

Exhibit K

Plan Amendment Findings

Based upon analysis of the application and subject to the applicant's compliance with all of the conditions of approval noted, staff concludes that the following required findings of Section 15-5812 of the FMC can be made.

FINDINGS PER FRESNO MUNICIPAL CODE SECTION 15-5812.	
<i>Finding A:</i>	The change is consistent with the General Plan goals and policies, any operative plan, or adopted policy;
a. As outlined in "Land Use Plans and Policies" discussion above, the application is consistent with the Fresno General Plan, the Edison Community Plan, and the Fresno-Chandler Downtown Airport Master Plan goals and policies.	
<i>Finding B:</i>	The change is consistent with the purpose of the Development Code to promote growth in orderly and sustainable manner, and to promote and protect the public health, safety, peace, comfort, and general welfare;
b. As outlined in "Land Use Plans and Policies" discussion above, the application is consistent with the purpose of the Development Code to promote growth in an orderly and sustainable manner, support infill development, and to promote and protect the public health, safety, peace, comfort, and general welfare.	
<i>Finding C:</i>	The change necessary to achieve balance of land uses desired by the City and to provide sites for needed housing or employment-generated uses, consistent with General Plan, any applicable operative plan, or adopted policy; and to increase the inventory of land within zone district to meet market demand.
c. The removal of the Official Plan Line is necessary to achieve balance in the circulation plan and provide an increase inventory of land within the zone districts of the impacted properties.	

Development Permit Findings

Based upon analysis of the application included in this staff report and the associated environmental assessment, and subject to the applicant's compliance with all of the conditions of approval noted, staff concludes that the following required findings of Section 15-5206 of the FMC can be made.

FINDINGS PER FRESNO MUNICIPAL CODE SECTION 15-5206.	
The Director or Planning Commission may only approve a Development Permit application if it finds that the application is consistent with the purposes of this article and with the following:	
<i>Finding A:</i>	The applicable standards and requirements of this code;
a. Staff has reviewed the requirements of the development code and has determined that, subject to compliance with the conditions of approval dated July 20, 2016, the proposed project meets all the provisions of the FMC M-3 (<i>Heavy Industrial</i>) zone district, which is subject to the IH (<i>Heavy Industrial</i>) zone district regulations and standards.	

<i>Finding B:</i>	The General Plan and any operative plan or policies the City has adopted;
b. Development Permit Application No. D-16-045 complies with the goals, objectives, and policies contained in the Fresno General Plan, Edison Community Plan, and Fresno-Chandler Downtown Airport Master Plan.	
<i>Finding C:</i>	Any applicable design guidelines adopted by the City Council;
c. The proposed project complies with all applicable design guidelines of the M-3 (<i>Heavy Industrial</i>) zone district which is subject to the IH (<i>Heavy Industrial</i>) zone district regulations and development standards of the FMC.	
<i>Finding D:</i>	Any approved Tentative Map, Conditional Use Permit, Variance, or other planning or zoning approval that the project required.
d. All special conditions required for associated applications have been incorporated into the Conditions of Approval and shall be met prior to issuance of building permits/occupancy. Furthermore, the applicant is required to submit corrected exhibits, inclusive of all of the conditions of approval, which will ensure that all requirements are met.	

Variance Findings

Based upon analysis of the variance application and subject to the applicant's compliance with all of the conditions of approval noted, staff concludes that the following required findings of Section 15-5506 of the FMC can be made.

FINDINGS PER FRESNO MUNICIPAL CODE SECTION 15-5506.	
A Variance, including variances from the terms of open-space zoning, shall only be granted if the Review Authority determines that the project as submitted or as modified conforms to all of the following criteria. If the Review Authority determines that it is not possible to make all of the required findings, the application shall be denied.	
<i>Finding A:</i>	There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the vicinity and identical zoning classification, and that the granting of a Variance will not constitute a granting of a special privilege inconsistent with the limitations on the property in the vicinity and identical zone classifications;
a. There are conditions applicable to the property involved that do not apply generally to property in the vicinity and identical zoning classification such as the requirement of a screen wall. The granting of a Variance will not constitute a granting of a special privilege inconsistent with the limitations on the property in the vicinity and identical zone classifications. Other industrial sites within the area are able to request consideration of a similar variance requests. As each variance request is evaluated on a project by project basis, the circumstances of each request may vary, affecting granting or denial, but the opportunity is present.	
<i>Finding B:</i>	The granting of the application is necessary to prevent a physical hardship which is not of the applicant's own actions or the actions of a predecessor in interest;

b. The granting of the variance is necessary to prevent a physical hardship which is not of the applicant's own actions or the actions of a predecessor in interest. The applicant operates a storage yard for construction materials, and in the past theft has been a problem for the applicant. The proposed variance will provide increased security for the subject site and reduce hardships caused by theft of materials from the subject site.

<i>Finding C:</i>	The granting of the application will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience, nor the preservation and conservation of open space lands; and
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c. The granting of the variance will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience, nor the preservation and conservation of open space lands. The subject property is located in an industrial zone district and surrounded by similar uses. The granting of variance will provide additional screening to surrounding streets and properties, further reducing the potential for conditions which would be detrimental and injurious to the public health, safety and general welfare to surrounding properties. The portions of the wall bordering public streets are required to have a minimum landscaped setback of 10 feet, which will reduce the negative visual impact of the proposed over height wall.

<i>Finding D:</i>	The granting of the Variance will be consistent with the general purposes, objectives and intent of this Fresno Municipal Code, any applicable operative plan, and of the General Plan.
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d. The granting of a variance will be consistent with the general purposes and objectives of Fresno Municipal Code, the Fresno General Plan, Edison Community Plan and Fresno-Chandler Downtown Airport Specific Plan. A screen wall for the proposed land use is required to protect surrounding properties from negative impacts of general operations at the subject site. An increase in the height of the screen wall would promote the continuation of a permitted industrial use, protect the subject site from negative security concerns, as well as preserve the characteristics of the surrounding area.