

EXHIBIT D – FRESNO MUNICIPAL CODE FINDINGS

Section 15-5811 of the Fresno Municipal Code provides that the “Planning Commission shall not recommend and the City Council shall not approve an application unless the proposed Text Amendment meets Criteria A (1 and 2) as noted below.

1. The Code text amendment is consistent with the General Plan, 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 and any applicable operative plans; and”

The purpose of the proposed Text Amendment is to update Sections 15-4907 and 15-5016 of the Fresno Municipal Code relative to Planning Actions and Revocation of Permits to grant authority to the City Council, Planning Commission, and Director of Planning and Development to modify Conditional Use Permits. Text Amendment Application No. P24-02419 has been examined with respect to its consistency with the Fresno General Plan and it has been concluded that the proposed Text Amendment is consistent with the following General Plan Policies:

Policy HC-4-e: **Chronic Violators.** Design and implement procedures to address chronic code violations at single properties.

Policy LU-1-b: **Land Use Definition and Compatibility.** Include zoning districts and standards in the Development Code that provide for the General Plan land use designations and create appropriate transitions or buffers between new development with existing uses, taking into consideration the health and safety of the community.

Policy D-5-b: **Code Enforcement.** Continue enforcement of the Fresno Municipal Code to remove or abate public nuisances in a timely manner.

Text Amendment No. P24-02419 is in conformance with the above-referenced Policies of the Fresno General Plan in that it will update Sections 15-4907 and 15-5016 of the Fresno Municipal Code to include provisions to grant authority to the City Council, Planning Commission, and Director of Planning and Development to modify conditional use permits. This Text Amendment is intended to directly address issues with businesses that hold active Conditional Use Permits (CUPs) and have violated conditions within said CUP. Therefore, the Text Amendment will support General Plan Policy HC-4-e in that it will remediate ongoing issues with CUP violations. In addition, modifications within

Conditional Use Permits initiated by the City Council, Planning Commission and Director of Planning and Development will provide the opportunity to modify conditions in repeated violation to better conform to surrounding uses and further promote appropriate transitions with existing uses. Furthermore, this Text Amendment supports General Plan Policy D-5-b in that it will support code enforcement efforts to abate public nuisances caused by situations in which a business violates conditions within an active CUP to allow City-initiated modification authority in such instances.

2. "The amendment is consistent with the purpose of the Development Code to promote the growth of the city in an orderly and sustainable manner and to promote and protect the public health, safety, peace, comfort, and general welfare."

The proposed Text Amendment is consistent with the purpose of the Development Code, in that it will promote the public health, safety, peace, comfort, and general welfare by establishing a City-initiated process to modify Conditional Use Permits in instances where a business with an active Conditional Use Permit violates conditions of said CUP. This Text Amendment will seek to address nuisances created as a result of aforementioned violations, therefore promoting and protecting the public health, safety, peace, comfort and general welfare. In addition, granting authority to the City Council, Planning Commission, and Director of Planning and Development to modify conditional use permits that fail to comply with the conditions of approval, or the provisions set forth in the Fresno Municipal Code will further discourage and reduce the occurrence of violations by establishing a process to modify conditions that align with surrounding uses.

As a result, the proposed Text Amendment to establish a City-initiated process for modification of conditional use permits will serve as a deterrent to violators of the Conditional Use Permits, and subsequent provisions of the Fresno Municipal Code, therefore promoting and protecting the public health, safety peace, comfort, and general welfare.