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Agenda Date: 11/5/2020  
Council Meeting

2020 NOV -4 P 4:10

CITY OF FRESNO  
CITY CLERK'S OFFICE

# FRESNO CITY COUNCIL



## Information Packet

### ITEM(S)

#### **File ID 20-001468 (10:15 A.M.)**

HEARING to consider Conditional Use Permit Application No. P19-04594, a request to establish a Type 20 alcohol license (Package Store - sale of beer and wine for consumption off the premises where sold) for a Johnny Quik Service Station located at 6940 West Barstow Avenue at the northeast corner of West Barstow and North Grantland Avenues (Council District 2) - Planning & Development Department.

### **Contents of Supplement: Community Emails Received.**

#### **Item(s)**

##### **Supplemental Information:**

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

##### **Americans with Disabilities Act (ADA):**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

## Bernard Canez

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**From:** Marco Martinez-Velasquez  
**Sent:** Wednesday, November 04, 2020 3:56 PM  
**To:** Bernard Canez; Briana Parra  
**Subject:** FW: Council Mtg 11/5/2020 (ID 20-001468)  
**Attachments:** Appeal Letter.pdf; FW: Council Mtg 11/5/2020 (ID 20-001468)

**From:** Richard Krebsbach <[richard.krebsbach@outlook.com](mailto:richard.krebsbach@outlook.com)>  
**Sent:** Wednesday, November 04, 2020 3:52 PM  
**To:** Marco Martinez-Velasquez <[Marco.Martinez-Velasquez@fresno.gov](mailto:Marco.Martinez-Velasquez@fresno.gov)>  
**Subject:** RE: Council Mtg 11/5/2020 (ID 20-001468)

**External Email:** Use caution with links and attachments

Marco,

Yes, we want that to be part of record along with the attached Appeal Letter from Aug 6, 2020.

Thank You,  
Richard Krebsbach  
Beal Developments LLC  
Sterling Hartel Dev. 1 Inc.  
(559) 392-9739

**From:** [Marco Martinez-Velasquez](#)  
**Sent:** Wednesday, November 4, 2020 3:49 PM  
**To:** '[Richard Krebsbach](#)'  
**Subject:** RE: Council Mtg 11/5/2020 (ID 20-001468)

Mr. Beal – you're asking for this to be part of the Council record for this item?

**From:** Richard Krebsbach <[richard.krebsbach@outlook.com](mailto:richard.krebsbach@outlook.com)>  
**Sent:** Wednesday, November 04, 2020 3:13 PM  
**To:** Clerk <[Clerk@fresno.gov](mailto:Clerk@fresno.gov)>  
**Subject:** FW: Council Mtg 11/5/2020 (ID 20-001468)

**External Email:** Use caution with links and attachments

Thank You,

Richard Krebsbach  
Beal Developments LLC  
Sterling Hartel Dev. 1 Inc.  
(559) 392-9739

**From:** [Richard Krebsbach](#)

**Sent:** Wednesday, November 4, 2020 3:04 PM

**To:** [district2@fresno.gov](mailto:district2@fresno.gov); [District6@fresno.gov](mailto:District6@fresno.gov); [district1@fresno.gov](mailto:district1@fresno.gov); [district3@fresno.gov](mailto:district3@fresno.gov); [district4@fresno.gov](mailto:district4@fresno.gov); [district5@fresno.gov](mailto:district5@fresno.gov); [district7@fresno.gov](mailto:district7@fresno.gov); [clerks@fresno.gov](mailto:clerks@fresno.gov)

**Cc:** [Beal Developments@aol.com](mailto:Beal.Developments@aol.com)

**Subject:** Council Mtg 11/5/2020 (ID 20-001468)

To Council Members & City Clerk,

Please see attached;

City List of Licenses – Staff says there are only 6 Licenses allowed. We were told 7 licenses are allowed. Out of the Staff's list, 3 are surrendered (not in use) and one is an internet sales only license (no store front for retail).

License Tract 42.07 – As of November 3, 2020 ABC only has 10 License for the Census Tract 42.07. Two of those licenses are surrendered and one is an internet sales only license.

License 606928 – This is the internet only license. Per ABC this site is only allowed to sell their wines on the internet and cannot have a walk in store front.

ABC License – From the ABC website showing 7 licenses allowed for Census Tract 42.07 (not including all the new homes being built in this Census Tract).

Thank You,

Richard Krebsbach  
Beal Developments LLC  
Sterling Hartel Dev. 1 Inc.  
(559) 392-9739



2491 Alluvial Ave, Ste#15  
Clovis, CA 93611  
[www.vice-engr.com](http://www.vice-engr.com)

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.*



# List of Alcohol Licenses

	License Numl Status	License Type	Orig. Iss. Date	Expir. Date	Primary Owner	Premises Addr.	Business Name
1	267645	ACTIVE	4/3/1992	5/31/2021	KIM, CHONG K	5092 W SHAW AVE, FRESNO, CA 93722	Census Tract: 0042.07
2	368480	ACTIVE	10/17/2000	9/30/2020	KAUR, HARDIP	5510 W SHAW AVE, FRESNO, CA 93722	PARKWAY MINI MART
3	389518	ACTIVE	3/9/2004	8/31/2020	SHIRALIAN ENTERPRISES INC	6639 N PARKWAY DR, FRESNO, CA 93722	
4	395376	SUREND	5/19/2003	4/30/2021	TIMELESS INVESTMENTS INC	6725 N GOLDEN STATE BLVD, FRESNO, CA 93722	STATE CONVENIENCE STORE
5	438235	SUREND	11/20/2008	10/31/2020	SHIRALIAN ENTERPRISES INC	6735 N GOLDEN STATE BLVD, FRESNO, CA 93722	HERNDON
6	514001	SUREND	10/18/2011	7/31/2020	CHAHAL, NAVJEET SINGH	6840 N GOLDEN STATE BLVD, FRESNO, CA 93722	JOHNNY QUIK 117
7	520026	ACTIVE	5/3/2012	4/30/2021	SANDHU, AMRIK S	5495 W SHAW AVE, FRESNO, CA 93722	HIGHWAY LIQUOR
8	580909	ACTIVE	6/21/2017	5/31/2021	FAST N ESY 22 CORPORATION	5316 W SHAW AVE, FRESNO, CA 93722	FAST N ESY # 24
9	583589	ACTIVE	11/8/2017	10/31/2020	MEERPUR INC.	5480 W SHAW AVE, FRESNO, CA 93722	QUICK N E-Z
10	594929	ACTIVE	7/31/2018	8/31/2020	FAST N ESY 6 CORPORATION	5270 W SHAW AVE, FRESNO, CA 93722	FAST N ESY 6
11	606928	ACTIVE	10/8/2019	9/30/2020	BUOYANT WINERY, LLC	5575 W BARSTOW AVE, FRESNO, CA 93722	BUOYANT WINERY, LLC

Census Tract 42.07

ABC Licenses Allowed: 6

Active ABC Licenses: 11

Six (6) Type 20

Five (5) Type 21

*This is INCORRECT*

*There are 7 licenses  
Allowed*

*34 licenses  
Are*

*1 license  
is an Internet license*



City Council Hearing  
November 5, 2020



Search

[Having trouble viewing the report?](#)**Results for:** Active Off-Sale Retail License**County:** FRESNO County**Census Tract:** 42.07**Report Date:** Tuesday, November 03, 2020

Search

Results will be filtered as you type

0 Results

**License Number: 520026**

Status:	ACTIVE	21	05/03/2012	
License Type:				
Orig. Iss. Date:				
Expir. Date:				
Primary Owner:	04/30/2021	SANDHU, AMRIK S		5495 W SHAW AVE, FRESNO, CA 93722 Census Tract: 0042.07
Premises Addr.:	HIGHWAY LIQUOR	1005		
Business Name:				
Geo Code:				

**License Number: 267645**

Status:	ACTIVE	21	04/03/1992	
License Type:				
Orig. Iss. Date:				
Expir. Date:				
Primary Owner:	05/31/2021	KIM, CHONG K		5092 W SHAW AVE, FRESNO, CA 93722 Census Tract: 0042.07
Premises Addr.:		1005		
Business Name:				
Geo Code:				

**License Number: 368480**

Status:	ACTIVE	21	10/17/2000	
License Type:				
Orig. Iss. Date:				
Expir. Date:				
Primary Owner:	09/30/2021	KAUR, HARDIP		5510 W SHAW AVE, FRESNO, CA 93722 Census Tract: 0042.07
Premises Addr.:	PARKWAY MINI MART	1005		
Business Name:				
Geo Code:				

**License Number: 594929**

Status:	ACTIVE	20	07/31/2018	
License Type:				
Orig. Iss. Date:	08/31/2021	FAST N ESY 6 CORPORATION		
Expir. Date:				
Primary Owner:	5270 W SHAW AVE, FRESNO, CA 93722-5030 Census Tract: 0042.07			
Premises Addr.:		FAST N ESY 6		
Business Name:			1005	
Geo Code:				

**License Number: 583589**

Status:	ACTIVE	21	11/08/2017	
License Type:				
Orig. Iss. Date:				
Expir. Date:				
Primary Owner:	10/31/2021	MEERPUR INC.		5480 W SHAW AVE, FRESNO, CA 93722-5034 Census Tract: 0042.07
Premises Addr.:	QUICK N E-Z	1005		
Business Name:				
Geo Code:				

**License Number: 580909**

## License Report | Alcoholic Beverage Control

Status: ACTIVE 20 06/21/2017  
License Type: 05/31/2021 FAST N ESY 22 CORPORATION  
Orig. Iss. Date: 5316 W SHAW AVE,  
Expir. Date: FRESNO, CA 93722-5032  
Primary Owner: Census Tract: 0042.07  
Premises Addr.: FAST N ESY # 24  
Business Name: 1005  
Geo Code:

**License Number: 389518**

Status: ACTIVE 21 03/09/2004  
License Type: 08/31/2021 SHIRALIAN ENTERPRISES INC  
Orig. Iss. Date: 6639 N PARKWAY DR,  
Expir. Date: FRESNO, CA 93722  
Primary Owner: Census Tract: 0042.07  
Premises Addr.: E Z TRIP  
Business Name: 1000  
Geo Code:

**License Number: 395376**

Status: SUREND 20 05/19/2003  
License Type: 04/30/2021 TIMELESS INVESTMENTS INC  
Orig. Iss. Date: 6725 N GOLDEN STATE BLVD,  
Expir. Date: FRESNO, CA 93722  
Primary Owner: Census Tract: 0042.07  
Premises Addr.: E Z TRIP GOLDEN STATE CONVENIENCE STORE  
Business Name: 1005  
Geo Code:

**License Number: 514001**

Status: SUREND 20 10/18/2011  
License Type: 07/31/2021 CHAHAL, NAVJEET SINGH  
Orig. Iss. Date: 6840 N GOLDEN STATE BLVD,  
Expir. Date: FRESNO, CA 93722-9363  
Primary Owner: Census Tract: 0042.07  
Premises Addr.: JOHNNY QUIK 117  
Business Name: 1005  
Geo Code:

**License Number: 606928**

Status: ACTIVE 20 10/08/2019  
License Type: 09/30/2020 BUOYANT WINERY, LLC  
Orig. Iss. Date: 5575 W BARSTOW AVE,  
Expir. Date: FRESNO, CA 93722-5064  
Primary Owner: Census Tract: 0042.07  
Premises Addr.: BUOYANT WINERY, LLC  
Business Name: 1005  
Geo Code:





## Alcoholic Beverage Control

Search

**Report Date:** Wednesday, November 04, 2020**LICENSE INFORMATION**

**License Number:** 606928  
**Primary Owner:** BUOYANT WINERY, LLC  
**Office of Application:** 21 - FRESNO

**BUSINESS NAME**

BUOYANT WINERY, LLC

**BUSINESS ADDRESS**

5575 W BARSTOW AVE, FRESNO, CA, 93722

**County:** FRESNO**Census Tract:** 0042.07**LICENSEE INFORMATION****Licensee:** BUOYANT WINERY, LLC**Company Information**

OFFICER: POST, JULIE ANN (MANAGING MEMBER)  
 OFFICER: POST, KENNETH DOYLE (MANAGING MEMBER)  
 MEMBER: POST, JULIE ANN  
 MEMBER: POST, KENNETH DOYLE

**LICENSE TYPES****02 - WINEGROWER**

**License Type Status:** REV PENDING  
**Status Date:** 14-OCT-2020  
**Term:** 12 Month(s)  
**Original Issue Date:** 08-OCT-2019  
**Expiration Date:** 30-JUN-2020  
**Master:** Y  
**Duplicate:** 0  
**Fee Code:** P40-GL5K

**Transfers:****17 - BEER AND WINE WHOLESALER**

**License Type Status:** ACTIVE  
**Status Date:** 09-OCT-2019  
**Term:** 12 Month(s)  
**Original Issue Date:** 08-OCT-2019  
**Expiration Date:** 30-SEP-2020  
**Master:** Y  
**Duplicate:** 0  
**Fee Code:** P40

**Transfers:****20 - OFF-SALE BEER AND WINE**

**License Type Status:** ACTIVE  
**Status Date:** 09-OCT-2019  
**Term:** 12 Month(s)  
**Original Issue Date:** 08-OCT-2019  
**Expiration Date:** 30-SEP-2020  
**Master:** Y  
**Duplicate:** 0  
**Fee Code:** P40

**Transfers:****Conditions:** INTERNET SALES ONLY**OPERATING RESTRICTIONS:**

Peace officers, as listed in Section 830.1 of the California Penal Code, and the Director and other persons employed by the Department of Alcoholic Beverage Control for the administration and enforcement of the Alcoholic Beverage Control Act are hereby authorized to visit and inspect the proposed premises as outlined in red on the most recently certified ABC-257, at any time the undersigned is exercising the privileges authorized by the license on such premises.

The off-sale beer and wine license shall be restricted to sales solicited and accepted by direct mail, telephone or on-line computer. The off-sale beer and wine license shall not be used for operations conducted from a retail store open to the public.

The off-sale beer and wine license shall be held only in conjunction with, and at the same location as a beer and wine wholesaler license.

**DISCIPLINARY ACTION:**

No Active Disciplinary Action found

**DISCIPLINARY HISTORY:**

No Disciplinary History found.

**HOLDS:**

No Active Holds found

**ESCROWS:**

No Escrow found

**Alcoholic Beverage Control**

Search

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Show 50 entries

Search: 42.07

County	County Population	County Ratio On-Sale	County Ratio Off-Sale	Census Tract	Census Tract Population	On-Sale	Off-Sale
FRESNO	1023358	1083	1120	42.07	8115	7	7

Showing 1 to 1 of 1 entries (filtered from 8,057 total entries)

Previous Next

**DOWNLOAD REPORT (EXCEL)**

**Bernard Canez**

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**Subject:**

RE: Barstow/Grantland Gas Station w/convenience store Proposal @ 93723

**From:** J Downs <[mustangred.jd@gmail.com](mailto:mustangred.jd@gmail.com)>

**Sent:** Wednesday, November 4, 2020 1:44 PM

**To:** Jose Valenzuela

**Subject:** Fwd: Barstow/Grantland Gas Station w/convenience store Proposal @ 93723

**External Email: Use caution with links and attachments**

----- Forwarded message -----

**From:** J Downs <[mustangred.jd@gmail.com](mailto:mustangred.jd@gmail.com)>

**Date:** Wed, Nov 4, 2020 at 9:31 AM

**Subject:** Re: Barstow/Grantland Gas Station w/convenience store Proposal @ 93723

**To:** <[Jose.Valenzuela@fresno.gov](mailto:Jose.Valenzuela@fresno.gov)>

Mr. Valenzuela and Whom it May Concern,

My name is Jeff Downs and I reside and raise my family on La Ventana Ave within the La Ventana homes which shares a boundary line with the proposed gas station/convenience store noted above. I, like all residents of this area, have dedicated a great deal of time and money into creating the wonderful neighborhood in which we live. Personally, I know it has taken until just this year for my home to regain the loss of value taken during the 2008 housing decline. It is my understanding that two of the most negatively impactful projects that depreciate housing values are the construction of a hospital, or a gas station/convenience store, the latter of which I address herein.

I have looked further into this endeavor only to find that vapors, noise pollution, light pollution, dumpsters, underground storage tanks, 24 hour traffic, music, traffic issues on our small roads and countless other issues will definitely have a negative and life long effect on our lives, and the lives of our families, neighbors and friends. I have also found much of what we will have to confront with this major disruption of our area discussed in impact reports and discussions of other developments and homeowners. Often with mention of the EPA and/or OSHA concerns when placed so very close to such a neighborhood as ours. The proposed site is directly below the very windowns in which these families sleep before going to work and school every day which would be an extremely unfair hardship to impose on the people of La Ventana area homes. These children would look down from second floor bedrooms upon dumpsters and all night long noise and disruption, neon lights and the bugs that follow and various smells including chemical and waste, product delivery trucks, voices and sounds far more suitable for a more commercial area such as that just down the road located at the intersection of Shaw and Grantland Avenues.

I opened with mention of home values which are very important to those of us that have spent a lifetime providing for our families which involves for most of us, our greatest financial life long investment. I once felt that this aspect of this discussion was impersonal, however, I have since realized that my family should not have to suffer yet another large loss of investment simply so that a commercial endeavor can profit from it. That would simply be hypocrisy!

I truly believe that those involved here think that they are providing a "convenience" for those in our area, but I would argue vehemently otherwise for those that live in the homes that this facility would be shoehorned into!

In closing I ask that everyone involved with any aspect of this gas station/convenience store to stop and dissociate yourself for just a moment. Please try to be objective and ask yourself one question: Would you want your neighbors, your wonderful and peaceful slice of life and even your children to



live near and/or up against such a major, commercial and impersonal institution? If you're honest, I'm guessing not. I'm also sure that if you've visited this location personally you would find this location far more suited for an ice cream shop, a flower store or a bicycle shop as it is so very family oriented.

Sincerely,  
Jeff Downs and Family