

## **Exhibit I - Fresno Municipal Code Findings**

**FINDINGS PER FMC SECTION 15-5306 (CUP Application No. P19-04757 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 an existing establishment with an off-sale license, because a Snappy Food establishment is located 300 feet away. 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 with any of the exceptions to location restrictions found under FMC Sec. 15-2706-F. The proposed project involves transferring and re-establishing a surrendered off-sale alcohol beverage license from another area of the City. However, the transfer of this license does not meet with the exception requirements found under FMC Sec. 15-2706-F-7. The applicant had a Type 21 license at an existing establishment (Bal's Liquor) which was approved under Conditional Use Permit No. C-00-082 on July 14, 2000. However, that establishment was located at 638 West Olive Avenue, approximately 3.35 miles away and not on the same street from the subject property proposed under the current application, in a different Council District (District 3), and in a different Census Tract (Tract 21). As the project does not meet all the requirements of Section 15-2706-F-7, this exemption is not applicable to the current application. Additionally, the proposed establishment does not meet with the exception to location restriction requirements found under FMC Sec. 15-2706-F-6, because there is insufficient quantifiable evidence to demonstrate the site is not located within an area in which the Chief of Police has determined that the proposed use (a) would be detrimental to the public health, safety, or welfare of persons located in the area; or (b) would increase the severity of existing law enforcement or public nuisance problems in the area; and that the proposed outlet for the off-premises sale of alcoholic beverages would act as a public convenience or necessity to an underserved portion of the community and/or enhance the vitality of an existing commercial area without presenting a significant adverse impact on public health or safety.

*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) can 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 Employment – Light Industrial, because a general market is permitted within the Light Industrial land use classification, of which off-sale alcohol sales could be a component.

*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*

Finding c: Finding (c) can be made for the following reason: Establishment of alcoholic beverage sales will not have a negative impact on either the subject site or neighboring properties in that the use will be conducted within a proposed building and site proposed for a general market use included as part of a retail, commercial travel center, use and will operate in compliance with ABC and Police Department requirements including specific conditions of approval. Therefore, the use will be conditioned to operate in a manner that will not be adverse to the public health, safety, or welfare of the surrounding community.

*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*

Finding d: Finding (d) can be made for the following reasons: The type of general market use included as part of a retail commercial travel center proposed for the site will utilize the vacant parcel, and the physical development's site layout and operating characteristics will be compatible for establishing the alcohol beverage sales and with the existing retail/commercial uses established in the surrounding vicinity. A travel center is an ideal use for the subject property as it is surrounded by substantial vehicular infrastructure.

*e. The site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required.*

Finding e: Finding (e) can be made for the following reason: The site is proposed for a retail, commercial travel center, including a general market use, which is suitable for establishing the alcohol beverage sales use consistent with the allowable land use and intensity requirements of the underlying zone district (Employment – Light Industrial) with adequate access, utilities and services and emergency access. The site is ideally suited for a travel center as it is adjacent to Highway 99 on the east, Golden State Boulevard and the High-Speed Rail corridor to the west, and Ashlan Avenue is in close proximity to the north.

*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 for the following reason: The use is not located within the airport influence area or safety zones of any nearby local airport, as shown in the Fresno County Airport Land Use Compatibility Plan and therefore, the proposed use is not subject to the requirements of the Fresno County Airport Land Use Compatibility Plan.
------------	--