

Exhibit Q

CONSIDERATION OF AN APPEAL TO
CONDITIONAL USE PERMIT APPLICATION
NO. P23-00244
AND
THE RELATED ENVIRONMENTAL FINDING

PRESENTATION BY: LUKE RISNER, PLANNER II



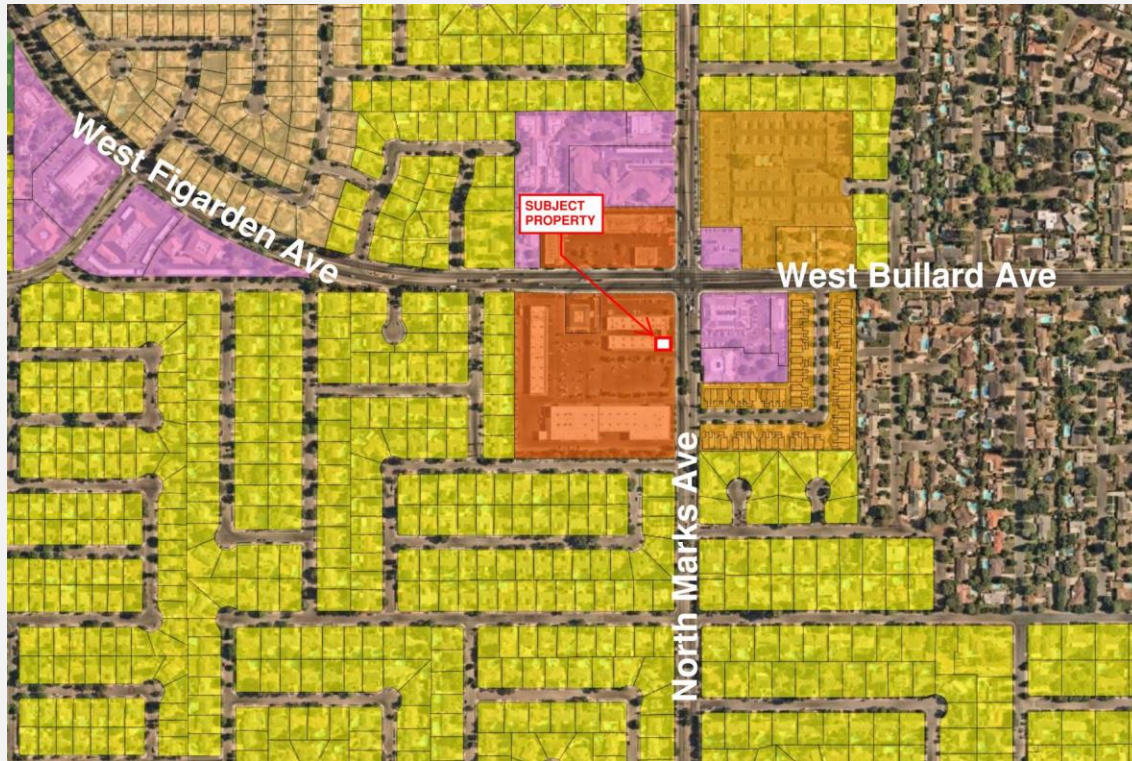
ID 23-1522

CITY COUNCIL | NOVEMBER 16, 2023

AERIAL MAP



ZONING CLASSIFICATION MAP



Zoning

- | | |
|--|--|
|  RS-4 (Residential Single-Family, Medium Low Density) |  CC (Commercial Community) |
|  RS-5 (Residential Single-Family, Medium Density) |  O (Office) |
|  RM-1 (Multi-Family Residential, Medium High Density) | |

APPLICATION INFORMATION

Conditional Use Permit Application No. P23-00244 requests to extend the hours of operation from 9 A.M. to 2 A.M. of an existing Type 47 alcohol license (On-Sale General – Eating Place) for an existing restaurant (Locked In).

- Currently authorized to operate from 9 A.M. to 10 P.M. with a Type 47 ABC License

ANALYSIS

- Restaurants with Alcohol and Bars are permitted in the CC zone district with a Conditional Use Permit (Table 15-1202 of the FMC).
 - Subject to Additional Regulations:
 - Section 15-2751 (Restaurants with Alcohol, Bars, Nightclubs, and Lounges); and
 - Section 15-2744 (Outdoor Dining and Patio Areas).
- Project complies w/ applicable regulations as conditioned.
- Fresno Police Department was originally in opposition to extension of hours.
 - If approved, requested specific PD conditions included in the Conditions of Approval which includes prohibition of live music.

PUBLIC NOTICE & INPUT

- Council District 2 PRC voted to recommend denial 3-0.
- Notice of Intent to Take Action
 - Posted July 20, 2023
 - Five comments from the public were received
- Approval & Notice of Action
 - On August 7, 2023, Planning & Development Department approved application authorizing extension of hours from 8 A.M. to 12 A.M. subject to compliance w/ conditions of approval including PD conditions.
 - Notice of Action mailed to respondents including applicant
- Appeal
 - One Appeal letter received from applicant August 17, 2023
 - Limitation on hours of operation.
 - Prohibition of live music.

PLANNING COMMISSION

- October 4, 2023 Hearing
- 1 Member of the Public Asked Questions
- Planning Commission voted to recommend adoption of the Environmental Assessment and deny the appeal and uphold the Director's decision adding the condition to allow live music until 10:00 P.M. on Fridays and Saturdays, 5 votes to 0.

STAFF RECOMMENDATION

DENY the appeal and **UPHOLD** the action of the Planning and Development Department Director to approve Conditional Use Permit Application No. P23-00244 authorizing the extension of the hours of operation for an existing restaurant with alcohol sales with a State of California Alcoholic Beverage Control (ABC) Type 47 alcohol license (On-Sale General – Eating Place), subject to the Revised Conditions of Approval dated October 4, 2023 as amended by the Planning Commission.

ADOPT Environmental Assessment No. P23-00244, dated July 1, 2023, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) through a Section 15301/Class 1 Categorical Exemption.