

EXHIBIT H
FRESNO MUNICIPAL CODE FINDINGS

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.	
<i>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.</i>	
Finding A:	The proposed service station and convenience store is permitted in the NMX (Neighborhood Mixed Use) zone district by Conditional Use Permit and is conditioned to comply with all applicable provisions of the Code.
<i>B. The proposed use is consistent with the General Plan and any other applicable plan and design guideline the City has adopted.</i>	
Finding B:	The proposed service station and convenience store is consistent with the General Plan and Downtown Neighborhoods Community Plan.
<i>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.</i>	
Finding C:	The proposed service station and convenience store 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 compatible architectural design consistent with the character of the area and has been conditioned to comply with all relevant sections of the development code that apply, specifically but not limited to regulations regarding the operation of service station use, traffic and circulation, building and safety requirements, and fire regulations. The project has been reviewed by Planning, Building & Safety, Traffic Planning, and the Fire Department. All comments received have been incorporated into the conditions of approval for the project. Compliance with the conditions will be required prior to the project receiving its final building permit.
<i>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.</i>	
Finding D:	The proposed service station and convenience store 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. Tulare is classified a major street (Collector), and the NMX zoning designation is assigned to all properties on both sides of Tulare Street between the intersections of Tulare Street and South First Street And Tulare Street and North Chestnut Avenue.
<i>E. The site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required.</i>	
Finding E:	The proposed service station and convenience store 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 (Neighborhood Mixed Use) planned land use and zone district.
<i>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.</i>	
Finding F	The proposed project is consistent with the Fresno County Airport Land Use Compatibility Plan. The project site is not located within any of the safety boundaries areas of the airports located in Fresno County.

HOUSING ELEMENT FINDINGS

Findings per California Government Code Section 65583	
<i>The Director or Planning Commission may only approve an application that reduces the residential density for sites within the Housing Element Inventory, or allow development of any site at a lower density if it find that the application is consistent with the purposes of this article and with the following:</i>	
<i>A. The reduction in residential densities on sites within the Housing Element inventory included in the proposed Development Permit and Planned Development is consistent with the goals and objectives of the Fresno General Plan, and is consistent with the Housing Element; and</i>	
Finding A:	The reduction in residential densities on sites within the Housing Element inventory and the proposed Conditional Use Permit is consistent with the goals and objectives of the Fresno General Plan The proposed use as a service station and convenience store is an allowable use per the Citywide Development Code subject to Conditional Use Permit approval. Additionally; the project is consistent with the Housing Element in that the project is developing at an allowed density as noted below.
<i>B. 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>	
Finding B:	This project is located on a parcel listed in the 2013-2023 RHNA Housing Element Sites Inventory, which anticipates seven units of moderate housing at this site. The 2013-2023 RHNA obligations for moderate are 3,228 units and the existing surplus capacity is 952 units for a total existing capacity of 4,180 units. This project proposes the construction of a convenience store and gas station with zero units of housing, thus this project will result in the loss of seven moderate units from the Sites Inventory, resulting in a the surplus capacity of 945 units. As the remaining sites identified in the Housing Element are adequate to meet the requirements of Section 65583.2 of the California Government Code and to accommodate the City's share of the regional housing need pursuant to Section 65584, this project is consistent with the Housing Element.