

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 existing Johnny Quik Food Store and Gas Station with an alcohol sales permit, as approved under Conditional Use Permit No. C-94-86 (ABCUP) allowed by Ordinance No. 94-42 and revised under Conditional Use Permit No. C-97-62 (authorizing the transfer of alcohol licenses), will not comply with FMC Section 15-2706-E (Location Restrictions). Per the conditions of zoning that are tied to the property, the off-sale of alcoholic beverages is not a permitted use. Furthermore, the establishment is located within 500 feet of an existing preschool/daycare and two existing off-sale establishments. Therefore, the establishment with alcohol sales is considered a legal nonconforming use and pursuant to FMC Section 15-404, the proposed alcohol license upgrade will not comply with the development code provisions for legal non-conforming uses nor will the requested upgrade comply with the specific uses and activities provisions applicable for off-sale alcohol licenses (Sec. 15-2706-E).

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 existing Johnny Quik Food Store and Gas Station w/ alcohol sales, is consistent with the current General Plan land use designation of *Commercial – Community*; however, the requested change (proposed alcohol license upgrade) will not reduce current adverse impacts on adjacent properties and/or on the general public and will therefore be inconsistent with general plan goals to promote healthy communities, 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 sensitive uses 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 establishment 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>
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 proximity to an existing preschool/daycare and two existing off-sale establishments will be detrimental to surrounding properties or improvements and will be inconsistent with general plan goals to promote healthy communities, improve quality of life in established neighborhoods, and to protect and improve public health and safety.	
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>
Finding (d) cannot be made for the following reason: The location and operating characteristics of the existing Johnny Quik Food Store and Gas Station with alcohol sales as well as the requested upgrade are incompatible with the surrounding vicinity and land uses which include an existing preschool/daycare and two existing off-sale establishments.	
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>
Finding (e) cannot be made for the following reason: The type and intensity of the use proposed is not suitable for the site based on proximity to an existing preschool/daycare and two existing off-sale establishments and the services required to address public safety concerns. The proposed project 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.	

If the City Council decides to grant approval of the proposed project, the Council 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 City Council</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>
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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 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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