

CONDITIONAL USE PERMIT APPLICATION FINDINGS

A Conditional Use Permit shall only be granted if the Review Authority 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.

Findings per Fresno Municipal Code Section 15-5306	
<i>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.</i>	
Finding A:	While the proposed use is permitted in the CG (<i>Commercial General</i>) zone district it does not comply with all applicable provisions of the Code; specifically FMC Section 15-2706-D (Modifications to Existing Establishments). A modification to an existing establishment shall not be approved when a condition exists that has caused or resulted in repeated activities that are harmful to the health, peace, or safety of persons residing or working in the surrounding area. The proposed project is located within documented high crime and over concentrated area. Therefore, staff cannot make the required finding A.
<i>B. The proposed use is consistent with the General Plan and any other applicable plan and design guideline the City has adopted.</i>	
Finding B:	The proposed project is not in compliance with the Fresno General Plan and the West Area Community Plan. The establishment shall not be located in an area of high crime and shall not be located in an area of high concentration, as defined by the California Business and Professions Code 23958.4(a)(3) et seq., and as determined by the Department of Alcoholic Beverage Control. The proposed use provides concerns for an overabundance of establishments selling alcohol, crime, and danger to nearby schools. Therefore, staff cannot make the required finding B.
<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.</i>	

Finding C:	The typical reporting district experiences an average of 543 criminal offenses per year. The reporting district in which subject establishment is located has experienced approximately 863 offenses so far this year. The Fresno Police Department recommends denial of the application as the proposed use would be detrimental to the public health, safety, or welfare of persons and businesses located in the surrounding area. Therefore, staff cannot make the required finding C.
<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.</i>	
Finding D:	The proposed project is surrounded by urban uses, including commercial and residential uses at this developed intersection. The use is compatible with the planned land use for the location and surrounding area, indicating that it will remain compatible for the foreseeable future.
<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>	
Finding E:	The existing convenience store and proposed off-sale alcohol is consistent with the allowable land use and intensity requirements per the underlying zone district. Adequate access, parking, utilities and services have been provided to serve the property and were reviewed for consistency with the requirements of the CG (<i>Commercial General</i>) planned land use and zone district.