

EXHIBIT J
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 billboard has been conditioned to comply with all property development standards of the O zone district and all applicable lighting standards.
<i>B. The General Plan and any operative plan or policies the City has adopted.</i>	
Finding B:	The proposed project complies with all policies in the General Plan and Woodward Park Community Plan.
<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.
<i>D. Any approved Tentative Map, Conditional Use Permit, Variance, or other planning or zoning approval that the project required.</i>	
Finding D:	As conditioned and recommended, the Development Permit will not need a Variance.

VARIANCE APPLICATION 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.	
<i>a. 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>	
Finding a:	<p>There are exceptional and extraordinary circumstances and conditions applicable to the property involved that do not apply generally to property in the vicinity and identical zoning classification: 1) The property is located directly adjacent to an elevated freeway, and 2) the ownership of this specific O (Office) district property allows for greater uses.</p> <p>However, the granting of the Variance would constitute a granting of a special privilege inconsistent with the limitations on the property in the vicinity and identical zone classifications.</p> <p>As the applicant-provided photosimulations show, the digital billboard is visible at a Code-compliant height of 60 feet from the southbound travel direction of State Route 41. The applicant states that the billboard cannot be marketable due to the location of</p>

	<p>existing cell towers on the same property (“a jungle of infrastructure”). Staff’s analysis shows that the cell tower pole obstructs at most two (2) percent of the billboard. Furthermore, the applicant’s own Media Kit for Fresno shows existing billboards blocked to the same degree by streetlights and traffic signals. Common sense logic states that if bisected billboards are not marketable, they would not be placed in the applicant’s own Media Kit, let alone exist.</p> <p>From the northbound view, the applicant-provided photosimulation does show trees substantially obstructing (30%) the view of the billboard at a Code compliant, reduced to less than 1% at the proposed height. These trees however are located on CalTrans right-of-way, and there are procedures available to the applicant to have these trees trimmed.</p>
<i>b. 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>	
Finding b:	<p>The applicant states that the presence of existing wireless telecommunication facilities found on the same property constitutes a physical hardship, due to the tower pole obstructing the messaging that would be found on a billboard of Code-compliant height.</p> <p>The mere existence of an obstruction blocking 2% of a message does not constitute a physical hardship, as a great majority of signage within City limits—including billboards—are blocked to some minor degree by City equipment. Furthermore, the billboard would be located approximately 33 feet higher than the largest allowed CalTrans directional sign.</p>
<i>c. 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>	
Finding c:	<p>The digital billboard will be required to comply with the California Building Code, all CalTrans requirements, and has been found to be consistent with the Fresno County Airport Land Use Compatibility Plan, subject to approval by the FAA, and up to a height of 86 feet.</p>
<i>d. 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>	
Finding d:	<p>The approval of the Variance would be inconsistent with the Development Code’s Purpose, FMC Section 15-102-J, “To safeguard and enhance the appearance of the city.” The approval of the Variance would create an overheight billboard which would not safeguard nor enhance the appearance of the city, as it would overwhelm its surroundings by its large scale and form. The approval of a Variance due to existing light poles and trees that could be trimmed would create precedence, thereby preventing the Development Code from safeguarding the appearance of the City.</p>