

**Lake Millerton Market
Convenience Store with Service Station
SWC of Millerton Rd. & Marina Dr.**

Statement of Public Convenience or Necessity

August 11, 2023

Applicant:

Mr. Gurmej Singh
2188 E. Summit View Dr.
Fresno, CA 93730

Representative:

Dirk Poeschel Land Development Services, Inc.
c/o Mr. Dirk Poeschel, AICP
923 Van Ness Ave., Suite 200
Fresno, CA. 93721
(559) 445-0374

Property Location:

SWC of Millerton Rd. & Marina Dr.
APN: 300-340-24s

Existing General Plan Land Use Designation:

Commercial

Existing Zoning:

C-4 Central Trading District

Related and Approved Fresno County Land Use Permits:

- Amendment Application No. 3677 a Rezone to allow a Planned Commercial Development with the following Zone Districts; C-4 (Central Trading), C-6 (General Commercial), O (Open Space), and R-2 (Multi-Family Residential)
- Conditional Use Permit No. 2865 approved on April 20, 1999, to allow hotel/conference center, convenience store with service station, and retail space.
- Conditional Use Permit No. 3035 approved on December 7, 2004, to amend CUP No. 2825 to allow development of resort units and a library to White Fox Creek Master Plan.
- Site Plan Review No. 7266 approved on February 26, 2008, for White Fox Creek Master Plan.

Background:

State planning law requires applicants for an alcoholic beverage license to provide a justification in support of a finding of *Public Convenience or Necessity*. The following is a justification for the proposed Type-21 ABC license at an approved *convenience store with service station* as defined in the Fresno County Ordinance Code. The proposed project site is located on the southwest corner of Millerton Rd. and Marina Dr., within Fresno County and a finding of *Public Convenience or Necessity*. The California Alcoholic Beverage Control (ABC) Type 21 alcoholic beverage license will authorize the sale of beer, wine, and distilled spirits for consumption off the premise where sold.

The subject site is designated in the Fresno County General Plan as Commercial. The site is zoned C-4 (Central Trading) and has an associated approved Conditional Use Permit No. 2825 which approved a convenience store with service station use.

Justification:

County policy provides that the following three (3) criteria be met before a determination of public convenience or necessity can be made:

- 1. The issuance of a license would not tend to create a law enforcement problem and increase the level of crime activity;***

The approved Lake Millerton Market will operate from 5:00am to 12:00am daily and will be operating year-round. Alcohol sales will be from 7:00am to 12:00am daily. There will be no special activities. The applicant has an excellent record of alcoholic beverage sales with no violations or citations at his current business establishment, Johnny Quik Food Store and Chevron Gas Station located at 4395 W. Ashlan Ave. The applicant runs a clean and prestigious establishment at the aforementioned location, with no violations, and will continue to demonstrate his outstanding efforts at the proposed Lake Millerton Market location.

In accordance with all applicable state and local regulations, all employees shall meet the minimum age requirement. Additionally, all personnel acting in the capacity of a manager and all employees who serve alcoholic beverages shall complete LEAD training (Licensee Education on Alcohol and Drugs). Additionally, all employees who complete such training shall attend follow-up training classes every 24 months. And lastly, newly-hired employees will attend LEAD training within two months of their employment.

Per the Department of Alcoholic Beverage Control (ABC), the subject site is located within Census Tract No. 64.05 and is located in a low crime reporting district. There are a total of four licenses allowed in the census tract, with eight licenses existing, five of which are Type-21. “Over concentration” does not mean that any agency has analyzed a particular Census Tract and determined that the Census Tract has suffered harm from existing ABC licenses or that it will suffer harm from an additional license.

As illustrated in “*Figure 1 - Existing Off-Sale ABC Licenses*”, the closest Type-20 ABC License to the proposed Lake Millerton Market is 2.1 miles to the southeast at Millerton

Country Store. The closest Type-21 ABC Licenses are approximately 11.4 miles to the northeast and are operated at: CVS Pharmacy, Falcon Junction, Tiny Mart 1, and Canyon Fork Market. With seven off-sale licenses in the subject Census Tract (one of which has been surrendered per the ABC's License Query System), there is no indication of a law enforcement problem associated with the operation of the businesses which hold these licenses.

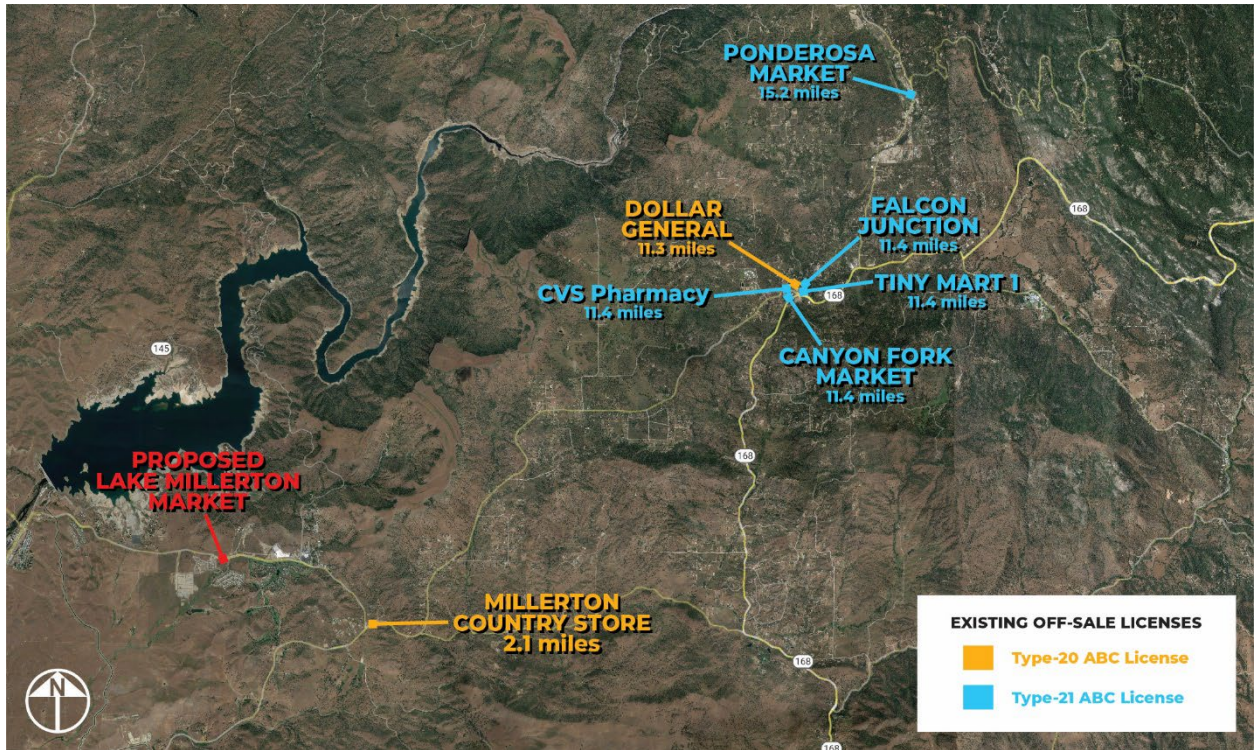


Figure 1 – Existing Off-Sale ABC Licenses

2. The issuance of a license will provide a needed service and that without this use there would be an inconvenience to the community;

The approved Lake Millerton Market will not be detrimental to the character of development in the immediate neighborhood. As previously stated, Lake Millerton Market was previously approved under Conditional Use Permit No. 2825. The approved Lake Millerton Market will serve as a full-service establishment and will sell specialty foods such as bakery items, candies, nuts, meat and produce, healthcare items, dairy products, burritos, pizzas, and healthy choice salads. Bread and refrigerated vegetables will also be sold as will premium coffee and coffee products. Lake Millerton Market will provide healthier food choices in an area where there is a lack of same in the immediate neighborhood.

In recent years, California has released a healthy initiative through the Healthy Refrigeration Grant Program, administered by the state’s Office of Farm to Fork. The program, which offers grants to individual stores is using corner stores and small markets to expand access to fresh foods for residents of all communities. In addition, Lake Millerton Market will facilitate access for market items to the surrounding community in hopes that it will motivate dietary change to the residents and employees of the area, providing for a healthy community.

Unlike typical off-sale retailers, the applicant will offer a very carefully-curated selection of unique wine and spirits that will be unmatched in the neighborhood. The applicant's unique selection of high-quality beverages and food products will be unmatched in the area.

Approval of its request for an ABC license will allow the approved Lake Millerton Market and commercial center to provide and continue contributing to a diverse range of retail and consumer food and beverages.

3. *The issuance of a license will have a positive impact on the local economy including the creation of new jobs;*

In recent years, there has been a competitive increase within the convenience store industry to provide a variety of goods and services for the convenience factor of consumers, this including the sale of beer, wine, and distilled spirits. Selling alcohol in grocery and convenience stores is common across the country to address consumer demand for one-stop convenience shopping and the cost of constructing these stores require multiple profit centers. Business owners point to the financial opportunities, particularly for small businesses, that would be created by providing the sale of spirits at their establishments. Consumers who cannot meet their purchasing expectations for food, sundries, and alcohol go elsewhere and statistics show never return.

As previously mentioned, Lake Millerton Market is a component of the approved White Fox Master Plan shopping center. By constructing Lake Millerton Market, the applicant will provide the convenience of a one-stop-shop to meet customer's needs. The area proposed for the sale of distilled spirits will be located directly behind the cashier. Only trained employees will have access to distilled spirits. Therefore, the authorization of selling distilled spirits will be monitored carefully by the operating cashiers. In addition, the applicant will comply with Board of Supervisors recommendations, if any regarding the type of distilled spirits that may be sold.

The distilled spirits sold will include medium to quality spirits selected by the owner. There will be no alcohol consumption on site. The display area will not exceed 50 square feet of shelf area. There will be no on floor display of distilled spirits. And to reiterate, operating hours for Lake Millerton Market will be 5:00am to 12:00am daily.

m:\current clients\rajdeep singh - friant abc 23-25\submittals\board of supervisors\friant abc - convenience need or necessity.docx