

EXHIBIT M
Fresno Municipal Code Findings

Findings per Fresno Municipal Code Section 15-5306

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.

Finding A:

Drive-throughs are a conditionally permitted use within the DTN (Downtown Neighborhood / Activity Class B) zone district. Given the conditions of approval, the project will comply with all applicable standards and requirements of the Fresno Municipal Code.

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

Finding B:

As conditioned, the proposed facility has been found to be consistent with the Downtown Neighborhoods Community Plan and the applicable Goals and Policies of the Fresno General Plan as follows:

Downtown Neighborhoods Community Plan Goal 2.12.4: Allow drive-thru businesses along certain corridors, but ensure the drive-through facilities do not conflict with or degrade the pedestrian environment.

- As conditioned, the project will not conflict with or degrade the pedestrian environment. The café is required to be setback for a sidewalk expansion and improvements which will improve the current conditions. In addition to that, the building and outdoor patio will meet the required frontage requirements and have the appropriate glazing to create a comfortable pedestrian environment. The parking lot and drive-through will be hidden behind the building away from the pedestrian areas.

General Plan Policy LU-2-a: Infill Development and Redevelopment. Promote development of vacant, underdeveloped, and re-developable land within the City Limits where urban services are available by considering the establishment and implementation of supportive regulations and programs.

- The project site is one parcel among a few within a previously unified development. The former building onsite was demolished leaving the oversite with a large dirt area which allowed for unwelcomed activity. The project will replace the unsightly dirt parcel with a café that will complement the existing grocery store and hotel.

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.

Finding C:

As conditioned, 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 in that:

- ❖ The project will not result in any significant effects to traffic whereas the project was not required by the Department of Public Works Traffic Division to produce a Traffic Impact Study to determine potential impacts. Furthermore, a VMT analysis concluded the project will have a net zero (0) increase in Regional VMT therefore having no impact.
- ❖ The project will not result in any significant effects to noise whereas the project will be in compliance with City of Fresno noise standards outline in Fresno Municipal Code Section 15-2506.
- ❖ The project will not result in any significant effects to air quality whereas the San Joaquin Valley Air Pollution Control District conducted an Indirect Source Review/Air Impact

Assessment of the project and concluded the baseline emissions for construction and operation will be less than two tons NOx per year and two tons PM10 per year. Pursuant to District Rule 9510 Section 4.3, this project is exempt from the requirements of Section 6.0 (General Mitigation Requirements) and Section 7.0 (Off-site Emission Reduction Fee Calculations and Fee Schedules) of the rule. Therefore, the project will not have a significant effect on air quality.

- ❖ The project will not result in any significant effects to water quality whereas the project is a café that will serve food and beverages and contain negligible amount of hazardous materials and waste. Furthermore, the café will comply with all laws which dictate restaurant operations and waste management. Additionally, the refuse enclosure will have a roof cover which will prevent precipitation from coming into contact with the waste. Therefore, the project will not have a significant effect on water quality.

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.

Finding D:

As conditioned, the design, location, size, and operating characteristic of the proposed café with drive-through are compatible with the existing land uses in the area and reasonably foreseeable future land uses in the vicinity which are: high-density residential and general heavy commercial. The project will replace the unsightly dirt parcel with a café that will complement the existing grocery store and hotel. The café will not only serve hotel guests, but the café will also serve the existing residential complexes which can be accessed through methods of active transportation. The café will also serve the existing workforce in the immediate vicinity.

E.) The site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required.

Finding E:

The type, density, and intensity of the proposal are suitable for the site. The project was reviewed by the City of Fresno Fire Department, Department of Public Works, and Department of Public Utilities. Given the conditions of approval, the site has the appropriate access, emergency access, utilities, and services required.

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.

Finding F:

The project is not located within any safety zone as described in the Fresno County Airport Land Use Compatibility Plan.