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Planning and Development Department

Jennifer K. Clark, AICP, HDPF  
Director

August 27, 2019

*Please reply to:*  
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559-621-8172

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(Sent via email only)

Muthana Abdulaziz, Zamzami Abdo  
A&M West Side Market

**SUBJECT: CONDITIONAL USE PERMIT APPLICATION NO. P19-01019 FOR PROPERTY  
LOCATED AT 10 EAST WHITESBRIDGE AVENUE (APN: 465-184-14)**

On August 27, 2019, the Planning & Development Department Director denied Conditional Use Permit Application No. P19-01019, requesting authorization to upgrade from a Type 20 Off-Sale Beer & Wine Alcohol License to a Type 21 Off-Sale General Alcohol License to permit the sale of distilled spirits for the A&M West Side Market located at 10 East Whitesbridge Avenue. The property is zoned *RS-5/NR (Residential Single-Family/Neighborhood Revitalization)*.

This denial action was based on the surrounding community expressing their concerns to the City with the overconcentration of alcohol licenses issued, as there are four off-sale licenses issued within Census Tract 2 and only two are allowed, and its proximity to neighborhoods. The site is also located in this census tract, which is a reported high crime area (Crime Reporting District 2752) as determined by the State of California Alcoholic Beverage Control. Therefore, in accordance with required findings specified for Conditional Use Permits under Chapter 15, Article 53, §15-5306 of the Fresno Municipal Code, the proposed use; to upgrade your requested off-sale alcohol license from a Type 20 to a Type 21, is denied based on the following:

**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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The proposed mini-mart/convenience store/market is located in the *RS-5/NR (Residential Single-Family-Medium Density/Neighborhood Revitalization)* zone district and is a legal non-conforming use approved under the prior *C-6 (Heavy Commercial)* zone district with an alcohol sales permit approved under Conditional Use Permit No. C-94-86 (ABCUP) allowed by Ordinance No. 94-42. The proposed alcohol license upgrade will not comply with development code standards as a non-conforming use nor with the specific uses and activities provisions applicable for off-sale alcohol license, and will interfere with the use and enjoyment of surrounding properties; will adversely affect the City's infrastructure, the built or natural environment, City resources, and the City's ability to provide public services.

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>
The proposed legal non-conforming use is inconsistent with current General Plan land use designation of <i>Residential Medium Density (5.0-12 Dwelling Units/Acre)</i> and the zoning classification of <i>RS-5 (Residential Single-Family/Neighborhood Revitalization)</i> and the expansion or change of the legal non-conforming use (proposed alcohol license upgrade) will not reduce current adverse impacts on adjacent properties and/or on the general public.	
Finding c:	<i>The proposed use will be substantially adverse to the public health, safety, or general welfare of the community, and will be detrimental to surrounding properties or improvements in that;</i>
The proposed use will be substantially adverse to the public health, safety, or general welfare of the community in that the surrounding community has expressed concerns to the City with the overconcentration of alcohol licenses issued, as there are four off-sale licenses issued in Census Tract 2 and only two are allowed, its proximity to neighborhoods, and will be detrimental to surrounding properties or improvements as the site is located in this census tract which is a reported high crime area (Crime Reporting District 2752) as determined by the State of California Alcoholic Beverage Control.	
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>
The location and operating characteristics of the existing mini-mart/convenience store/market and the public safety concerns expressed by the surrounding community, including its location within the census tract which is identified as a high crime area, are incompatible with the surrounding vicinity and land uses.	
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>
The type and intensity of the use proposed is not suitable for the site based on the services required to address public safety concerns expressed by the surrounding community and the determination by the State Alcoholic Beverage Control that the site is within a high crime area.	

## **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 Wednesday, September 11, 2019. The written request should be addressed to Jennifer K. Clark, AICP, Director, and include the application number referenced above.

Our goal is to continuously improve our customer service. Please take a moment to complete a quick survey linked [here](#). If you have any questions regarding this letter, feel free to give me a call at the number listed above.

Sincerely,

*Ralph Kachadourian*

Ralph Kachadourian, Supervising Planner  
Development Services Division

cc: JAF