johnny Quik convenience store/service station is consistent with the current General Plan, West Area Community Plan and land use designation of Community Commercial; however, the requested Type 21 alcohol license will have adverse impacts on adjacent properties and/or on the general public and will be inconsistent with general plan goals to promote healthy communities and improve quality of life in established neighborhoods, and to protect and improve public health and safety.

Applicant Response: At this time, the City cannot accurately and confidently make the statement that “the requested Type 21 alcohol license will have adverse impacts on adjacent properties and/or on the general public and will be inconsistent with general plan goals to promote healthy communities and improve quality of life in established neighborhoods, and to protect and improve public health and safety.” We have a proven track record of providing high-quality store locations. Our properties do not attract crime and we make great investments into our properties to ensure our stores are kept clean and updated. We pride ourselves on being great neighbors and on providing much needed services to the neighboring residents.

Finding c: The proposed use will be substantially adverse to the public health, safety, or general welfare of the community, and will be detrimental to surrounding properties or improvements in that;

The proposed use will be substantially adverse to the public health, safety, or general welfare of the community in that its location within a sensitive use and high concentration will be detrimental to surrounding properties or improvements. Areas of high concentration of off-sale licenses can contribute to a variety of health and safety problems including higher rates of alcohol-related hospitalizations, drunken driving accidents, and pedestrian injuries. As noted within the Public Utilities and Services section of the Fresno General Plan, the location and prevalence of off-sale alcohol sales can have a negative effect on neighborhood health. Alcohol sales establishments possess certain characteristics that have the potential to cause deleterious effects and nuisances on surrounding neighborhoods and businesses, especially when such establishments are in areas of high concentration.

Applicant Response: As previously noted, the City cannot accurately and confidently make a statement like this about our store. They're using a "blanket statement" to misjudge the characterization of our store. We understand the need to get rid of "bad apple" liquor stores, however our business model is the opposite of that. As noted, we have a proven track record of being a good neighbor and providing much needed services and products to the community. We do not feel that we should be punished for always doing what's right and what's best for our business and the surrounding community. Adherence to the Conditions of Approval proposed by City staff will further ensure that any potential impacts will be fully mitigated so that we can continue to do our part to safeguard the public health, safety, and general welfare of the community.

Finding 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,

This Finding (d) cannot be made. The existing Johnny Quik convenience store/service station with alcohol sales is within close proximity retail uses. The location and operating characteristics of the proposed convenience store with alcohol sales, are incompatible with the surrounding vicinity and land uses given the project is located in a high concentrated census tract and near other alcohol uses. Furthermore, the proposed project conflicts with the Fresno General Plan goals to promote healthy communities and improve quality of life in established neighborhoods, and to protect and improve public health and safety.

Applicant Response: This is essentially a repeat of previous statements that the City cannot make with certainty. The City is correct in stating that the Johnny Quick site is existing, however, we are NOT proposing to add any new alcohol licenses to the neighborhood. We are simply requesting to upgrade our existing license from a Type 20 to a Type 21 to continue to allow us to legally serve our 21+ customers and to help our business stay competitive during a time where businesses all over the City are shutting down due to the Pandemic. With the approved upgrade to a Type 21 license, we will be eliminating the Type 20 license from existence. Furthermore, with strict adherence to the Conditions of Approval proposed by City staff, we'll further ensure that any potential impacts will be fully mitigated so that we can continue to do our part to safeguard the public health, safety, and general welfare of the community.

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

This Finding (e) cannot be made. While the type and intensity of the use proposed may be suitable with respect to access, the proposed alcohol license within a high concentration area and near another alcohol use, is not suitable based on the services required to address public safety concerns.

Applicant Response: At the time our project was initially entitled, City staff was able to conclude that our project was suitable for the site based on type, density, and intensity, including access, emergency access, utilities, and services required. Simply proposing to upgrade our alcohol license from a Type 20 to Type 21 does not automatically deem our project to no longer be suitable. There is no information that the City can stand on to conclude that an upgrade to Type 21 license will automatically result in an increase in public safety concerns at our site as they are stating. With the approval of a Type 21 upgrade, we'll be eliminating the existing Type 20 license, therefore resulting in no net increase to the overall number of liquor store licenses citywide.

We believe that alcohol license upgrades should be evaluated on a case-by-case basis in order to give each business a fair chance at proving why they are deserving of the upgrade. Based on our history of

building and maintaining high quality stores, our ability to keep our site clean and free of crime, and our reputation of being a good neighbor, we strongly believe we are a good example of when a business should be allowed to continue to grow and stay competitive. This is why we respectfully ask the Planning Commission to grant our Conditional Use Permit.

I would really appreciate your help with this matter.

Best Regards,

Rajdeep Singh
Owner / Operator
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