

EXHIBIT I

FRESNO MUNICIPAL CODE FINDINGS

HOUSING ELEMENT FINDINGS

The City Council finds the approval of Conditional Use Permit Application No. P18-03222 to develop a 3,052 square foot convenience space and service station is in the best interest of the City of Fresno and makes the following findings pursuant to Section 65863 of the California Government Code:

1. The reduction in residential densities on sites within the Housing Element inventory included in the proposed CUP is consistent with the goals and objectives of the Fresno General Plan, and is consistent with the Housing Element; and
2. The remaining sites identified in the Housing Element are adequate to meet the requirements of Section 65583.2 and to accommodate the City's share of the regional housing need pursuant to Section 65584. The capacity quantification for all income categories is as follows:
 - i. The 2013-2023 RHNA capacity for moderate is proposed to be decreased by seven units which will decrease the excess capacity from 1,861 to 1,854 units. The 2013-2023 RHNA obligation for moderate is 3,228 units and the total capacity remaining after the proposed decrease is 5,082.
 - ii. The 2008-2013 RHNA total capacity has no changes proposed.

DEVELOPMENT PERMIT APPLICATION 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:	
<i>A. The applicable standards and requirements of this Code.</i>	
Finding A:	The proposed project is permitted in the NMX (<i>Neighborhood Mixed Use</i>) zone district and complies with all applicable provisions of the Code.
<i>B. The General Plan and any operative plan or policies the City has adopted.</i>	
Finding B:	The proposed development is consistent with the proposed Fresno General Plan and Downtown Neighborhoods Community Plan, as well as the NMX zone district.
<i>C. Any applicable design guidelines adopted by the City Council.</i>	
Finding C:	There are no design guidelines adopted by the City Council that are applicable to this project, other than the operative plans previously discussed in Finding B.
<i>D. Any approved Tentative Map, Conditional Use Permit, Variance, or other planning or zoning approval that the project required.</i>	
Finding D:	There are no previously approved entitlements on the project site. With the exception of the proposed off-site alcohol sales use, the project has been found to be consistent with the proposed Conditional Use Permit for the service station use, as found in the Conditional Use Permit findings below.

CONDITIONAL USE PERMIT APPLICATION FINDINGS

Findings per Fresno Municipal Code Section 15-5306

A Conditional Use Permit 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 decision-maker determines that it is not possible to make all of the required findings, the application shall be denied.

E. 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:

Alcohol Use:

While the proposed project is permitted in the NMX (*Neighborhood Mixed Use*) zone district, the alcohol use does not comply with all applicable provisions of the Code; specifically FMC Section 15-2706-E (Location Restrictions for New Establishments). The proposed project is located within documented high crime and over concentrated areas, and is located within close proximity of similar and sensitive uses. Therefore, staff cannot make the required finding A for the alcohol use.

Service Station Use:

The proposed project is permitted in the NMX (*Neighborhood Mixed Use*) zone district and complies with all applicable provisions of the Code.

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

Finding
B:

Alcohol Use:

The proposed project is not in compliance with the Fresno General Plan and the Downtown Neighborhoods Community Plan. The establishment shall not be located in an area of high crime and shall not be located in an area of high concentration, as defined by the California Business and Professions Code 23958.4(a)(3) et seq., and as determined by the Department of Alcoholic Beverage Control. The proposed use provides concerns for an overabundance of establishments selling alcohol, crime, and danger to nearby schools. Therefore, staff cannot make the required finding B.

Service Station Use:

The proposed development is consistent with the proposed Fresno General Plan and Downtown Neighborhoods Community Plan, as well as the NMX zone district.

G. 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:

Alcohol Use:

The typical reporting district experiences an average of 543 criminal offenses per year. The reporting district in which subject establishment is located has experienced approximately 1,044 offenses. The Fresno Police Department recommends denial of the application as the proposed use would be detrimental to the public health, safety, or welfare of persons and businesses located in the surrounding area. Therefore, staff cannot make the required finding C.

	<p>Service Station Use:</p> <p>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. The project proposes a design consistent with the character of the area.</p>
<p><i>H. 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.</i></p>	
Finding D:	<p>The proposed project is surrounded by urban uses, including commercial and residential uses at this developed intersection. The use is compatible with the planned land use for the location and surrounding area, indicating that it will remain compatible for the foreseeable future.</p>
<p><i>I. The site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required.</i></p>	
Finding E:	<p>The proposed development is consistent with the allowable land use and intensity requirements per the underlying zone district. Adequate access, parking, utilities and services have been provided to serve the property and were reviewed for consistency with the requirements of the NMX (<i>Neighborhood Mixed Use</i>) planned land use and zone district.</p>