

Exhibit I
Fresno Municipal Code Findings

CONDITIONAL USE PERMIT APPLICATION P21-06304 REVIEW FINDINGS

Findings per Fresno Municipal Code Section 15-5306

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.*

Finding A:

As specified in FMC Section 15-2759, the proposed use of a wireless telecommunication facility is allowed as a conditionally permitted use within the DTN / AH – Downtown Neighborhood / Apartment House zone district. Furthermore, the use is in compliance with the Fresno Municipal Code, the applicable requirements under the Policies and Procedures Issue No. 33 for Wireless Telecommunication Facilities, and Federal Communications Commission regulations.

B.) *The proposed use is consistent with the General Plan and any other applicable plan and design guideline the City has adopted.*

Finding B:

The proposed wireless telecommunication facility, as conditioned, has been found to be consistent with the Downtown Neighborhood Community Plan and the applicable Goals and Policies of the Fresno General Plan as follows:

Goal 12: Resolve existing public infrastructure and service deficiencies make full use of existing infrastructure, and invest in improvements to increase competitiveness and promote economic growth.

The wireless telecommunications facility is being proposed to enhance the level of wireless coverage and service to the immediate and surrounding areas, including the core of Downtown. The COVID-19 pandemic demonstrated a need for greater, reliable coverage for residents to attend work and school remotely.

Goal 15: Improve Fresno's visual image and enhance its form and function through urban design strategies and effective maintenance.

The wireless telecommunications tower is designed to be aesthetically appealing, compared directly to an undisguised tower with the same antenna array. The tower will be conditioned to be comprised of high quality materials which closely resemble pine tree foliage. The faux-foliage must be approved by the Planning Department to ensure the tower will closely resemble a tree. Dependent on the location on the tower, the tower mounted equipment will be painted or covered in needle socks and hidden within the branches of the tree to ensure the tower closely resembles a tree. The ground lease area will have a CMU wall with anti-graffiti paint and landscaping will be planted around the compound. The overall design shall be aesthetically pleasing.

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.*

Finding C:

The proposed use, as conditioned, will not be substantially adverse to the public health, safety, or general welfare of the community, nor be detrimental to surrounding properties or improvements in that;

- The use follows applicable Policies and Procedures Issue No. 33 which establishes procedures to promote quality and consistency in the approval of wireless telecommunication facilities;

- The 80-foot-tall mono-pine cell tower will be aesthetically pleasing, compared directly to an undisguised tower with the same antenna array, and the tower's appearance will be conditioned to be well kempt;
- All facility ground equipment will be hidden behind a walled enclosure that will effectively screen it from public view;
- The facility's Electromagnetic Fields and Radio Frequency exposure levels will operate in compliance with the FCC regulations;
- The facility will not create significant effects relating to traffic, noise, air quality, or water as this self-operating facility will not generate excessive vehicle traffic or foot traffic; and
- The facility will operate in compliance with the noise level requirements specified under Section 15-2506 of the Development Code.

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.*

Finding D:

The design, location, size, and operating characteristic of the proposed activity as conditioned are compatible with the existing land uses in the area which are residential single family condominium homes to the North, the light industrial and commercial uses to the West and South, and the State Route 41 freeway to the east. The facility will be located directly across from an aging building in the corner of an outdoor storage area. The ground lease area will be surrounded with landscaping and the mono-tree design will aesthetically disguise the tower, compared directly to an undisguised tower with the same antenna array.

E.) *The site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required.*

Finding E:

The type, density, and intensity of the proposal are suitable for the site. The wireless telecommunication facility will be within a 668 square-foot lease area surrounded by landscaping. A 9'x20' parking area will be available for service vehicles. The project lease area is adequately served by existing streets that provides emergency access, utilities, and services required subject to compliance with Conditions of Approval dated February 7, 2022.

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 project is not located within any safety zone of the Fresno Yosemite International Airport, the Fresno Chandler Executive Airport, or the Sierra Sky Park Airport.