

Exhibit D

FRESNO MUNICIPAL CODE FINDINGS

CONDITIONAL USE PERMIT FINDINGS

Section 15-5306 of the Fresno Municipal Code provides that 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.

Findings per Fresno Municipal Code 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:	The proposed use of a cannabis retail business is a permitted use in the CMX + RS-5/NR (<i>Corridor/Center Mixed Use + Single-Family Residential, Medium Density/Neighborhood Revitalization Overlay</i>) zone district, subject to approval of a Conditional Use Permit, in accordance with Section 15-2739.B (Location and Design of Cannabis Retail Businesses) of the FMC. Other development standards, including parking, lighting, building materials, signage, landscaping, litter and graffiti and other applicable standards of Chapter 15 of the FMC have been incorporated and restated in the Conditions of Approval dated January 9, 2024. Furthermore, the parking lot north of the subject property is located in the RS-5/NR (<i>Single-Family Residential, Medium Density/Neighborhood Revitalization Overlay</i>) zone district which was covenanted by Condition No. 23 of Site Plan Review Application No. S-3386 to require the parking lot to serve parking for development of the subject property to the south across the alley (the existing commercial drive-thru building property).
<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:	The subject property is located within the Fresno General Plan and the Downtown Neighborhoods Community Plan, which designate the subject property for Corridor/Center Mixed-Use and Medium Density Residential planned land uses. The project is consistent with the following Fresno General Plan goals and objectives related to land use and the urban form: • Increase opportunity, economic development, business, and job creation. • Provide for a diversity of districts, neighborhoods, housing types (including affordable housing), residential densities, job opportunities, recreation, open space, and educational venues that appeal to a broad range of people throughout the city. The proposed cannabis retail business would provide a retail store that would cumulatively result in the creation of jobs, job growth, and opportunity for residents. These goals contribute to the establishment of a comprehensive citywide land use planning strategy to meet economic development objectives and achieve efficient and equitable use of resources and infrastructure in accordance with Objective LU-1 of the Fresno General Plan. Objective ED-1 supports economic development by maintaining a strong working relationship with the business community and improving the business climate for

	current and future businesses. Objective LU-6 calls for the retainment and enhancement of existing commercial areas to strengthen Fresno's economic base and site new office, retail, and lodging use districts to serve neighborhoods and regional visitors Policy LU-1-a promotes new development, infill, and rehabilitation of existing building stock in the Downtown Planning Area, along BRT corridors, in established neighborhoods generally south of Herndon Avenue, and on other infill sites and vacant land within the city. The proposed cannabis retail business will utilize existing land where the necessary infrastructure and facilities are available to serve the property. The proposed project is consistent with many of the goals and policies of the Fresno General Plan. The proposed project promotes diverse land uses and preserves and protects resources by developing within the city limits. Therefore, it is staff's opinion that the proposed project is consistent with respective general and community plan objectives and policies as supported by the above-described General Plan goals, policies and objectives, and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno.
<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:	Compliance with the Conditions of Approval dated January 9, 2024, including those conditions imposed by the Fresno Police Department will not be detrimental to the public health, safety, or general welfare of the community, and will not be detrimental to surrounding properties or improvements.
<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;</i>	
Finding D:	The request to establish a cannabis retail business is compatible with the surrounding land uses. Furthermore, a cannabis retail business is an allowed use, subject to a Conditional Use Permit, in the CMX (Corridor/Center Mixed Use) zone district and is consistent with the Corridor/Center Mixed Use planned land use designation. Furthermore, the parking lot north of the subject property is located in the RS-5/NR (Single-Family Residential, Medium Density/Neighborhood Revitalization Overlay) zone district which was covenanted by Condition No. 23 of Site Plan Review Application No. S-3386 to require the parking lot to serve parking for development of the subject property to the south across the alley (the existing commercial drive-thru building property).
<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; and,</i>	
Finding E:	The establishment will be located within an existing commercial building surrounded by other various commercial uses in the immediate vicinity. If any location restriction use (excepting day care centers) is in operation within 800 feet of the proposed cannabis retail business, then the business will be required to cease operations immediately. Therefore, the site is physically suitable for the proposed establishment of a cannabis retail business. Access, emergency access, utilities, and other required services have also been installed and continue to service the site.

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:	The subject property is not located within the boundaries of any airport identified within the current Fresno County Airport Land Use Compatibility Plan.
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Based upon the plans and information submitted by the applicant and the recommended conditions of project approval, staff has determined that all of the findings above can be made.