



2600 Fresno Street, Room 3065
Fresno, California 93721-3604
(559) 621-8003
www.fresno.gov

Jennifer K. Clark, AICP, HDP
Director

August 5, 2020

Please reply to:
Jose Valenzuela
(559) 621-8070

Ken Vang
VICE, Inc.
kenvang@vice-engr.com
(Sent via email only)

**SUBJECT: CONDITIONAL USE PERMIT APPLICATION NO. P19-04594 FOR PROPERTY
LOCATED AT 6940 WEST BARSTOW AVENUE (APN: 505-1281-18)**

On August 5, 2020, the Planning & Development Department Director denied Conditional Use Permit Application No. P19-04594, requesting authorization to establish a California Alcoholic Beverage Control (ABC) Type 20 alcohol license which authorizes the sale of beer and wine for consumption off the premises where sold for the proposed Johnny Quik convenience store/service station at the above location. The property is zoned CC/UGM/cz (Community Commercial/Urban Growth Management/conditions of zoning).

This denial action was based on the requirements of the Fresno Municipal Code (FMC) Section 15-2706-E (Location Restrictions for New Establishments). The subject establishment is located within 500 feet of a daycare center currently under construction. In addition, it is located within an area of high concentration of off-sale alcohol licenses and would result in an increase in the number of existing ABC off-sale licenses within Census Tract 42.07.

Therefore, in accordance with required findings specified for Conditional Use Permits under Chapter 15, Article 53, §15-5306 of the FMC, the proposed use; to establish your requested Type 20 off-sale alcohol license, 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>

This Finding (a) cannot be made. The proposed Johnny Quik convenience store/service station with an alcohol sales permit (Type 20 license), does 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 500 feet of a sensitive use (daycare center).	
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>
This Finding (b) cannot be made. The Johnny Quik convenience store/service station is consistent with the current General Plan, West Area Community Plan and land use designation of Community Commercial; however, the requested Type 20 alcohol license will have 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.	
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>
This Finding (c) cannot be made. The proposed use will be substantially adverse to the public health, safety, or general welfare of the community in that its location within a sensitive use 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 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>
This Finding (d) cannot be made. The proposed Johnny Quik convenience store/service station with alcohol sales is within close proximity to existing single family residences. The location and operating characteristics of the proposed convenience store with alcohol sales, are incompatible with the surrounding vicinity and land uses given the project is located in a high concentrated census tract and near sensitive uses. 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>
This Finding (e) cannot be made. While the type and intensity of the use proposed may be suitable with respect to access, the proposed alcohol license within a high concentration area and near sensitive uses is not suitable based on the services required to address public safety concerns.	

APPEALS

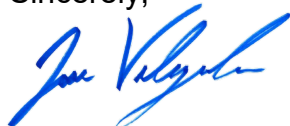
The Directors decision may be appealed to the Planning Commission by filing a written appeal with

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 Friday, August 20, 2020. The written request should be addressed to Jennifer K. Clark, AICP, Director, and include the application number referenced above.

If you have any questions regarding this letter, feel free to contact me at (559) 621-8070.

Sincerely,



Jose Valenzuela, Planner
Development Services Division