Exhibit L

City of FRESNO

Planning and Development Department

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Jennifer K. Clark, AICP, HDFP
Director

February 6, 2025

Please reply to:
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Valeria.Ramirez@fresno.gov

Yeslam Haimed
A's Family Market
asfamilymarket@gmail.com
(Sent via email only)

SUBJECT: CONDITIONAL USE PERMIT APPLICATION NO. P24-01344 FOR PROPERTY LOCATED AT 2717 NORTH HUGHES AVENUE (APN: 442-082-29)

On February 6, 2025, the Planning and Development Director denied Conditional Use Permit Application No. P24-01344, requesting authorization to establish a State of California Alcoholic Beverage Control Type 20 alcohol license (sale of beer and wine for consumption off the premises where sold) at an existing business. The parcel is zoned CC (*Commercial – Community*). This denial action is based upon the project's noncompliance with the requirements of Fresno Municipal Code (FMC) Section 15-2706-F (Location Restrictions).

According to FMC Section 15-2706-F-6, a new establishment may be excepted from the location restrictions if the Review Authority determines all of the following:

a. The proposed use is not located within an area in which the Chief of Police has determined, based upon quantifiable information, 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.

b. The proposed off-premises sale of alcoholic beverages is incidental and appurtenant to a larger retail use and provides for a more complete and convenient shopping experience.

c. 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.

d. The primary use of the establishment, based on information provided by the applicant, has been determined by the Review Authority to meet the definition of a General Market including a supermarket, neighborhood grocery store or a Healthy Food Grocer.

The Director was unable to make the required findings for an exception to the location restrictions outlined in Section 15-2706-F.

Therefore, in accordance with required findings specified for Conditional Use Permits under Chapter 15, Article 53, §15-5306 of the FMC, the proposed use, to establish a Type 20 alcohol license is denied based on the following:

FINDINGS PER FRESNO MUNICIPAL CODE SECTION 15-5306	
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 two other alcoholic beverage establishments, in violation of FMC Section 15-2706-F-2; specifically, it is within 1,000 feet of two existing establishments with an off-sale license, because a U Save Liquor establishment is located ±420 feet away and a USA Gas and Food is located ±866 feet away. In addition, the proposed establishment is within a high-concentration area. Per ABC, the Census Tract 37.02 is currently over-concentrated with four existing licenses allowed and seven existing. Approval of the proposed project would result in 8 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 (Primo's Family Market) which was approved under Conditional Use Permit No. C-94-86 in 1994. However, that establishment had their alcohol license revoked on August 14, 2019. 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, the Chief of Police has determined that the site is located within an area in which 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.
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 reasons: The proposed alcohol sales component of the project is consistent with the current General Plan land use designation of Commercial – Community, because a general market is permitted within the Commercial – Community 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) cannot be made for the following reasons: According to the Fresno Police Department the project is located in a high-crime area with multiple criminal activities around the location. In 2023, there were a total number of 306 reported crimes in the police zone the subject property is located in (2050). Pursuant to CBPC 23958.4(c)(2), "Reported crimes" means the most recent yearly compilation by the local law enforcement agency of reported offenses of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors, except traffic citations. In comparison, the two easterly adjoining police zones (2051 & 2151) have significantly less reported crimes in the year 2023. Police Zone 2051 has a total number of 133 reported crimes and Police Zone 2151 has a total number of 155 reported crimes. Statistically, there is a high probability that the approval of an ABC license at this location will continue to attract gang members and other criminal activity and invite more individuals to congregate and loiter. Furthermore, the Police Department determined the site is located in an area that the off-sale of alcohol would be detrimental to the public health, safety or general welfare of persons located in the area and would increase the severity of existing law enforcement or public nuisance problems in the area.
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) cannot be made for the following reason: As described in the analysis and findings above, the proposed establishment is located within an area of high crime and high concentration of off-sale licenses. Given these circumstances, the proposed operations (off-sale of alcohol) would not be compatible with the existing and future land uses in the vicinity as if would further increase the overconcentration of off-sale licenses and contribute to increase crimes in an existing high crime area.
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 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 (Commercial – Community) with adequate access, utilities and services and emergency access.
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 site is not located within an area of influence of the Fresno County Airport Land Use Compatibility Plan. Therefore, the project is consistent with the Fresno County Airport Land Use Compatibility Plan.

APPEALS

The Directors decision may be appealed to the Planning Commission by filing a written appeal with the Director within 15 days of the date the action was taken. Appeals may be filed by any person aggrieved by the decision. The appeal shall include the appellant's interest in or relationship to the subject property, the decision or action appealed and specific reasons why the applicant believes the decision or action appealed should not be upheld. The appeal shall be signed by the person making the appeal and accompanied by the required fee.

In the event you wish to appeal the Director's decision, you may do so by filing a written appeal with the planner identified in this letter. The written request must be received at the Planning & Development Department by the close of business on **February 21, 2025**. The written request should be addressed to Jennifer K. Clark, AICP, Director, and include the application number referenced above.

If you have any questions regarding this letter, feel free to contact me at (559) 621-8046.

Sincerely,

Valeria Ramirez

Valeria Ramirez, Planner II
Planning and Development