

## Exhibit E

# FRESNO MUNICIPAL CODE FINDINGS

## CONDITIONAL USE PERMIT APPLICATION NO. P23-00801

### CONDITIONAL USE PERMIT FINDINGS

A Conditional Use Permit shall only be granted if the decision-maker 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.

Findings per Fresno Municipal Code Section 15-3309	
<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 use of a cannabis retail business is a permitted use in the CMX (Corridor/Center Mixed Use) zone district, subject to approval of a Conditional Use Permit, in accordance with Section 15-2739.B (Location and Design of Cannabis Retail Businesses) of the FMC. Other development standards, including parking, lighting, building materials, signage, landscaping, litter and graffiti and other applicable standards of Chapter 15 of the FMC have been incorporated and restated in the Conditions of Approval.
<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 project to establish a cannabis retail business is consistent with all applicable policies of the Fresno General Plan and the Bullard Community Plan, which allow cannabis retail businesses in appropriate zone districts.
<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:	Compliance with the Conditions of Approval, including those conditions imposed by the Fresno Police Department will not be detrimental to the public health, safety, or general welfare of the community, and will not be detrimental to surrounding properties or improvements.
<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; and,</i>	
Finding D:	The request to establish a cannabis retail business is compatible with the surrounding land uses. Furthermore, a cannabis retail business is an allowed use, subject to a Conditional Use Permit, in the CMX (Corridor/Center Mixed Use) zone district and is consistent with the Corridor/Center Mixed Use planned land use designation.
<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 establishment will be located within an existing commercial tenant suite surrounded by other various commercial uses in the immediate vicinity. Therefore, the site is physically suitable for the proposed establishment of a cannabis retail business. Access, emergency access, utilities, and other required services have also been installed and continue to service the site.
<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 subject property is located within the Fresno Yosemite-International Airport. The Airport requires that no structures exceeding 100 feet be constructed on the property. The tallest structure on the property is at a peak height of 16 feet. Therefore, the proposed project and uses are consistent with the Fresno County Airport Land Use Compatibility Plan.

Based upon the plans and information submitted by the applicant and the recommended conditions of project approval, staff has determined that all of the findings above can be made.