

## **EXHIBIT L**

### FMC Findings

## 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 application is consistent with the applicable standards and requirements of the Fresno Municipal Code; and,*

Finding a:	Development Permit Application No. P18-03316 will comply with all applicable codes, including landscaping, lighting, etc., given that the special conditions of project approval will ensure that all conditions are met. The proposed project will be consistent with the proposed planed land use designation and zoning classification.
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*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 proposed development is consistent with the proposed Fresno General Plan and Bullard Community Plan designations of Open Space and Multi-Use Open Space. The project will provide public access to the San Joaquin River as part of the greater Eaton Trail network. This use is consistent with these planned land use designations under the Fresno General Plan and Bullard Community Plan.
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*C. The proposed use is consistent with any applicable design guidelines adopted by the City Council; and,*

Finding c:	The proposed use is consistent with the design guidelines outlined in the PR/BP/UGM ( <i>Parks and Recreation/Bluff Preservation/Urban Growth Management</i> ) and OS/BP/UGM ( <i>Open Space/Bluff Preservation/Urban Growth Management</i> ) zone districts.
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*D. The application is consistent with any approved Tentative Map, Conditional Use Permit, Variance, or other planning or zoning approval.*

Finding d:	The design, location, size, and operation characteristic of the proposed activity are compatible with the existing surrounding land uses.
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## VARIANCE FINDINGS

### FINDINGS PER FRESNO MUNICIPAL CODE SECTION 15-5506

A Variance, including variances from the terms of open-space zoning, shall only be granted if the Review Authority determines that the project as submitted or as modified conforms to all of the following criteria. If the Review Authority determines that it is not possible to make all of the required findings, the application shall be denied.

Finding a:	<i>There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the vicinity and identical zoning classification, and that the granting of a Variance will not constitute a granting of a special privilege inconsistent with the limitations on the property in the vicinity and identical zone classifications;</i>
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a. There are exceptional and extraordinary circumstances applicable to the property that does not apply to property in the vicinity. In order for the project to be carried out a variance is required to allow grading within the San Joaquin River Bluff Preservation Zone. Due to the steep terrain, grading is required to provide safe public access to the San Joaquin River.

Finding b:	<i>The granting of the application is necessary to prevent a physical hardship which is not of the applicant's own actions or the actions of a predecessor in interest;</i>
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b. The granting of this Variance Application is necessary for the project to provide safe public access to the San Joaquin River as a result of the topography. Therefore, the physical hardship is not of the applicant's own actions.

Finding c:	<i>The granting of the application will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience, nor the preservation and conservation of open space lands; and</i>
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c. The approval of this variance application will not be detrimental or injurious to property or improvements in the vicinity or to the safety, public health, or welfare of the public. Rather, the project is intended to benefit the public by providing access to the San Joaquin River for recreation and enjoyment. The project would be required to comply with mitigation measures identified in the Environmental Impact Report (EIR) prepared for the Eaton Trail Expansion Project to offset any potential significant environmental impacts.

Finding d:	<i>The granting of the Variance will be consistent with the general purposes and objectives of this Code, any applicable operative plan, and of the General Plan.</i>
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d. The granting of the Variance will be consistent with the general purposes and objectives of the Fresno Municipal Code, the Fresno General Plan, and Bullard Community Plan. The zone districts and planned uses are intended for this area to serve as a place for parks and recreation. The project will provide access to the San Joaquin River for purposes of increased recreational activities, thus, is consistent with then planned land uses and zone districts of the project.