
Conditional Use Permit No. P19-01019

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>
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The proposed legal non-conforming use is inconsistent with current General Plan land use designation of *Residential Medium Density (5.0-12 Dwelling Units/Acre)* and the zoning classification of *RS-5 (Residential Single-Family/Neighborhood Revitalization)* 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>
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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>
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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>
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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.