

Exhibit J – Notices of Action

CITY OF FRESNO
 PLANNING AND DEVELOPMENT DEPARTMENT
NOTICE OF ACTION DENYING
CONDITIONAL USE PERMIT APPLICATION NO. P19-04757 & RELATED ENVIRONMENTAL
ASSESSMENT

NOTICE IS HEREBY GIVEN that the Planning and Development Department Director, in accordance with Fresno Municipal Code (FMC) Section 15-5009, has denied Conditional Use Permit Application No. P19-04757 filed by Surjit Singh of Optimum Properties LLC, pertaining to a project site of ±3.68 acres located at 3977 & 3722 North Golden State Boulevard; located south of West Ashlan Avenue, between State Route 99 and North Golden State Boulevard. The application requested authorization to obtain a State of California Alcoholic Beverage Control Type 21 alcohol license (authorizes the sale of beer, wine, and distilled spirits for consumption off the premises where sold) to sell off-sale alcohol for the proposed general market, service station, and car wash at the address mentioned above. The property is zoned IL (*Light Industrial*).

This denial action is based upon the project's compliance with the requirements of Fresno Municipal Code (FMC) Section 15-2706-F (Location Restrictions for New Establishments). The proposed off-sale alcoholic beverage establishment is located within 1000 feet of three existing off-sale alcoholic beverage establishments (Snappy Food) and an overconcentration of existing off-sale licenses in Census Tract 38.09. The subject property is zoned IL (*Light Industrial*).

*This document is available for review at the Planning and Development Department, located at 2600 Fresno Street, 3rd Floor, Fresno, California 93721. Documents are available for viewing at City Hall during normal business hours (Monday-Friday, 8 a.m.-5 p.m.) by appointment only. **Please contact the Planner listed below via e-mail or phone to request electronic copies or schedule an appointment to view documents.**

Conditional Use Permit Application No. P19-04757 was denied subject to the following findings:

FINDINGS PER FMC SECTION 15-5306 (CUP for alcohol sales)	
<i>a. 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; and</i>	
Finding a:	Finding (a) cannot be made for the following reason: The proposed alcohol sales component of the project will not comply with FMC Section 15- 2706-F (Location Restrictions). The establishment is located within 1,000 feet of an existing establishment with an off-sale license, as a Snappy Food establishment is located 300 feet away). In addition, the proposed establishment is within a high-concentration area.
<i>b. The proposed use is consistent with the General Plan and any other applicable plan and design guideline the City has adopted; and</i>	
Finding b:	<p>Finding (b) cannot be made for the following reason: The proposed alcohol sales component of the project is consistent with the current General Plan land use designation of Employment – Light Industrial; however, the requested off-sale alcohol license 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.</p> <p>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 affect 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.</p> <p>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.</p>
<i>c. The proposed use will not be substantially adverse to the public health, safety, or general welfare of the community, nor be detrimental to surrounding properties or improvements; and</i>	
Finding c:	Finding (c) cannot be made for the following reason: As described in Finding (b) above, the proposed alcohol sales component of the project will not reduce current substantially

	adverse impacts to the public health, safety, or general welfare of the community in that its location near other establishments and within an area of high crime will be detrimental to surrounding properties or improvements. 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.
	<i>d. 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:	Finding (d) cannot be made for the following reason: The location and operating characteristics of the proposed alcohol sales component are incompatible with the surrounding vicinity and land uses, given the project is located in an area of high concentration and near other existing off-sale establishments. Furthermore, the proposed project conflicts with the Fresno General Plan goals to promote healthy communities, improve quality of life in established neighborhoods, and protect and improve public health and safety.
	<i>e. 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:	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 alcohol sales component is within an area of high concentration and, therefore, 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.
	<i>f. The proposed use is consistent with the Fresno County Airport Land Use Compatibility Plan (as may be amended) adopted by the Fresno County Airport Land Use Commission pursuant to California Public Utilities Code Sections 21670-21679.5.</i>
Finding f:	Finding (f) can be made for the following reason: The use is not located within the airport influence area or safety zones of any nearby local airport, and therefore, the proposed use is compatible with the Fresno County Airport Land Use Compatibility Plan.

The Conditional Use Permit will not become effective until 15 days from the date the permit is granted in order to allow time for any interested parties to file an appeal.

In the event you wish to appeal the Director's decision, you may do so by filing a written appeal with the Director. The appeal must include the appellant's interest in, or relationship to, the subject property, the decision or action appealed, and the specific reason(s) why the appellant believes the decision or action should not be upheld, by written letter sent via post mail to the address below or via written email to PublicCommentsPlanning@fresno.gov (cc thomas.veatch@fresno.gov). A \$930.66 fee applies to an appeal by an applicant (no fee applies if a member of the public). **The fee is required prior to accepting the appeal, as required by Section 15-5017-A.1 of the FMC and established by the Master Fee Schedule.**

ANY WRITTEN appeal must be submitted to this office prior to the close of business on **November 6, 2023**.

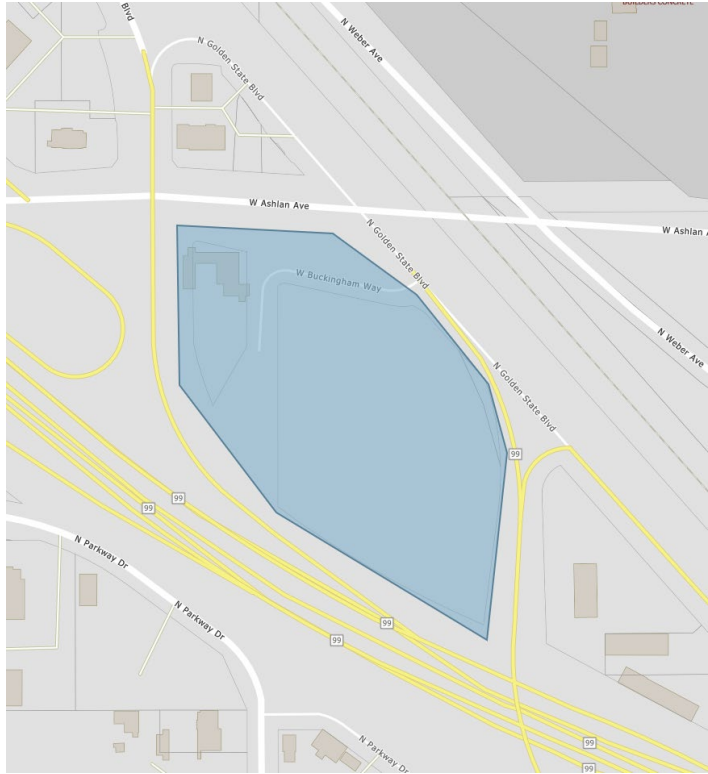
For additional information regarding this project, contact **Thomas Veatch** Planning and Development Department, by telephone at **(559) 621-8076** or via e-mail at thomas.veatch@fresno.gov. **Si necesita información en Español, comuníquese con Jose Valenzuela al teléfono (559) 621-8070.**

PLANNING AND DEVELOPMENT DEPARTMENT
Jennifer K. Clark, AICP, HDFP, Director

Dated: July 28, 2023

Assessor's Parcel No. 458-090-80

SEE MAP BELOW



SUBJECT PROPERTY



**Planning and Development Department
2600 Fresno Street, Room 3043 · Fresno, CA 93721 · Phone (559) 621-8277**

CITY OF FRESNO
 PLANNING AND DEVELOPMENT DEPARTMENT
NOTICE OF ACTION GRANTING
CONDITIONAL USE PERMIT APPLICATION NO. P23-02136 & RELATED ENVIRONMENTAL ASSESSMENT

NOTICE IS HEREBY GIVEN that the Planning and Development Department Director, in accordance with Fresno Municipal Code (FMC) Section 15-5009, has approved Conditional Use Permit Application No. P23-02136 and Environmental Assessment No. P23-02136 filed by Surjit Singh of Optimum Properties LLC, pertaining to a project site of ±3.68 acres located at 3977 & 3722 North Golden State Boulevard; located south of West Ashlan Avenue, between State Route 99 and North Golden State Boulevard. The approval authorizes construction of a ±9,580 square-foot commercial retail building which will be utilized by a food court with ±4,538 square-foot of floor area including drive-through; a grocery market with ±4,468 square-foot of floor area; a ±3,696 square-foot service station with fuel island canopy; and a ±3,600 square-foot car wash building. In addition, on and off-site improvements are proposed including but not limited to: 1 drive approach, 91 parking stalls, car wash vacuum bays, sidewalks, and landscaping. The project includes the vacation of portions of West Buckingham Way and North Brawley Avenue as well as dedications of right of way along Golden State Boulevard. A future lot line adjustment will also be included with the project. The subject property is zoned IL (*Light Industrial*).

The proposed project was determined to be exempt from the State of California Environmental Quality Act (CEQA) by the Planning and Development Department on October 20, 2023, through a Section 15332 Class 32 (Infill) Categorical Exemption. No further environmental assessment is needed. None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project and no adverse environmental impacts will occur as a result of the proposed project. The special permit has been granted subject to compliance with the Conditions of Approval, dated October 20, 2023.

*This document is available for review at the Planning and Development Department, located at 2600 Fresno Street, 3rd Floor, Fresno, California 93721. Documents are available for viewing at City Hall during normal business hours (Monday-Friday, 8 a.m.-5 p.m.) by appointment only. **Please contact the Planner listed below via e-mail or phone to request electronic copies or schedule an appointment to view documents.**

Conditional Use Permit Application No. P23-02136 was granted subject to the following findings:

FINDINGS PER FMC SECTION 15-5306	
<i>a. 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; and</i>	
Finding a:	Finding (a) can be made for the following reason: Pursuant to the use classifications under Article 13, Section 15-1302, the IL (<i>Light Industrial</i>) zone district identifies convenience retail, general market, restaurants without alcohol sales, service stations, and vehicle washing as permitted uses, while drive-throughs as a conditionally permitted use. Additional provisions in accordance with, Section 15-2728 (<i>Drive-In And Drive-Through Facilities</i>), Section 15-2744 (<i>Outdoor Dining and Patio Areas</i>), Section 15-2755 (<i>Service Stations</i>), and Section 15-2711 (<i>Automobile/Vehicle Washing</i>) will apply to the project.
<i>b. The proposed use is consistent with the General Plan and any other applicable plan and design guideline the City has adopted; and</i>	
Finding b:	Finding (b) can be made for the following reason: The proposed alcohol beverage sales use (as part of a general market) is consistent with the Employment – Light Industrial planned land use designation in the General Plan and the West Area Community Plan for the proposed establishment of the convenience retail general market.
<i>c. The proposed use will not be substantially adverse to the public health, safety, or general welfare of the community, nor be detrimental to surrounding properties or improvements; and</i>	
Finding c:	Finding (c) can be made for the following reason: Establishment of alcoholic beverage sales will not have a negative impact on either the subject site or neighboring properties in that the use will be conducted within a proposed building and site proposed for a general market use included as part of a retail, commercial travel center, use and will operate in compliance with Alcoholic Beverage Control and Police Department requirements including specific conditions of approval. Therefore, the use will be conditioned to operate in a manner that will not be adverse to the public health, safety, or welfare of the surrounding community.

d. *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*

Finding d: Finding (d) can be made for the following reasons: The type of general market use included as part of a retail commercial travel center proposed for the site will utilize the vacant parcel, and its site layout and operating characteristics will be compatible for establishing the alcohol beverage sales and with the existing retail/commercial uses established in the surrounding vicinity. A travel center is an ideal use for the subject property as it is surrounded by substantial vehicular infrastructure.

e. *The site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required.*

Finding e: Finding (e) can be made for the following reason: The site is proposed for a retail, commercial travel center, including a general market use, which is suitable for establishing the alcohol beverage sales use consistent with the allowable land use and intensity requirements of the underlying zone district with adequate access, utilities and services and emergency access. The site is ideally suited for a travel center as it is adjacent to Highway 99 on the east, Golden State Boulevard and the High-Speed Rail corridor to the west, and Ashlan Avenue is in close proximity to the north.

f. *The proposed use is consistent with the Fresno County Airport Land Use Compatibility Plan (as may be amended) adopted by the Fresno County Airport Land Use Commission pursuant to California Public Utilities Code Sections 21670-21679.5.*

Finding f: Finding (f) can be made for the following reason: The use is not located within the airport influence area or safety zones of any nearby local airport, and therefore, the proposed use is compatible with the Fresno County Airport Land Use Compatibility Plan.

The Conditional Use Permit will not become effective until 15 days from the date the permit is granted in order to allow time for any interested parties to file an appeal.

In the event you wish to appeal the Director's decision, you may do so by filing a written appeal with the Director. The appeal must include the appellant's interest in, or relationship to, the subject property, the decision or action appealed, and the specific reason(s) why the appellant believes the decision or action should not be upheld, by written letter sent via post mail to the address below or via written email to PublicCommentsPlanning@fresno.gov (cc thomas.veatch@fresno.gov). A \$930.66 fee applies to an appeal by an applicant (no fee applies if a member of the public). **The fee is required prior to accepting the appeal, as required by Section 15-5017-A.1 of the FMC and established by the Master Fee Schedule.**

ANY WRITTEN appeal must be submitted to this office prior to the close of business on **November 6, 2023**.

For additional information regarding this project, contact **Thomas Veatch** Planning and Development Department, by telephone at **(559) 621-8076** or via e-mail at thomas.veatch@fresno.gov. ***Si necesita información en Español, comuníquese con Jose Valenzuela al teléfono (559) 621-8070.***

PLANNING AND DEVELOPMENT DEPARTMENT
Jennifer K. Clark, AICP, HDFP, Director

Dated: July 28, 2023

Assessor's Parcel No. 458-090-80

SEE MAP BELOW



SUBJECT PROPERTY



**Planning and Development Department
2600 Fresno Street, Room 3043 · Fresno, CA 93721 · Phone (559) 621-8277**