

CITY OF FRESNO
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
CONDITIONAL USE PERMIT APPLICATION NO. ABCUP-P18-01239

Conditional Use Permit Application No. ABCUPP18-01239 was denied subject to the following findings:

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; and,</i>	
Finding a:	The project is located in both a high crime and high concentration area and is prohibited pursuant to Section 15-2706-E of the Fresno Municipal Code, unless an exception finding can be made.
<i>b. The proposed use is consistent with the General Plan and any other applicable plan and design guideline the City has adopted; and,</i>	
Finding b:	<p>As noted within the Public Utilities and Services section of the Fresno General Plan, the location and prevalence of liquor stores can have a negative effect on neighborhood health. Alcohol sales establishments possess certain characteristics that have the potential to cause deleterious effects and nuisances on surrounding neighborhoods and businesses, especially when such establishments are concentrated near one another.</p> <p>Therefore, based on this, and based on the discussion of General Plan Policy Objective HC-6 contained in the staff report, the proposed use is NOT consistent with General Plan policies and guidelines.</p>
<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; and,</i>	
Finding c:	<ul style="list-style-type: none"> •The proposed use is within a census tract that has an over concentration of alcohol licenses •The subject property is in a high crime area <p>According to measures determined by the ABC, Census Tract 52.02, where the proposed project is located, is over concentrated with off-sale alcohol licenses. The Fresno Police Department has also indicated that the proposed project is located in a high crime area. Therefore, being there is an over concentration of alcohol licenses and being the site is located in a high crime area, the proposed use is considered to be substantially adverse to the public health, safety, or general welfare of the community, and detrimental to surrounding properties or improvements.</p>
<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; and,</i>	
Finding d:	<ul style="list-style-type: none"> •The proposed service station/mini-mart uses are compatible with location's extensive commercial development along North Cedar and Avenue and East Shields Avenue.

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:	The proposed service station/mini-mart uses are consistent with the allowable land use and intensity requirements per the underlying zone district. Adequate access, parking, utilities and services has been provided to serve the property and were reviewed for consistency with the requirements of the CC (<i>Commercial-Community</i>) planned land use and the CC/UGM (<i>Commercial- Community/Urban Growth Management</i>) zone district.
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