

Exhibit K - Fresno Municipal Code 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:

Finding a: The applicable standards and requirements of this Code.

Finding (a) can be made for the following reason: Pursuant to Fresno Municipal Code (FMC) Table 15-1302 (Land Use Regulations - Employment Districts), Truck Repair (which is classified as Large Vehicle and Equipment Sales, Service and Rental) and Vehicle Washing are permitted in the Business Park (BP) Zone District subject to a Development Permit, and the proposed outdoor storage component is permitted provided that it shall be incidental to a primary use and screened from public view, and that a courtesy notice will be provided to all properties within 1,000 feet of these uses when approved.

Based on the FMC requirements described above, outdoor storage is required to be incidental to a primary use. Commercial truck storage on its own would not meet the requirements of the FMC. Additionally, the proposed truck storage component of the project does not meet the intent of the BP land use designation to provide a campus like setting for large multi-tenant buildings. However, the truck repair and vehicle washing components are allowed per the zoning requirements of the FMC. Therefore, the project is conditioned to: 1.) reduce the scope of the outdoor storage/truck parking component so that it is clearly incidental to the truck repair and wash component; and 2.) development shall occur either as a single phase; or 3.) commence with developing the proposed Phase 4 first.

Significant screening measures have been conditioned to be completed in order to ensure minimal impacts to surrounding land uses. Additional regulations in accordance with FMC Section 15-2710 (Automobile/Vehicle Service and Repair, Major and Minor), Section 15-2711 (Automobile/Vehicle Washing), and Section 15-15-2721 (Concrete Batch Plants, Storage Yards, and Similar Uses) also apply.

Based on requirements of the FMC, the project is required to provide a 200-foot setback between the outdoor storage of commercial trucks and the adjacent residential areas. The application is also required to orient the bay doors of the truck repair and truck wash buildings away from the residential areas.

They are also conditioned to include significantly more landscaping than originally proposed in order to provide a substantial screening barrier. FMC Section 15-2721-C-3-d provides flexibility for additional screening and landscaping, as determined by the Director, that may be required where necessary to prevent visual impacts on adjacent properties. In this instance, the property was intended per the General Plan for large-

multi-tenant buildings where office and light industrial uses would occur indoors, and the large buildings would have served to screen the adjacent properties from State Route 99 and the industrial areas located to the east. The proposed project includes no such buildings and proposes a large amount of outdoor storage. Therefore, the additional screening measures are required.

The project has also been conditioned to revise their operational statement to detail how they will minimize the routing of commercial trucks through the residential area; minimize the idling of commercial trucks; and locate refrigerated commercial trucks and trailers that are required to idle as far away as possible from the residential zoned properties. Given that the special conditions of project approval issued for the project will be complied with prior to development and operation of the site, Development Permit No. P21-01833 will comply with the BP zone district and all applicable codes.

Finding b: The General Plan and any operative plan or policies the City has adopted.

Finding (b) can be made for the following reason: As stated above, the property was intended per the General Plan for large-multi-tenant buildings where office and light industrial uses would occur indoors. Per the General Plan, the Business Park designation provides for office/business parks in campus-like settings that are well suited for large offices or multi-tenant buildings. This designation is intended to accommodate and allow for the expansion of small businesses.

However, as discussed in finding a, the proposed use has been conditioned under Development Permit Application No. P21-01833 to be consistent with the Employment – Business Park planned land use designation for the project site and complies with the site design and façade design development standards of the Development Code subject to the conditions of approval dated April 3, 2024.

Finding c: Any applicable design guidelines adopted by the City Council.

Finding (c) can be made for the following reason: As discussed in findings a and b, the proposed project as conditioned complies with all applicable objectives and policies for buildings and design contained in the Development Code and the Fresno General Plan. The project will comply with the site design, development and façade standards for Employment districts. Given the conditions of approval, the project will meet all applicable standards and requirements of the development code, including FMC Articles 23, 24, 25, and 27, of Chapter 15.

Finding d: Any approved Tentative Map, Conditional Use Permit, Variance, or other planning or zoning approval that the project required.

Finding (d) can be made for the following reason: The proposal does not require approval of a tentative map, conditional use permit, or variance for approval. All special conditions required for the proposed project have been incorporated into the Conditions of Approval which shall be met prior to issuance of building permits/occupancy. Furthermore, the

applicant is required to submit corrected exhibits, inclusive of all conditions of approval which will ensure that all requirements are met.

Finding e: 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.

Finding (e) can be made for the following reason: The project is not located within an airport influence area identified in the Fresno County Airport Land Use Compatibility Plan. Therefore, the project is consistent with the Fresno County Airport Land Use Compatibility Plan.