

CITY OF FRESNO  
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT  
**CONDITIONAL USE PERMIT APPLICATION NO. P19-00486**

Conditional Use Permit Application No. P19-00486 was denied subject to the following findings:

<b>Findings per Fresno Municipal Code Section 15-5306</b>	
<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:	<p>The project is located in both a high crime and high concentration area and is adjacent to a public school and is, therefore, prohibited pursuant to Section 15-2706-E of the Fresno Municipal Code, unless an exception finding can be made.</p>
<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:	<ul style="list-style-type: none"> <li>•The subject property is in close proximity to medium and medium high density residential housing</li> <li>•The subject property is adjacent to a public school site</li> <li>•The subject property is within the West Area Community Plan area</li> <li>•The subject property abuts an adult school in the Central Unified School District</li> </ul> <p>The proposed project is not considered to be in compliance with the Fresno General Plan objective to improve safe access to amenities for the community or with the policy to continue to improve the conditions for people walking and bicycling in the areas surrounding schools. The proposed project is not considered to be consistent with the West Area Community Plan's objective addressing concerns that new nonresidential development be compatible with surrounding areas.</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"> <li>•The proposed use is within a census tract that has an over concentration of alcohol licenses</li> <li>•The proposed use is within 500 feet of two other establishments with off-sale alcohol sales</li> <li>•The subject property is in a high crime area</li> </ul> <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. According to measures determined by the ABC, Census Tract 38.05, 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, 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:	<p>•The proposed activity is incompatible with the area's housing development and the area's issues with high crime</p> <p>The subject site is surrounded by medium density and medium high density residential uses, with some general and community commercial, and an adult and alternative education school. The proposed activity, the establishment of an off-sale alcohol license in an over concentrated area, is not considered to be compatible with residential land uses in the vicinity, given conflicts with objectives in the Fresno General Plan and the West Area Community Plan and with the area's high crime rate.</p>
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:	<p>The proposed establishment of a State of California Alcoholic Beverage Control Type 20 (Package Store – sale of beer and wine for consumption off the premises where sold) is 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 CGH (<i>General Heavy Commercial</i>) planned land use and the CG (Commercial – General) zone district.</p>