

Exhibit M – Additional Letter Received

November 29, 2023

Ms. Jennifer Clark, Director
City of Fresno
Planning & Development Department
2600 Fresno St., Room 3043
Fresno, CA 93721

SUBJECT: Appeal Request Re: Conditional Use Permit (CUP)
Application No. P19-04757

Dear Ms. Clark:

This letter is written to provide evidence of the overwhelmingly positive attributes of my clients', Optimum Partners, project located at 3977 and 3722 N. Golden State Blvd. The subject entitlement is necessary because my clients were forced to relocate their business through no fault of their own to accommodate the California High Speed Rail (HSR) taking their property. The previous business, Bal's Liquor, located at 638 W. Olive Ave., was a well-established business with no ABC violations. The prior location consisted of a single storefront limited to liquor sales which was in operation until March 2016.

Following condemnation of the property by HSR in 2016, my clients searched for a new business location assisted by Ms. Diana Gomez and Stephanie Rendon-Fuentes of HSR and Mr. Will Oliver of the Fresno Economic Development Corporation. Five sites were considered for viability with the subject property at 3977 and 3722 N. Golden State Blvd. determined to be the most suitable for the relocation.

The proposed location is on the Golden State Blvd. corridor which is in the same general trade area as the original business location. The subject property provides for the expansion of the business to include amenities and services not previously part of the original condemned business on W. Olive Ave. These positive attributes of the project are as follows:

- A 4,538± sq. ft. food court and a 4,468± sq. ft. general market providing fresh produce, meats and dairy.
- A limitation of 150 sq. ft for the sale of spirits displayed behind the counter. At the previous location, there was no limitation on the area devoted to the sale of spirits.
- Consistent with the goals and policies of the City of Fresno General Plan Economic Development and Fiscal Sustainability Element as explained in Attachment "A".

My clients have been unable to operate their business since its closure in 2016. They have been forced to endure not only the inconvenience of finding a new location and associated disruption of their business, but also forfeiture of substantial sales.

Ms. Jennifer Clark
November 29, 2023
Page 2

As you know, all elements of the general plan are deemed to have *equal weight*. As described above, the City of Fresno General Plan mandates inclusion of an Economic Development and Fiscal Sustainability Element. Therefore, my clients' efforts to relocate and expand their business are consistent with the goals and policies of the Economic Development and Fiscal Sustainability Element (see Attachment "A") and should be enthusiastically supported by the city. Additionally, the city should consider the proposed project as a new and enhanced investment into the community which should be encouraged.

If you have any questions, please feel free to contact me.

Sincerely,



Dirk Poeschel, AICP

Attachment

cc: Mr. Thomas Veatch
Mr. Paul Singh
Mr. Sunny Singh
Mr. Kuldeep Gill
Mr. Scott Vincent
Mr. Will Oliver
Councilmember Annalisa Perea

Attachment "A"

Objective ED-1

Support economic development by maintaining a strong working relationship with the business community and improving the business climate for current and future businesses.

***Project Compliance:** The proposed project represents an expansion of an existing business that was previously located at 638 W. Olive Ave, Fresno CA 93728. The prior business had 4 employees and was a convenience store only. The proposed project represents an expansion that will create more jobs and offer more services for patrons to enjoy. The proposed project would expand economic development and demonstrate an investment in the community and City of Fresno economic base.*

Policy ED-1d - Strategic Land Regulation. Explore increasing the amount of land properly zoned, consistent with the General Plan, and ready to be expeditiously developed, redeveloped, and/or revitalized for economic development and job creation purposes. Establish a priority infill development program for sites and districts.

***Project Compliance:** The project is consistent with the existing Light Industrial zoning. The project would also provide infill on an oddly shaped lot with only one point of access. Providing the uses proposed at this location (food court with seating, a grocery market, service station with 6 fuel pumps, and a drive-thru car wash with self-serve vacuum) would generate economic development by creating jobs and providing a means of generating sales tax on a parcel that is currently used to park semi-trucks.*

Policy ED-1-j - Permit Streamlining and Incentives. Continued implementation of the BFF initiative endorsed by the City Council, including needed technology upgrades. Monitor the BFF initiative and make modifications as needed. Monitor effectiveness of the impact fee waiver for industrial development, Enhanced Economic Development Rate, and other incentives and advocate for their extension if proven to be successful. Continue to identify any additional incentives for projects that are consistent with City plans and policies; that encourage increased business development, business expansion, utilization of existing vacant industrial and commercial buildings; and that increase job creation.

***Project Compliance:** The proposed project is consistent with the existing Light Industrial zoning which allows Service Stations as a by right use. The project also represents an expansion of an existing business which is relocating to the site to build a larger facility with a wider variety of offerings by providing a food court with seating, a grocery market a gas station, car wash and vacuums instead of a stand-alone liquor store that was previously operated at 638 W. Olive Ave, Fresno CA 93728. The project also creates a higher and better use of the vacant piece of land that is currently used to park semi-trucks. The number of jobs would grow more than 6 times to 25 employees compared to the 4 that were previously needed to operate the convenience store.*

Objective ED-2

Support local business startups and encourage innovation by improving access to resources and capital and help overcome obstacles hampering economic development.

***Project Compliance:** The proposed project, as an expansion of a prior existing business, represents economic development. Supporting the applicants' efforts to grow his business should be encouraged and not impaired by requiring that the facility remains 2,500 sq. ft.*

Attachment "A"

Policy ED-3-a

Business Expansion and Attraction Program. Create, adopt and implement programs to expand existing businesses and attract new businesses.

***Project Compliance:** The proposed project is the expansion of an existing business and should be supported. The proposed business would increase the size of the business from 2,500 sq. ft. to 20,694 sq. ft, employ more people and provide substantially more offerings than the previous business at 638 W. Olive Ave. The project represents a new business immediately east of Golden State Blvd. conveniently located near the freeway that will provide much needed services and amenities including food, gas, car wash and fresh grocery items for travelers as well as residents in the vicinity.*