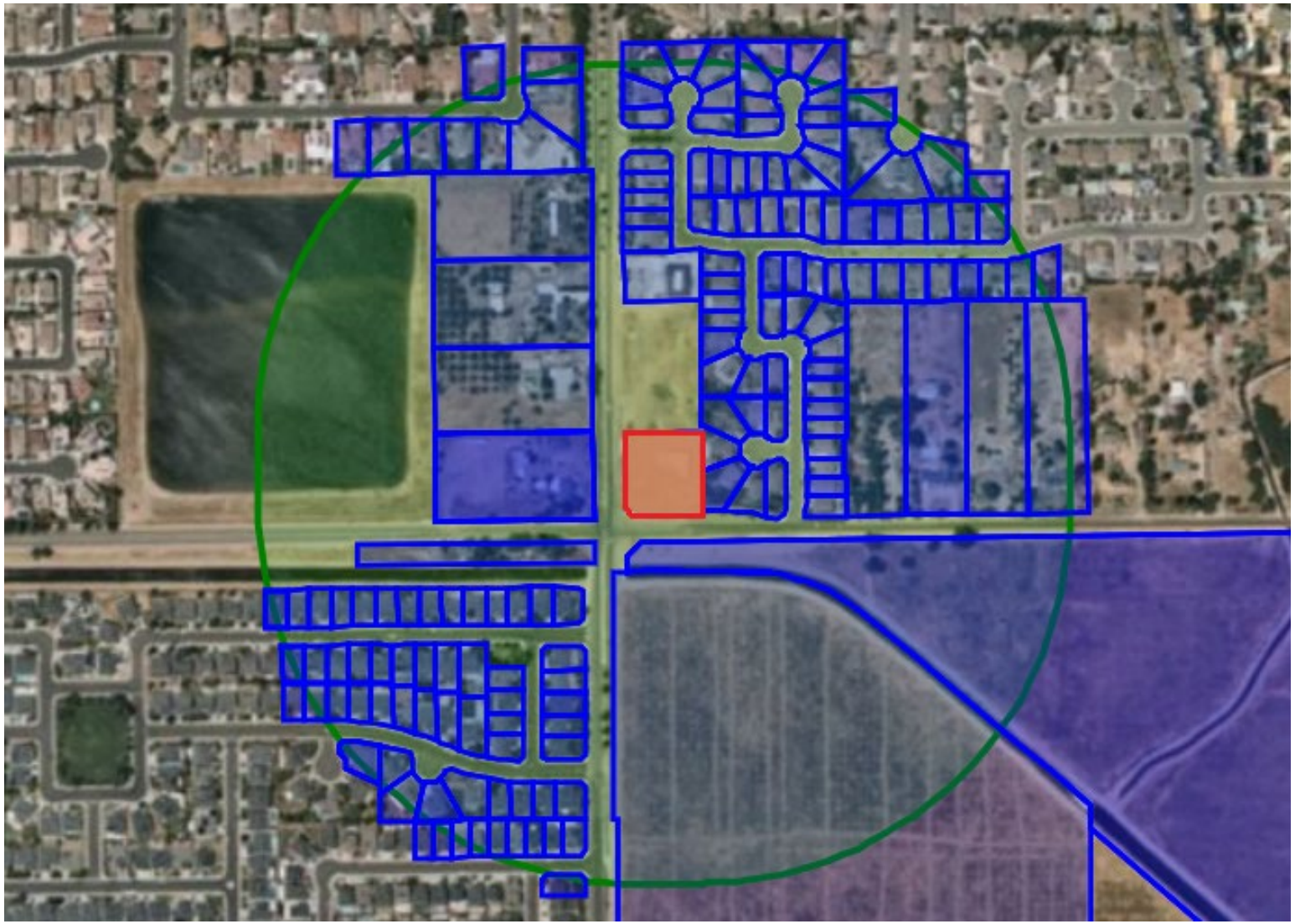
Exhibit E

Noticing Map



Legend

Subject Property

Noticing Boundary

CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT
NEIGHBORHOOD NOTIFICATION

Please Note: You are receiving this notice because you own property within 1,000 feet of a property that has requested a special permit for a use described below. For this type of permit, the Fresno Municipal Code (FMC) requires that the City give notice to surrounding property owners to provide the opportunity to express concerns or protest the special permit. Further information is provided below. If you have no concerns regarding the permit, no response is needed.

NOTICE IS HEREBY GIVEN that the Planning and Development Department Director, in accordance with Common Procedures of the FMC, Section 15-5007, will take action on the applications below:

Application Type and Number:	Conditional Use Permit Application No. P23-00593
Applicant:	Ken Vang of Vang Incorporated Consulting Engineers
Location:	6940 West Barstow Avenue; Located on the north side of West Barstow Avenue, between North Grantland and North La Ventana Avenues.
Application Description:	Proposal to upgrade the previously approved ±2,576 square-foot Johnny Quik's alcohol license from a Type 20 (Authorizes the sale of beer and wine for consumption off the premises where sold) to a Type 21 license (Authorizes the sale of beer, wine, and distilled spirits for consumption off the premises where sold).
Zone District:	CC/UGM *(Commercial – Community / Urban Growth Management)*
Protest Deadline:	**April 24, 2023 at 5:00 p.m.**

In the event you wish to provide comments for consideration, you may do so by written letter sent via post mail to the address below or via written email to PublicCommentsPlanning@fresno.gov (cc Erik.Young@fresno.gov). Comments must include your interest in, or relationship to, the subject property and specific reason(s) why you believe the project should or should not be approved.

ANY WRITTEN comments, concerns or requests for notification of final project action must be submitted to this office prior to close of business on:

April 24, 2023

If you wish to be notified of the Director's final action in order to be provided opportunity to formally appeal said action, you must specify in your written comments that you wish to be notified of final project action. If no written request for notification of final project action is included in the written comments, you will not be notified of the Director's final action and no further communication or notice will be sent. Once the Director takes final action there will be a 15-day appeal period. Unless otherwise specified in governing state or federal law, all formal appeals shall be filed with the Director in writing, within 15 days of the date of the Director's final project action, decision, CEQA determination, motion, or resolution from which the final action is taken. Failure to object to the Director's final action and/or state said reasons prior to the decision shall potentially bar any later court challenge to the project approval.

All documents related to this project are available for public review at the Planning and Development Department at the address listed below or electronic copies may be requested by contacting the Planner at the number listed below. Documents are available for viewing at City Hall during normal business hours (Monday-Friday, 8 a.m.-5 p.m.) by appointment only. **Please contact the Planner listed below via e-mail or by phone to request electronic copies or to schedule an appointment to view documents.**

For additional information, contact **Erik Young**, Planning and Development Department, by telephone at **(559) 621-8009** or via e-mail at Erik.Young@fresno.gov. ***Si necesita información en Español, comuníquese con Jose Valenzuela al teléfono (559) 621-8070.***

PLANNING AND DEVELOPMENT DEPARTMENT
Jennifer K. Clark, AICP, HDFP, Director

Dated: April 14, 2023

Assessor's Parcel No(s). 505-281-23

SEE MAP ON REVERSE SIDE
Planning and Development Department
2600 Fresno Street, Room 3043 · Fresno, CA 93721 · Phone (559) 621-8277

Erik Young
PLANNING AND DEVELOPMENT DEPARTMENT
2600 FRESNO STREET, ROOM 3043
FRESNO, CA 93721

THIS IS A LEGAL NOTICE

6940 West Barstow Avenue
P23-00593

VICINITY MAP

Legend

Subject Property

CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT
NOTICE OF ACTION GRANTING SPECIAL PERMIT
CONDITIONAL USE PERMIT APPLICATION NO. P23-00593

NOTICE IS HEREBY GIVEN that the Director of the Planning and Development Department, in accordance with Special Permit Procedure of the Fresno Municipal Code Section 15-5009, has denied Conditional Use Permit Application No. P23-00593. Conditional Use Permit Application No. P23-00593 was filed by Ken Vang of Vang Incorporated Consulting Engineers, on behalf of Beal Developments, LLC. The applicant requests authorization to upgrade from a State of California Alcoholic Beverage Control Type 20 alcohol license (Off-Sale beer and wine) to a Type 21 alcohol license (Off-Sale beer, wine, and distilled spirits) for a ±2,576 square-foot Johnny Quik Food Store. The proposed project is located on the northeast corner of West Barstow and North Grantland Avenues. The parcel is zoned CC (*Commercial-Community*).

*This document is available for review at the Planning and Development Department, located at 2600 Fresno Street, 3rd Floor, Fresno, California 93721.

Conditional Use Permit Application No. P23-00593 was denied due to the following findings:

Findings per Fresno Municipal Code Section 15-5306	
A Conditional Use Permit shall only be granted if the decision-maker determines that the project as submitted or as modified conforms to all of the following criteria. If the decision-maker determines that it is not possible to make all of the required findings, the application shall be denied.	
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;	
Finding a:	Finding (a) cannot made for the following reason: The proposed Johnny Quik with alcohol sales, as approved under Conditional Use Permit P19-04594 (authorizing Type 20 ABC license) does not comply with FMC Section 15-2706-F.1 (Near Sensitive Uses). Furthermore, none of the exceptions to the location restrictions pursuant to FMC Section 15-2706-F.6 apply. A daycare is located 408 feet to the north and the establishment is not considered a General Market.
b. The proposed use is consistent with the General Plan and any other applicable plan and design guideline the City has adopted;	
Finding b:	Finding (b) cannot be made for the following reason: The Johnny Quik Food Store and Gas Station w/ alcohol sales is consistent w/ the current General Plan land use designation of Commercial – Community; however, the requested change (proposed alcohol license upgrade) will not reduce current 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. As noted within the Public Utilities and Services section of the Fresno General Plan, the location and prevalence of off-sale alcohol sales and high exposure to the easy availability of alcohol sales affects public health, safety, and quality of life in a neighborhood. In public meetings held during the development of the General Plan, concerns regarding market saturation, fear of crime, and danger to schools were raised. Furthermore, alcohol sales outlets or the establishment of outlets that are in close proximity to sensitive uses (day care) further increases the perceived lack of safety in a neighborhood and can contribute to a variety of health and safety problems; thus the proposed project has the potential to cause deleterious effects and nuisances on surrounding neighborhoods and businesses, especially when the establishment are concentrated near a day care.
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;	

Finding c:	Finding (c) cannot be made for the following reason: As described in Finding (b) above, the proposed use will not reduce current substantially adverse to the public health, safety, or general welfare of the community in that its location will be detrimental to surrounding properties or improvements. Areas in which there are sensitive uses nearby can contribute to a variety of health and safety problems. 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 near sensitive uses.
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,	
Finding d:	Finding (d) cannot be made for the following reason: The proposed use (alcohol license upgrade for Johnny Quik) is within close proximity to existing single family residences and a day care facility. The location and operating characteristics of the proposed Johnny Quik service station and convenience store with Type 21 ABC license is incompatible with the surrounding vicinity and land uses given the project is located near a day care. 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.
e. The site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required.	
Finding e:	While the type and intensity of the use proposed may be suitable with respect to access, the proposed Johnny Quick w/ Type 21 ABC license which is to be located near a day care has the potential to contribute to a variety of safety problems including drunken driving accidents and pedestrian injuries which result in increased calls for police and emergency services. Therefore, the project is not suitable based on the services required to address public safety concerns.
f. The proposed use is consistent with the Fresno County Airport Land Use Compatibility Plan (as may be amended) adopted by the Fresno County Airport Land Use Commission pursuant to California Public Utilities Code Sections 21670-21679.5.	
Finding f:	The proposed use is not located within an area of influence of the Fresno County Airport Land Use Compatibility Plan.

NOTE: A Notice of Intent to Take Action (Neighborhood Notification) was sent to surrounding property owners pursuant to the requirements of Section 15-5007 of the Fresno Municipal Code on April 14, 2023.

In the event you wish to appeal the Director's decision, you may do so by filing a written appeal with the Director by email to PublicCommentsPlanning@fresno.gov. The appeal must include the appellant's interest in, or relationship to, the subject property, the decision or action appealed, specific reason(s) why the appellant believes the decision or action should not be upheld**, and an appeal hearing fee of $30.00. The fee is required prior to accepting the appeal, as required by Section 15-5017-A.1 and established by Master Fee Schedule.**

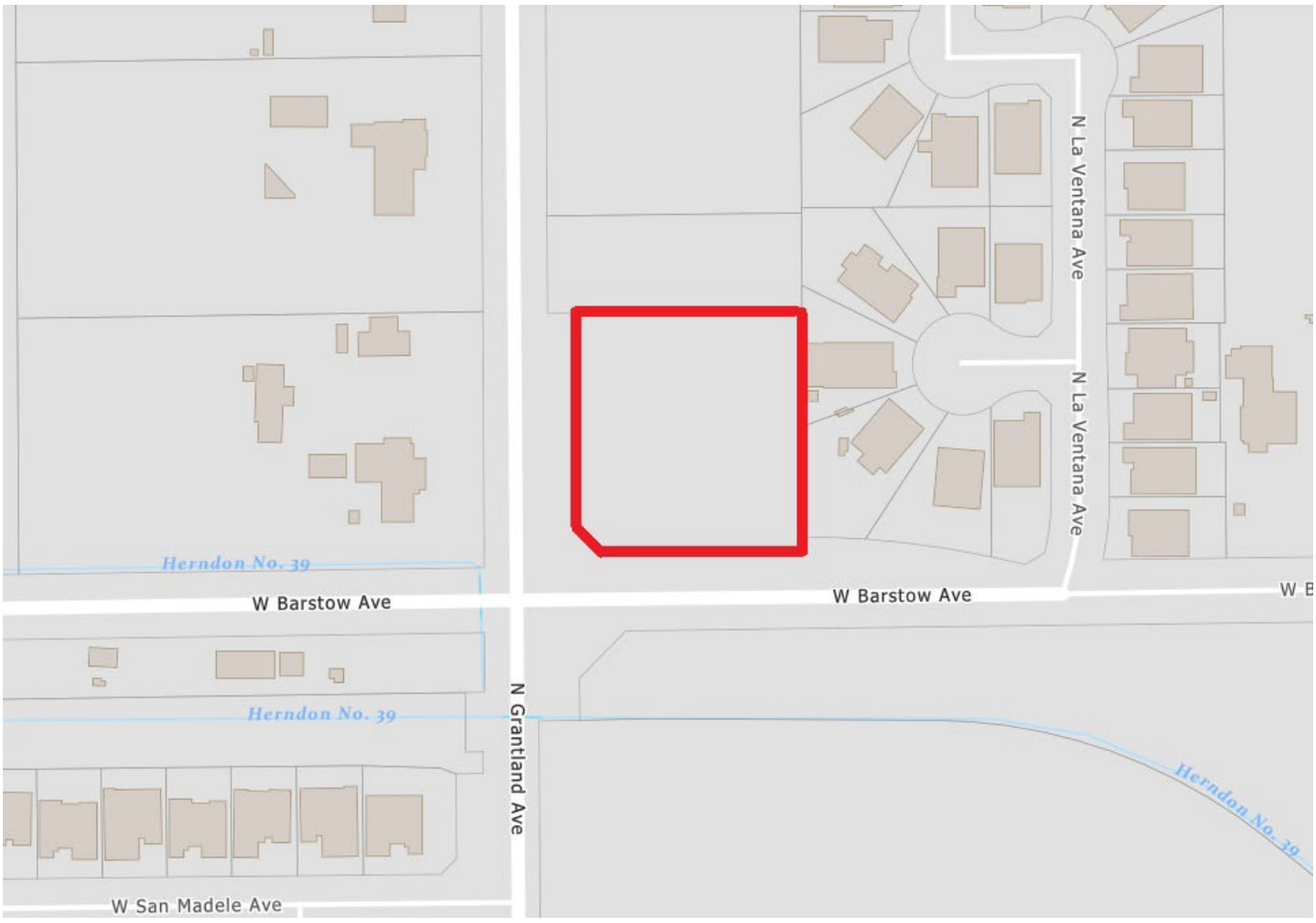
ANY WRITTEN appeal must be submitted to this office prior to close of business on **July 14, 2023**.

For additional information regarding this project, contact Erik Young, Planner III, Planning and Development Department, 2600 Fresno Street, Fresno, California 93721-3604, by phone at **(559) 621-8009** or via e-mail at Steven.Lieng@Fresno.gov. ***Si necesita información en Español, comuníquese con Jose Valenzuela al teléfono (559) 621-8066 o por correo electrónico a Jose.Valenzuela@fresno.gov.***

PLANNING AND DEVELOPMENT DEPARTMENT
Jennifer K. Clark, AICP, Director

Dated: June 29, 2023
Assessor's Parcel No. 505-281-23

SEE MAP BELOW



Legend

Subject Property

Planning and Development Department
2600 Fresno Street, Room 3043 · Fresno, CA 93721 · Phone (559) 621-8277

CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT

NOTICE OF PUBLIC HEARING
CONDITIONAL USE PERMIT NO. P23-00593 AND RELATED ENVIRONMENTAL ASSESSMENT

NOTICE IS HEREBY GIVEN that the Fresno City Planning Commission, in accordance with Sections 65090 and 65091 (Planning and Zoning Law) of the Government Code and in accordance with the procedures of Article 50, Chapter 15, of the Fresno Municipal Code (FMC), will conduct a public hearing to consider the items below, filed by George Beal of Beal Developments, LLC., pertaining to a ±1.07 acre property located at 6940 West Barstow Avenue; located on the northeast corner of North Grantland and West Barstow Avenues.

1. **Environmental Assessment No. P23-00593**: A determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) through a Section 15301/Class 1 Categorical Exemption dated September 8, 2023.
2. **Appeal of Conditional Use Permit Application No. P23-00593:** for authorization to upgrade from a State of California Alcoholic Beverage Control Type 20 alcohol license (Off-Sale beer and wine) to a Type 21 alcohol license (Off-Sale beer, wine, and distilled spirits) for a ±2,576 square-foot Johnny Quik Food Store which is currently under construction.

FRESNO CITY PLANNING COMMISSION

Date/Time:	Wednesday, October 4, 2023 at 6:00 p.m. or thereafter
Place:	City Hall Council Chamber, 2nd Floor, 2600 Fresno Street, Fresno, CA 93721; or, watch the live broadcast via the Zoom link located on the Planning Commission agenda found here: https://fresno.legistar.com/Calendar.aspx

Any interested person may also participate electronically during the public hearing to speak in favor or against the project proposal, by either Zoom meeting or telephone with instructions provided on the Planning Commission Agenda, and present written testimony at least 24 hours in advance, via an eComment or by email to PublicCommentsPlanning@fresno.gov (cc Erik.Young@fresno.gov). All documents submitted to the Planning Commission for its consideration prior to or at the hearing shall be submitted at least 24 hours prior to the Commission agenda item being heard, pursuant to the Planning Commission rules and procedures, or they may be excluded from the administrative record of proceedings.

If you challenge the above applications in court, you may be limited to raising only those issues, you, or someone else, raised at the public hearing described in this notice, or in written correspondence delivered to the Development Services Division of the Planning and Development Department and/or Planning Commission at, or prior to, the public hearing. The Planning Commission action on the proposed Conditional Use Permit and Environmental Assessment will be final unless appealed to the City Council.

NOTE: This public hearing notice is being sent to surrounding property owners within 1,000 feet of the project site pursuant to the requirements of FMC Section 15-5007.

All documents related to this project are available for public review by appointment only at the Planning and Development Department at City Hall during normal business hours Monday-Friday, 8 a.m.-5 p.m., and electronic copies may be requested by contacting Planner Erik Young, Planning and Development Department, by telephone at **(559) 621-8009**, or via e-mail at Erik.Young@fresno.gov. ***Si necesita información en Español, comuníquese con Jose Valenzuela al teléfono (559) 621-8070***. at the number listed below.

Please contact the Planner via e-mail or by phone to request electronic copies or to schedule an appointment to view documents.

PLANNING AND DEVELOPMENT DEPARTMENT
Jennifer K. Clark, AICP, HDFP, Director

Dated: September 25, 2023
Assessor's Parcel No. 505-281-23

SEE MAP ON REVERSE SIDE
Planning and Development Department
2600 Fresno Street, Room 3043 · Fresno, CA 93721 · Phone (559) 621-8277

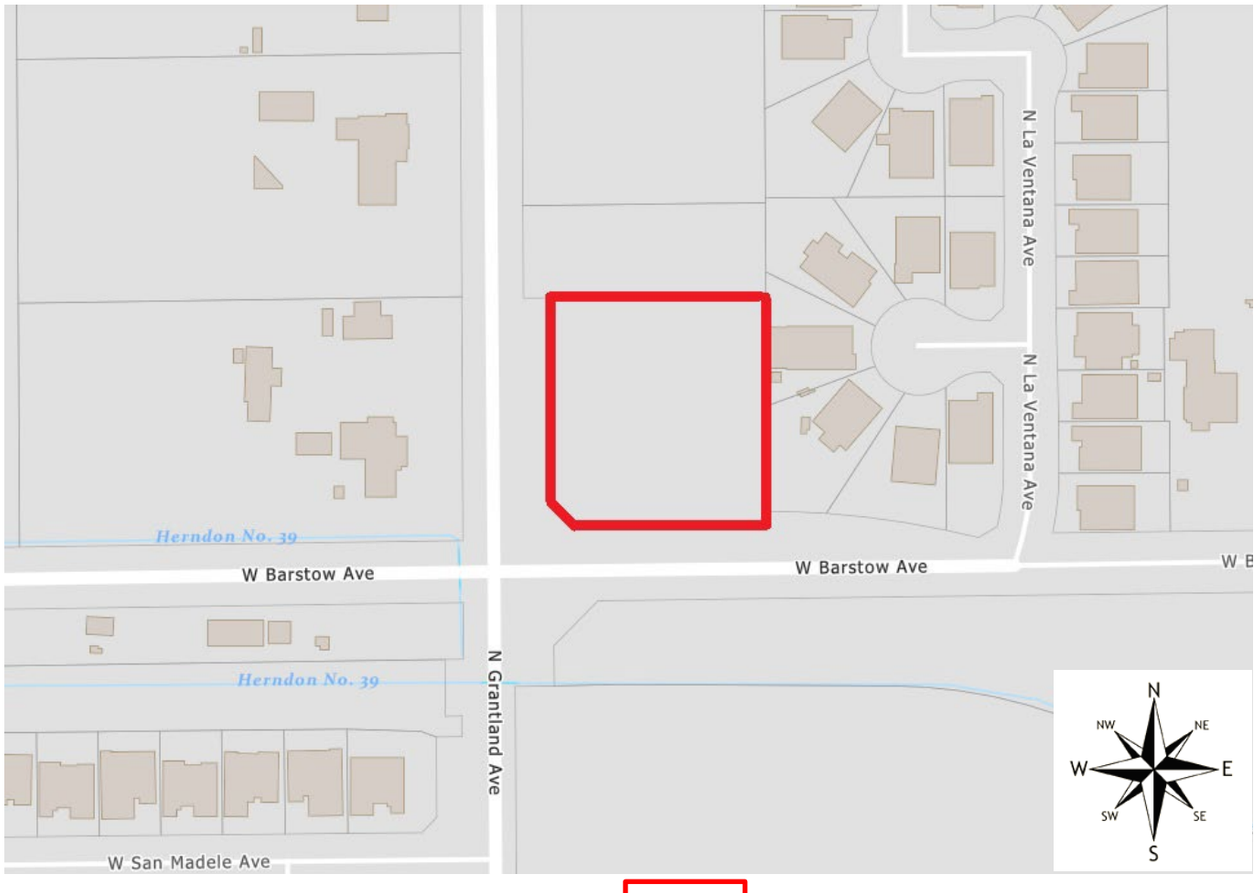
City of FRESNO Erik Young
PLANNING AND DEVELOPMENT DEPARTMENT
2600 FRESNO STREET, ROOM 3043
FRESNO, CA 93721

THIS IS A LEGAL NOTICE REGARDING

6940 West Barstow Avenue
P23-00593 Conditional Use Permit

VICINITY& SITE LOCATION

6940 West Barstow Avenue



Project Site