

Exhibit K

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; and,

Finding a: The existing establishment is currently operating as authorized under previously approved Conditional Use Permit Application No. P21-06413. Per Table 15-1202 of the FMC the use of a Restaurant with Alcohol Sales is permitted with an approved Conditional Use Permit. Given the conditions of approval, the project will comply with all applicable provisions of the Citywide Development Code including but not limited to special use regulations for Restaurants with Alcohol Sales, Bars, Nightclubs and Lounges (Section 15-2751) and Outdoor Dining and Patio Areas (Section 15-2744).

b. The proposed use is consistent with the General Plan and any other applicable plan and design guideline the City has adopted; and,

Finding b: The existing Restaurant with Alcohol Sales is a conditionally permitted use and is consistent with applicable policies of the General Plan and the Bullard Community Plan as they do not have any specific policies that would restrict the proposed use.

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,

Finding c: The existing Restaurant with Alcohol Sales which requested authorization to extend the hours of operation to 8:00 a.m. until 2:00 a.m. has been conditioned to cease operations at 12:00 a.m. and comply with additional conditions requested by the Fresno Police Department. Given the conditions of approval dated October 4, 2023 as amended by the Planning Commission, the establishment will not be substantially adverse to the public health, safety, or general welfare of the community, nor be detrimental to surrounding properties or improvements, given that the project will comply with the Conditions of Approval dated October 4, 2023 as amended by the Planning Commission.

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; and,

Finding d: The Restaurant with Alcohol Sales and outdoor dining area is consistent with the planned land use designation and zoning classification and will comply with FMC requirements and not have a negative impact on either the subject site or neighboring properties given compliance with the conditions of approval. The existing building and proposed activity (Restaurant with Alcohol Sales with Type 47 alcohol license operating until 12:00 a.m.) are compatible with the surrounding existing and future uses within the existing shopping center given compliance with the conditions of approval.

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 site has been previously developed and is in accordance with the applicable development standards. The site is physically suitable for the proposed Restaurant with Alcohol Sales use and is consistent with the allowable land use and intensity requirements per the underlying zone district. Access, emergency access, utilities, and services have been installed and maintained and continue to serve the site at adequate capacities.

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 site is located within Safety 7 (Precision Approach Zone) of the Fresno Yosemite International Airport Influence Area. However, no new development is proposed on the site. Furthermore, the use is not listed as a prohibited use per Table 3A of the Fresno County Airport Land Use Compatibility Plan. Therefore, the project is consistent with the Fresno County Airport Land Use Compatibility Plan.