

Findings Per Fresno Municipal Code Chapter 15, Article 53, 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.

Finding a:	<i>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;</i>
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Finding (a) cannot be made for the following reason: The proposed off-sale alcohol establishment (7 Eleven) will not comply with FMC Section 15- 2706-F (Location Restrictions). The establishment is located within 1,000 feet of a sensitive use (Ewing Elementary School) and four (4) existing establishments with off-sale licenses (Didier's Liquor Store, Family Dollar, Fresno Community Market, and EZ Mart # 5). In addition, the proposed establishment is within a high concentration area and within an area of documented high crime. Even though the applicant/operator proposes to obtain and transfer the Type 21 alcohol license from Didier's Liquor Store and downgrade it to a Type 20, the proposed establishment will still be located within 1,000 feet of a sensitive use and three existing off-sale alcoholic beverage establishments (Family Dollar, Fresno Community Market, and EZ Mart #5) and will still be located within an area of over concentrated off-sale alcohol licenses and documented high crime.

Finding b:	<i>The proposed use is consistent with the General Plan and any other applicable plan and design guideline the City has adopted;</i>
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Finding (b) cannot be made for the following reason: The proposed 7 Eleven service station and convenience store with alcohol sales is consistent with the current General Plan and Roosevelt Community Plan land use designation of Commercial - Community; 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 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, 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 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 establishments are concentrated near other existing establishments.

Finding c:	<i>The proposed use will not be substantially adverse to the public health, safety, or general welfare of the community, and will not be detrimental to surrounding properties or improvements in that;</i>
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Finding (c) cannot be made for the following reason: As described in Finding (b) above, the proposed use 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 within an area of high crime 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 areas of high crime and concentration.

Finding d:	<i>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>
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Finding (d) cannot be made for the following reason: The proposed 7 Eleven service station and convenience store with alcohol sales is within close proximity to existing single and multi-family residences. The location and operating characteristics of the proposed 7 Eleven service station and convenience store with alcohol sales are incompatible with the surrounding vicinity and land uses given the project is located in an area of high crime and high concentration and near other existing off-sale establishments. 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.

Finding e:	<i>The site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required.</i>
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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 7 Eleven is within an area of high crime and 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.

Finding f:	<i>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.</i>
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Finding (f) can be made: The proposed project is located within the area of influence under the Fresno County Airport Land Use Compatibility Plan (ALUCP). The project site is located within the Fresno Yosemite International Airport's (FYIA) Safety Zone 6 – Traffic Pattern Zone. Listed uses such as stadiums and similar uses are prohibited in traffic pattern zone 6. The proposed fuel station is not a listed prohibited use. Therefore the proposed project is compatible and in compliance with the Airport Land Use Compatibility Plan. Therefore, the City of Fresno Airports Department anticipates no adverse impacts on Fresno Yosemite International Airport as a result of the proposed project and the use is consistent with the Fresno County Airport Land Use Compatibility Plan.

If the Planning Commission decides to grant approval of the proposed project, the Commission must find that there is substantial evidence in the administrative record that the project can be excepted from the location restrictions pursuant to FMC Section 15-2706-E and make the required findings of FMC Section 15-5306.

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Finding a:	<i>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;</i>
<i>Finding to be made by Planning Commission</i>	
Finding b:	<i>The proposed use is consistent with the General Plan and any other applicable plan and design guideline the City has adopted;</i>
<i>Finding to be made by Planning Commission</i>	
Finding c:	<i>The proposed use will not be substantially adverse to the public health, safety, or general welfare of the community, and will not be detrimental to surrounding properties or improvements in that;</i>
<i>Finding to be made by Planning Commission</i>	
Finding d:	<i>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>
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Finding e:	<i>The site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required.</i>
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