

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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Finding (a) cannot be made for the following reason: The existing Tower Beer & Wine mini mart with an alcohol sales permit, as approved under Conditional Use Permit No. C-14-002 (ABCUP), and the proposed upgrade (Type 21 license) will not comply with FMC Section 15-2706-E (Location Restrictions). The establishment is located within an area of high concentration of off-sale licenses and within an area of documented high crime..

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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Finding (b) cannot be made for the following reason: The existing Tower Beer and Wine mini mart with alcohol sales is consistent with the current General Plan, Fresno High-Roeding Community Plan, and Tower District Specific Plan land use designation of Main Street Commercial; however, the requested change (proposed alcohol license upgrade) will not reduce current adverse impacts on adjacent properties and/or on the general public and will be inconsistent with general plan goals to promote healthy communities and improve quality of life in established neighborhoods, and to protect and improve public health and safety.

As noted within the Public Utilities and Services section of the Fresno General Plan, the location and prevalence of off-sale alcohol sales and high exposure to the easy availability of alcohol sales affects public health, safety, and quality of life in a neighborhood. In public meetings held during the development of the General Plan, concerns regarding market saturation, fear of crime, and danger to schools were raised.

Furthermore, concentrations of alcohol sales outlets or the establishment of outlets that are in close proximity to sensitive uses further increases the perceived lack of safety in a neighborhood and can contribute to a variety of health and safety problems including higher rates of alcohol-related hospitalizations, drunken driving accidents, and pedestrian injuries; thus the proposed project has the potential to cause deleterious effects and nuisances on surrounding neighborhoods and businesses, especially when the establishment are concentrated near other existing establishments.

Finding c:	<i>The proposed use will not be substantially adverse to the public health, safety, or general welfare of the community, and will not be detrimental to surrounding properties or improvements in that;</i>
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Finding (c) cannot be made for the following reason: As described in Finding (b) above, the proposed use will not reduce current substantially adverse impacts to the public health, safety, or general welfare of the community in that its location within an area of high crime and high concentration will be detrimental to surrounding properties or improvements. Areas of high concentration of off-sale licenses can contribute to a variety of health and safety problems including higher rates of alcohol-related hospitalizations, drunken driving accidents, and pedestrian injuries. As noted within the Public Utilities and Services section of the Fresno General Plan, the location and prevalence of off-sale alcohol sales 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 in areas of high crime and concentration.

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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Finding (d) cannot be made for the following reason: The existing Tower Beer and Wine convenience store with alcohol sales is within close proximity to existing single family and multi-family residences. The location and operating characteristics of the existing Tower Beer and Wine convenience store with alcohol sales, as well as the requested upgrade, are incompatible with the surrounding vicinity and land uses given the project is located in an area of high crime and high concentration. Furthermore, the proposed project conflicts with the Fresno General Plan goals to promote healthy communities and improve quality of life in established neighborhoods, and to protect and improve public health and safety.

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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Finding (e) cannot be made for the following reason: While the type and intensity of the use proposed may be suitable with respect to access, the proposed upgrade within an area of high crime and high concentration has the potential to contribute to a variety of safety problems including drunken driving accidents and pedestrian injuries which result in increased calls for police and emergency services. Therefore the project is not suitable based on the services required to address public safety concerns.

If the City Council decides to grant approval of the proposed project, the Council must find that there is substantial evidence in the administrative record that the project can be excepted from the location restrictions pursuant to FMC Section 15-2706-E and make the required findings of FMC Section 15-5306.

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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>
<i>Finding to be made by Planning Commission</i>	
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>
<i>Finding to be made by Planning Commission</i>	
Finding c:	<i>The proposed use will not be substantially adverse to the public health, safety, or general welfare of the community, and will not be detrimental to surrounding properties or improvements in that;</i>
<i>Finding to be made by Planning Commission</i>	
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>
<i>Finding to be made by Planning Commission</i>	
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>
<i>Finding to be made by Planning Commission</i>	