

# Exhibit K

**FINDINGS PER FMC SECTION 15-5306 (CUP for Alcohol Sales)**

*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; and*

Finding a: Finding (a) cannot be made for the following reason: The proposed alcohol sales component is not a use by right and is required to obtain a conditional use permit under the Responsible Neighborhood Market Act (FMC Sec. 15- 2706.) The project will not comply with FMC Section 15-2706-F (Location Restrictions). The establishment is located near another alcoholic beverage establishment, in violation of FMC Section 15-2706-F-2; specifically, it is within 1,000 feet of existing establishments with an off-sale license; Super Liquor IV, Johnny Quik, Valero, and Seven Eleven are all in close proximity. In addition, the proposed establishment is within a high-concentration area. Per ABC, the Census Tract 38.09 is currently over-concentrated with four existing licenses allowed and six existing. Approval of the proposed project would result in 7 existing licenses which is greater than the license amount allowed for the population in this Census Tract. Thus, the proposed location is in a high concentration area.

Further, the proposed project does not meet three (3) of the four (4) exceptions to location restrictions found under FMC Sec. 15-2706-F-6. No statement from the Chief of Police has been provided to confirm or deny that the proposed alcohol use would be detrimental to the public health, safety, or welfare of persons located in the area, and that it would increase the severity of existing law enforcement or public nuisance problems in the area. There are currently four (4) existing active off-sale alcohol licenses within 1,000 feet of the subject site (Super Liquor IV, Johnny Quik, Valero, and Seven Eleven. Additionally, the project does not meet the definition of a General Market or Specialty Grocery Store in that there is not at least 70% of dedicated retail space to a specialized category of food products such as foods from a specific country, ethnicity, or locality.

*b. The proposed use is consistent with the General Plan and any other applicable plan and design guideline the City has adopted; and*

Finding b: Finding (b) cannot be made for the following reason: The proposed alcohol sales component of the project is consistent with the current General Plan land use designation of Commercial General; however, the requested off-sale alcohol license 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 affect 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, concentrations of alcohol sales outlets or the establishment of outlets that are in close proximity to one another further increases the perceived lack of safety in a

	<p>neighborhood and can contribute to a variety of health and safety problems, including higher rates of alcohol-related hospitalizations, drunken driving accidents, and pedestrian injuries; 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 other existing establishments.</p>
<p><i>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; and</i></p>	
<p>Finding c:</p>	<p>Finding (c) cannot be made for the following reason: As described in Finding (b) above, the proposed alcohol sales component of the project will not reduce current substantially adverse impacts to the public health, safety, or general welfare of the community in that its location near other establishments and located within an over-concentrated census tract will be detrimental to surrounding properties or improvements. Areas in which there are multiple off-sale establishments located within close proximity to one another can contribute to a variety of health and safety problems, including higher rates of alcohol-related hospitalizations, drunken driving accidents, and pedestrian injuries. 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 in an over-concentrated census tract.</p>
<p><i>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</i></p>	
<p>Finding d:</p>	<p>Finding (d) cannot be made for the following reason: The location and operating characteristics of the proposed alcohol sales component are incompatible with the surrounding vicinity and land uses, given the project is located in an area of high concentration and near other existing off-sale establishments. Furthermore, the proposed project conflicts with the Fresno General Plan goals to promote healthy communities, improve quality of life in established neighborhoods, and protect and improve public health and safety.</p>
<p><i>e. The site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required.</i></p>	
<p>Finding e:</p>	<p>Finding (e) cannot be made for the following reason: While the type and intensity of the use proposed may be suitable with respect to access, the proposed alcohol sales component is within an area of high concentration and, therefore, 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.</p>

*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:	Finding (f) can be made. The proposed use is consistent with the Fresno County Airport Land Use Compatibility Plan (ALUCP). The project is outside the boundaries of the Fresno Yosemite International Airport, Chandler Airport, and the Sierra Sky Park airport influence areas. Furthermore, the proposed building will be less than 30 feet. Therefore, the proposed project use and height are consistent with the ALUCP.
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