

Exhibit O

Findings per FMC Section 15-5306

EXHIBIT O - FRESNO MUNICIPAL CODE FINDINGS

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>
Finding (a) cannot be made for the following reason: The proposed off-sale alcohol use will not comply with FMC Section 15-2706-E (Location Restrictions). The establishment is located within 500 feet of an existing off-sale establishment (Vallee Food Stores).	
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>
Finding (b) cannot be made for the following reasons: The proposed alcohol use will be inconsistent with 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. 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 one another 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 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>

Finding (c) cannot be made for the following reason: As described in Finding (b) above, the proposed alcohol use will be substantially adverse to the public health, safety, or general welfare of the community in that its location near other establishments will be detrimental to surrounding properties or improvements, which consist substantially of medium low density residential development. Areas in which there are multiple off-sale establishments located within close proximity to one another 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>
------------	--

Finding (d) cannot be made for the following reason: The proposed alcohol use is incompatible with the surrounding land uses given the project is located within 500 feet of an existing off-sale establishment. Furthermore, the proposed project, in close proximity to residential development, 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>
------------	--

Finding (e) cannot be made as there is no proposed development at this time. This is a standalone ABCUP application. Subsequent proposals will be subject to the applicable provisions of the FMC and must demonstrate they will be physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required.