



2491 Alluvial Ave, Ste#15  
Clovis, CA 93611  
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August 6, 2020

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: P19-04594 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 19-04594. We offer the following information and Findings:

1. The existing ABC Type 20 License was previously utilized at the Johnny Quik Food Store located at 6840 N. Golden State Blvd Fresno, CA 93722. The Golden State property is an High Speed Rail (HSR) Authority impacted property and was purchased by HSR on 7/31/2016.
2. The Golden State property and the proposed project site, 6940 W. Barstow Avenue, are both within Census Tract 42.07, refer to Exhibit 1. Therefore, the transfer of the existing Type 20 License does not have a net increase in the number of ABC Licenses within this Census Tract.
3. 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.

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 project 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. Although the daycare has an approved entitlement, it is not existing, therefore this location restriction is not applicable. In addition, with the State and County COVID-19 restrictions on daycares, this facility may not open any time soon or possibly never open. Regardless, 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 project 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 project 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 project 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 project 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.

***As previously stated, the existing ABC Type 20 License was previously utilized at the Johnny Quik Food Store located at 6840 N. Golden State Blvd Fresno, CA 93722, and is an HSR impacted project. the proposed project site, 6940 W. Barstow Avenue, are both within Census Tract 42.07, refer to Exhibit 1. Therefore, the transfer of the existing Type 20 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 20 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. Although the daycare has an approved entitlement, it is not existing. Therefore the 500 feet location restriction does not apply.***

- 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,



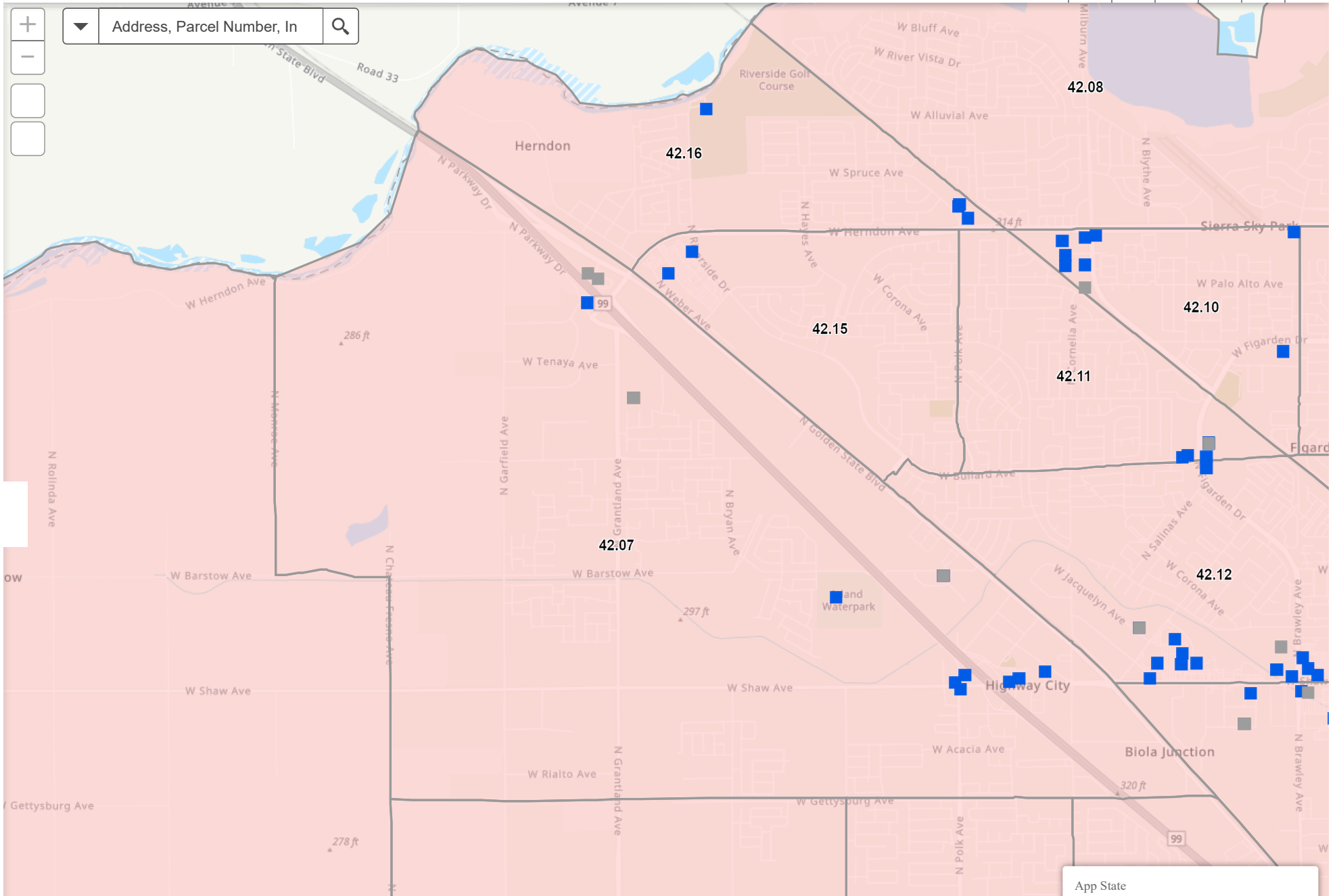
Ken Vang, PE,TE,  
Principal/President





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Exhibit No 1  
Census Tract Map



0 0.2 0.4mi

36.85136 -119.80522 Degrees

App State

Click to restore the map extent and layers visibility where you left off.



April 29, 2020

Richard Krebsbach  
Beal Developments, LLC  
Sterling Hartel Dev. 1 Inc.

RE: Johnny Quik Food Store/Chevron Gas Station to be built at Grantland and Barstow, Fresno

Dear Mr. Krebsbach,

The purpose of this letter is to confirm that we, Brighten Academy Preschool, have no objections to the issuance of the ABC Conditional Use Permit for the proposed Johnny Quik Food Store/Chevron Gas Station being built near us on Grantland and Barstow in Fresno.

If you have any questions at all, please do not hesitate to contact me us 559-294-1310.

Sincerely,

Kristin and Graham Peterson  
Owners, Brighten Academy Preschool

1825 Austin Avenue  
Clovis, CA 93611  
559-294-1310

[kristin@brightenacademypreschool.com](mailto:kristin@brightenacademypreschool.com); [rsp513@yahoo.com](mailto:rsp513@yahoo.com)