

Exhibit M
Appeal Letter



EXHIBIT M - APPEAL LETTER

1234 O Street • Downtown Fresno, CA 93721 • Phone (559) 449-4500 • Fax (559) 449-4515

October 1, 2020

Attn: Jennifer Clark, AICP, Director
City of Fresno – Planning and Development Department
2600 Fresno Street, Room 3065
Fresno, CA 93721-3604

**SUBJECT: CONDITIONAL USE PERMIT APPLICATION NO. P20-02558 FOR PROPERTY LOCATED AT
10032 NORTH MAPLE AVENUE #101+ (APN: 578-040-15)**

Dear Director Clark:

Please accept this letter to appeal the decision to deny Conditional Use Permit Application No. P20-02558, requesting authorization to establish a State of California Alcoholic Beverage Control (ABC) Type 21 alcohol license (*Package Store – sale of beer, wine and distilled spirits for consumption off the premises where sold*) at the property located at 10032 North Maple Avenue #101+ (APN: 578-040-15).

The denial action is based upon the project's noncompliance with one (1) of the four (4) requirements of the Fresno Municipal Code (FMC) Section 15-2706-E (Location Restrictions), specifically its proximity to another alcoholic beverage establishment within 500 feet: Shell Gas Station and Convenience Store (ABC 21). Otherwise, the project meets the remaining three location restrictions: a) the subject site is not located near sensitive uses; b) the subject site is not within a high crime area; and c) the subject site is not within an area of high concentration. Given the project's compliance with a majority of the location restrictions, we are asking that an exception be made for this alcohol conditional use permit request for the following reasons, thereby appealing the decision of denial:

- 1. 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.*** We believe this exception can be made given the following: 1) the proposed establishment is not located within a high crime area; 2) the proposed establishment will be the first off-sale license in this census tract (census tract 55.04) according to the Fresno ABC office; and 3) the property owner agrees to transfer an existing license to this site from within the city of Fresno, thus potentially reducing a license in an overconcentrated area. Furthermore, in a letter to the Planning and Development Department dated September 22, 2020, Northeast District Detective Danny Kim stated that he does not oppose the alcohol conditional use permit, nor does he believe that this project would be detrimental to public safety.



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2. *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.* We believe this exception can be made because 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. As can be seen from the conceptual site plan, the convenience store is a very small component of the overall future development and within the convenience store, the alcohol display area is a very small component of the products that will be sold within this store. Allowing alcohol sales at this location will allow for a more complete and convenient shopping experience and will allow this future store to be able to offer the same products as the store across the street.

Sincerely,

Jenna Chilingarian

Jenna Chilingarian, Associate Planner

Precision Civil Engineering, Inc.

1234 "O" Street

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