

## Exhibit K

**FRESNO MUNICIPAL CODE FINDINGS**  
**CONDITIONAL USE PERMIT APPLICATION NO. P25-01134**

**CONDITIONAL USE PERMIT FINDINGS**

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 (FMC) 15-5306	
The Director or Planning Commission may only approve a Conditional Use Permit application if it finds that the application is consistent with the purposes of this article and with the following:	
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>
<p>Pursuant to Section 15-6704 (Commercial Use Classifications) of the Fresno Municipal Code (FMC), the proposed use would be classified as Banquet Hall which is described as a facility, as part of a hotel or as a standalone facility, where various types of gatherings may occur. Banquet Hall activities include, but are not limited to, formal dinners, receptions, reunions, business meetings, benefits, and club meetings.</p> <p>Pursuant to Table 15-1102 (Land Use Regulations – Mixed Use Districts) of the FMC, Banquet Hall is a permitted use subject to approval of a Conditional Use Permit in the CMX zone district. Therefore, Conditional Use Permit Application No. P25-01134 was filed to facilitate physical development of the site to allow for the establishment of a banquet hall within an existing building and construction of an outdoor courtyard with an outdoor pizza oven, and two hookups for food trucks, in addition to establishment of a State of California Type 47 Alcoholic Beverage Control (ABC) license (On-Sale General – Eating Place), which authorizes the sale of beer, wine, and distilled spirits for on-site consumption, and the sale of beer and wine for off-site consumption.</p> <p>Pursuant to FMC Section 15-6704, Banquet Hall is considered a Commercial use and is therefore subject to the parking requirements for “All other Commercial uses” in Table 15-2408 of the FMC (Required On-Site Parking Spaces, Mixed-Use Districts and CMS District). All other Commercial uses require one (1) parking space per 600 square feet. Additionally, pursuant to FMC Section 15-2744 (Outdoor Dining and Patio Areas), if the outdoor dining area exceeds 800 square feet, parking is required for the area in excess of 800 square feet at a ratio of 50 percent of what is required for the use. The proposed banquet hall is required to provide a minimum of 40 parking spaces.</p> <p>The project site is required to have a minimum of 100 parking spaces based on all existing and proposed uses on the project site. The project site currently has 150 parking</p>	

spaces and will result in 143 total parking spaces with the removal of seven (7) spaces for the proposed courtyard. Therefore, the project is in compliance with the parking requirements for the use.

The Project and related exhibits have been reviewed for consistency with all applicable development code standards and requirements and conditioned accordingly to ensure compliance. The project will meet all required development standards of the Corridor/Center Mixed-Use (CMX) zone district, as well as relevant regulations from Articles 20 (General Site Regulations), 23 (Landscape), 24 (Parking and Loading), and 25 (Performance Standards) of the FMC. Compliance with the Conditions of Approval shall be met prior to the development of the site.

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>
------------	--

Conditional Use Permit Application No. P25-01134 is consistent with the Corridor/Center Mixed-Use planned land use designation of the Fresno General Plan. There are several policies in the General Plan that support the project. The applicable goals, objectives and policies are cited below.

***Fresno General Plan Policies***

**Goal 7:** 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.

**Objective LU-1:** Establish a comprehensive citywide land use planning strategy to meet economic development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment.

**Policy LU-1-a:** Promote Development within the Existing City Limits as of December 31, 2012. Promote 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.

**Objective LU-6:** Retain and enhance 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-6-a: Design of Commercial Development.** Foster high quality design, diversity, and a mix of amenities in new development with uses through the consideration of guidelines, regulations, and design review procedures.

The proposed development is consistent with the Fresno General Plan, Corridor/Center Mixed-Use planned land use designation, and the Bullard Community Plan as well as the Goal, Objectives, and Policies listed from the General Plan because it is a commercial venue which will revitalize an existing building located along Shaw Avenue within the City limits south of Herndon Avenue.

Finding c:	<i>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;</i>
------------	--

The proposed use has been reviewed by the City of Fresno Planning and Development, Public Utilities, Public Works, Police, and Fire Departments. In addition, all responsible departments, and agencies such as the Fresno County Department of Public Health, San Joaquin Valley Air Pollution Control District, Fresno Metropolitan Flood Control District, Fresno Irrigation District, Fresno Unified School District, and Pacific Gas & Electric Company have been contacted and afforded opportunity to review and provide comments and/or requirements for purposes of the proposed project. The reviews provided by these City Departments and partnering responsible agencies have been analyzed and addressed in the conditions of approval for the proposed project.

Public services, such as Fire and Police, are available. The project will not result in significant impacts to emergency response times or other performance objectives for emergency services. The proposed project will also contribute to Citywide Development Impact fees which contribute to police and fire services. Therefore, the proposed project will not be a detriment to the public safety of the community. The proposed project will also not be detrimental to the general welfare of the community.

Further, the project has been adequately reviewed by all responsible departments and agencies for compliance with applicable regulations and requirements as included in the conditions of approval for development, which will minimize or eliminate any potentially significant adverse impacts to the health, safety, and general welfare of the surrounding community. The proposed use will not have a negative impact on either the subject site or neighboring properties given the conditions of approval.

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>
------------	---

#### Design

A proposal to establish a ±6,450 square-foot event center within an existing ±17,313 square-foot building along with the construction of a ±9,340 square-foot outdoor courtyard with an outdoor pizza oven, and two (2) hookups for food trucks on the north side of the building. Additionally, the applicant is requesting authorization to establish a State of California Type 47 ABC license (On-Sale General – Eating Place), which authorizes the sale of beer, wine, and distilled spirits for on-site consumption, and the sale of beer and wine for off-site consumption.

#### Location

As stated above, the proposed uses are permitted in CMX zone district subject to a Conditional Use Permit and compliance with Sections 15-1102, and 15-2712 of the FMC. The use is found to be compatible with the existing or future land uses in the vicinity.

#### Size

The project will occupy one parcel totaling approximately 2.96 acres.

Operating Characteristics

The proposed project will operate in compliance with all applicable FMC requirements for Banquet Hall. The operation has been conditioned to be consistent with the underlying CMX zone district and Corridor/Center Mixed-Use planned land use designation.

The surrounding existing land uses include office and commercial uses to the south, west, and east of the parcel, and residential uses to the north of the parcel.

Therefore, the proposed project is compatible with the established land uses in the surrounding area, will comply with development code requirements, and will not have a negative impact on the existing and future land uses in the vicinity for the reasonably foreseeable future

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; and</i>
------------	--

The proposed use will be located within an existing building within City limits surrounded by other various residential and commercial uses in the immediate vicinity. Therefore, the site is physically suitable for the proposed Banquet Hall. Access, emergency access, utilities, and other required services are also available for the site.

Finding f:	<i>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>
------------	--

The proposed use is consistent with the Fresno County Airport Land Use Compatibility Plan. The project is within the area of influence of the Fresno County Airport Land Use Compatibility Plan. The project site is located within the Fresno Yosemite International Airport's (FAT) Safety Zone 7 – Precision Approach Zone. The proposed banquet hall is not a listed prohibited use. The aircraft accident risk level is considered to be low within the PAZ, and the building which exists on the site will only be renovated and no height to the building will be added. Therefore, the proposed project is compatible and in compliance with the Airport Land Use Compatibility Plan.