

Exhibit M
Fresno Municipal Code Findings

CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT
FRESNO MUNICIPAL CODE SECTION 15-5206 DEVELOPMENT PERMIT FINDINGS

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:

A.) The applicable standards and requirements of this Code.

Finding A:

The proposed project and use are permitted in the IH – Heavy Industrial zone district. As conditioned, the project will comply with all applicable standards and requirements of the Fresno Municipal Code.

B.) The General Plan and any operative plan or policies the City has adopted.

Finding B:

The proposed project has been found to be consistent with the land use designation, goals and policies called out in the Fresno General Plan and the Fresno County Airport Land Use Compatibility Plan.

C.) Any applicable design guidelines adopted by the City Council.

Finding C:

The proposed structures and site layout are consistent with the site design and façade design development standards provided in the IH zone district, and the design guidelines adopted in the Fresno General Plan.

D.) Any approved Tentative Map, Conditional Use Permit, Variance, or other planning or zoning approval that the project required.

Finding D:

All special conditions required for the proposed project have been incorporated into the Conditions of Approval which shall be met prior to issuance of building permits and occupancy. Furthermore, the applicant is required to submit corrected exhibits, inclusive of all conditions of approval which will ensure that all requirements are met.

E.) 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 E:

The majority of the project site sits within Safety Zone 4 (Outer Approach/Departure Zone), with a portion in Safety Zone 6 “Traffic Pattern Zone) of Fresno Chandler Executive Airport. A staff member from the Fresno County Airport Land Use Commission provided comments on the project’s EIR which were address in the Response to Comments. As conditioned, the project will be consistent with the Fresno County Airport Land Use Compatibility Plan.

VESTING TENTATIVE PARCEL MAP FINDINGS

Section 15-3309 of the Fresno Municipal Code provides that the Review Authority (Planning Commission) for a tentative tract map may approve or conditionally approve a tentative tract map if it makes all of the following findings:

Findings per Fresno Municipal Code Section 15-3309	
A. <i>Consistency.</i> <i>The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable operative plan, adopted policies or guidelines, and the Municipal Code; and,</i>	
Finding A:	For the reasons contained within the Staff Report to the Planning Commission dated October 4, 2023, the proposed tentative parcel map is found to be consistent with applicable goals, objectives and policies of the Fresno General Plan. Subject to compliance with the conditions of approval and mitigation measures, the proposed project may be found consistent with all applicable local ordinances, regulations, policies and standards.
B. <i>Passive and Natural Heating and Cooling.</i> <i>The proposed subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision; and,</i>	
Finding B:	The proposed subdivision has been designed with lots oriented facing north-south exposures, and takes advantage of passive heating and cooling opportunities to the extent feasible by the subdivision design.
C. <i>Availability of Water.</i> <i>Water will be available and sufficient to serve a proposed subdivision with more than 500 dwelling units in accordance with the Subdivision Map Act (Section 66473.7); and,</i>	
Finding C:	The subject project does not propose more than 500 dwelling units. It is noted, however, that a water supply assessment was prepared for the associated EIR, which determined that the City of Fresno water system has sufficient capacity to supply the projected demands.
D. <i>Infrastructure Capacity.</i> <i>There exists sufficient infrastructure capacity for water, runoff, storm water, wastewater, and solid waste systems to serve the proposed subdivision. In cases where existing infrastructure is found to be deficient, plans shall show how sufficient capacity will be provided; and,</i>	
Finding D:	The project was routed to the appropriate agencies and it was determined that there is sufficient infrastructure capacity for water, runoff, wastewater, and solid waste systems to serve the proposed subdivision, subject to mitigation measures of the associated EIR as well as project specific required improvements.
E. <i>Compliance with Floodplain Regulations.</i> <i>The proposed subdivision is compliant with the City of Fresno Floodplain Management Ordinance and the State of California Code of Regulations Title 23, as well as any other applicable State or federal laws.</i>	

Finding E:

Pursuant to the letter from the Fresno Metropolitan Flood Control District dated November 17, 2021, the project site does not appear to be located within a flood prone area.