

**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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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 with a high concentration of off-sale licenses and is 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>
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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 is inconsistent as the use 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 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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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>
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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.	

*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 City Council</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 City Council</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 City Council</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 City Council</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 City Council</i>	