

Exhibit E

FRESNO MUNICIPAL CODE FINDINGS

DEVELOPMENT PERMIT FINDINGS

Section 15-5206 of the Fresno Municipal Code provides that 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:

Findings per Fresno Municipal Code Section 15-5206	
<i>A. The applicable standards and requirements of this Code;</i>	
Finding A:	<p>The proposed mixed-use development project is conditioned to comply with the provisions of Fresno Municipal Code (“FMC”) Chapter 15, Article 11 (Mixed-Use Districts) requirements. The project proposes to construct a connected five- and four-story mixed-use affordable housing building that will include a total of 126 multi-family dwelling units and one on-site manager’s unit. The mixed-use building fronting onto West Shaw Avenue will include a ground floor 1,400 sq. ft. café. The mixed-use building fronting onto North Glenn Avenue will include a 1,660 sq. ft. social service office/resident amenities/computer lab area, bike room, and 1,430 sq. ft. community room/fitness center with a majority of the 4th story along North Glenn Avenue used as a communal area for the residents including a 735 sq. ft. communal roof deck and 4,420 sq. ft. of green/amenity areas. Other on-site amenities include a 1,260 sq. ft. community green space area, 1,450 sq. ft. children’s play area, covered porticos, covered solar parking structures, and landscaping. A bus shelter along West Shaw Avenue will also be constructed.</p> <p>The project is conditioned to comply with the requirements for the density, intensity, and massing development standards regarding maximum density (additional density up to a 100 percent increase allowed per FMC Section 15-2103.B), height (additional height up to a 25 percent increase allowed per FMC Section 15-2103.A), floor area ratio, and setbacks.</p> <p>The project is conditioned to comply with FMC Section 15-2004 (Accessory Buildings and Structures) with a concession/incentive pursuant to FMC Section 15-2205.C.4 (Affordable Housing Concessions and Incentives), FMC Sections 15-2006 (Fences, Walls, and Hedges) and 15-2008 (Screening Between Differing Land Uses), Article 23 (Landscaping) with a concession/incentive allowed for a reduced landscape setback per FMC Section 15-2205.C.4 (Affordable Housing Concessions and Incentives), Article 24 (Parking and Loading) with a concession/incentive allowed for reduced parking per FMC Section 15-2205.C.2.b.ii.3 (Affordable Housing Concessions and Incentives), Article 25 (Performance Standards), and Article 26 (Signs).</p> <p>The project is conditioned via the Development Permit Application No. P20-00420 conditions of approval dated June 24, 2022.</p>
<i>B. The General Plan and any operative plan or policies the City has adopted;</i>	
Finding B:	<p>The subject property is located within the Fresno General Plan and the Bullard Community Plan, which designate the subject property for Corridor/Center Mixed-</p>

Use planned land uses.

The project, as described in Finding A, is consistent with the following Fresno General Plan goals, objectives and policies related to residential land use and the urban form:

Goals

Goal 1: Increase opportunity, economic development, business, and job creation.

Goal 7: Provide for a diversity of districts, neighborhoods, housing types (including affordable housing), residential densities, job opportunities, recreation, open space, and educational venues that appeal to a broad range of people throughout the City.

Goal 8: Develop Complete Neighborhoods and districts with an efficient and diverse mix of residential densities, building types, and affordability which are designed to be healthy, attractive, and centered by schools, parks, and public and commercial services to provide a sense of place and that provide as many services as possible within walking distance.

Goal 10: Emphasize increased land use intensity and mixed-use development at densities supportive of greater use of transit in Fresno.

Goal 15: Improve Fresno's visual image and enhance its form and function through urban design strategies and effective maintenance.

The proposed mixed-use development would provide ground floor live-work units and a café that would cumulatively result in the creation of jobs, job growth, and opportunity for not only those living outside of the mixed-use development, but those living within the development.

The proposed mixed-use development includes primarily multi-family affordable housing units, job opportunities with live-work spaces, and open space. The open space for the mixed-use development includes 2,710 sq. ft. of public open space including a children's play area and community green space, as well as 5,155 sq. ft. dedicated as a private communal roof space for the residents with a roof deck and green/amenity areas.

The proposed mixed-use development provides for affordable multi-family housing options that are not currently provided along the major street corridor of West Shaw Avenue between North Maroa and North Blackstone Avenues. The West Shaw Avenue corridor in this location does provide for a bus route with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. Furthermore, the proposed mixed-use development project will be conditioned to construct a bus bay along the West Shaw Avenue frontage, and the closest Bus Rapid Transit ("BRT") station along North Blackstone Avenue is only approximately 550 feet from the proposed breezeway entrance of the mixed-use development. There are also a plethora of commercial and office uses in close vicinity along West Shaw Avenue and North Blackstone Avenue.

These goals contribute to the establishment of a comprehensive citywide land use planning strategy to meet economic development objectives, achieve efficient and

equitable use of resources and infrastructure, and create an attractive living environment in accordance with Objective LU-1 of the Fresno General Plan.

Objectives

Objective UF-1 emphasizes the opportunity for a diversity of districts, neighborhoods, and housing types.

Objective UF-12 emphasizes to locate roughly one-half of future residential development in infill areas – defined as being within the City on December 31, 2012 – including the Downtown core area and surrounding neighborhoods, mixed-use centers and transit-oriented development along major BRT corridors, and other non-corridor infill areas, and vacant land.

Objective MT-5 calls for the establishment of a well-integrated network of pedestrian facilities to accommodate safe, convenient, practical, and inviting travel by walking, including for those with physical mobility and vision impairments.

Objective MT-8 calls for providing public transit options that serve existing and future concentrations of residences, employment, recreation and civic uses and are feasible, efficient, safe, and minimize environmental impacts.

Policies

Policy UF-1-d emphasizes provisions for a diversity and variation of building types, densities, and scale of development in order to reinforce the identity of individual neighborhoods, foster a variety of market-based options for living and working to suit a large range of income levels, and further affordable housing opportunities throughout the City.

Policy UF-1-e promotes and protects unique neighborhoods and mixed use areas throughout Fresno that respect and support various ethnic, cultural and historic enclaves; provide a range of housing options, including furthering affordable housing opportunities; and convey a unique character and lifestyle attractive to Fresnoans. Support unique areas through more specific planning processes that directly engage community members in creative and innovative design efforts.

Policy UF-12-d facilitates the development of vertical and horizontal mixed-uses to blend residential, commercial, and public land uses on one or adjacent sites. Ensure land use compatibility between mixed-use districts in Activity Centers and the surrounding residential neighborhoods.

Policy LU-1-a promotes new development, infill, and rehabilitation of existing building stock in the Downtown Planning Area, along BRT corridors, in established neighborhoods generally south of Herndon Avenue, and on other infill sites and vacant land within the City.

Policy LU-2-a promotes 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.

Policy LU-5-h supports housing that offers residents a range of amenities, including public and private open space, landscaping, and recreation facilities with direct

	<p>access to commercial services, public transit, and community gathering spaces.</p> <p>Policy D-1-a requires all new multi-family residential development along BRT and other transit or pedestrian-oriented streets (Collector and Local), including high-rise, townhomes or other units, to provide direct pedestrian street access and to promote walkable connectivity, individualization, family-friendly development, identity, and street safety to the maximum extent reasonably feasible.</p> <p>Policy D-1-b encourages all new development located within Activity Centers and/or along BRT corridors to incorporate active ground floor frontages that engage pedestrians to the maximum extent feasible. Establish pedestrian-oriented design standards in the Development Code for building frontages, transparency, fenestration, and entries to create active streetscapes.</p> <p>Policy MT-2-b calls for providing incentives for infill development that would provide jobs and services closer to housing and multi-modal transportation corridors in order to reduce citywide vehicle miles travelled.</p> <p>Policy MT-8-c calls for the continued review of development proposals in transportation corridors to ensure they are designed to facilitate transit. Coordinate all projects that have residential or employment densities suitable for transit services, so they are located along existing or planned transit corridors or that otherwise have the potential for transit orientation to FAX, and consider FAX's comments in decision-making.</p> <p>The mixed-use building fronting onto West Shaw Avenue will include a ground floor 1,400 sq. ft. café. The mixed-use building fronting onto North Glenn Avenue will include a 1,660 sq. ft. social service office/resident amenities/computer lab area, bike room, and 1,430 sq. ft. community room/fitness center with a majority of the 5th story used as a communal area for the residents including a 735 sq. ft. communal roof deck and 4,420 sq. ft. of green/amenity areas. Other on-site amenities include a 1,260 sq. ft. community green space area, 1,450 sq. ft. children's play area, covered porticos, covered solar parking structures, and landscaping. A bus shelter along West Shaw Avenue will also be constructed.</p> <p>Therefore, it is staff's opinion that the proposed project is consistent with respective general and community plan objectives and policies and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno.</p>
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C. Any applicable design guidelines adopted by the City Council;

Finding C:	The subject property and proposed project are not subject to any design guidelines adopted outside of the City of Fresno General Plan and Development Code.
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D. Any approved Tentative Map, Conditional Use Permit, Variance, or other planning or zoning approval that the project required; and,

Finding D:	Pursuant to FMC Table 15-1102, multi-unit residential uses are allowed by-right in the CMX (<i>Corridor/Center Mixed-Use</i>) zone district subject to not being allowed on the ground floor of units with frontage along a major street. The proposed live-work units along West Shaw Avenue (major street) will have the commercial (work) component of the unit facing the West Shaw Avenue frontage and the living
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	<p>component facing the interior of the site.</p> <p>Any future proposals for commercial uses to utilize any of the work-live spaces would be subject to FMC Table 15-1102.</p>
<p><i>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.</i></p>	
<p>Finding E:</p>	<p>The subject property is within Zone 7 (Precision Approach Zone) of the Fresno-Yosemite International Airport. The aircraft accident risk level is considered to be low within Zone 7.</p> <p>The Airport provided their comments on the project which is stated as follows, "Airspace review required for any objects (temporary or permanent) over 100 feet tall." The proposed peak height of the tallest portion of the mixed-use building is at 70'-6".</p> <p>Furthermore, Table 3A of the Fresno County Airport Land Use Compatibility Plan states that for uses within Zone 7, there is no limitation on the dwelling units per acre, maximum non-residential intensity, and required open land.</p> <p>The project complies with the requirements of the Fresno County Airport Land Use Compatibility Plan.</p>

TOD HEIGHT AND DENSITY BONUS FINDINGS

Section 15-2104 of the Fresno Municipal Code provides that a decision to grant a bonus shall be based on making all of the following findings:

Findings per Fresno Municipal Code Section 15-2104	
<p><i>A. The architectural design of the project is of exceptional quality and will add to the beauty and pedestrian comfort of the transit corridor;</i></p>	
<p>Finding A:</p>	<p>The following are design standards identified in FMC Section 15-1105 (Mixed Use Façade Design Development Standards) that are incorporated into the project:</p> <p>The building length articulation provides projections along both street frontages that exceed 48 inches every 50 feet of building frontage with a depth and width that are proportionate and spaced proportionately along the overall mass of the building.</p> <p>The building height articulation includes a substantial horizontal articulation of the ground floor façade at the top of the first story that is larger than 18 inches tall and projects out from the adjacent wall plane. The top story of the building provides different vertical color and material changes, and a belt course.</p> <p>The proposed building provides two different cladding materials along the street frontage elevations, and seven different exterior complementary colors.</p> <p>The glazing ratio of the street-facing facades will provide an overall wall composition</p>

	<p>of between 25 and 70 percent glazing. The ground floor street-facing facades provide exterior walls that include windows and doors with transparent glazing for at least 50 percent of the building wall area located between 2.5 and 7 feet above the level of the sidewalk.</p> <p>The street-facing façades of the building runs parallel horizontally to both West Shaw and North Glenn Avenues, and is oriented vertically with no slope. External stairs, corridors, and hallways will be architecturally integrated into the building.</p> <p>The proposed building façades propose balconies across multiple stories. They are not grouped together in a continuous band across the façade. There are no more than two balconies in any portion of the facades that are contiguous. All balconies have at least six feet of horizontal separation from any other balcony.</p> <p>Thus, the proposed architectural design of the mixed-use “l-shaped” building that is adjacent along the West Shaw and North Glenn Avenue frontages is of exceptional quality and will add to the beauty and pedestrian comfort of the transit corridor.</p>
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B. Granting the bonus shall not cause more housing to be located within the corridor or corridor segment than was identified in the General Plan Master Environmental Impact Report or other applicable environmental review;

<p>Finding B:</p>	<p>The applicable corridor segment for this project would be the north-south major streets between the major street along the subject property. This results in the corridor segment being West Shaw Avenue between North Maroa and North Blackstone Avenues.</p> <p>The planned land uses along the aforementioned corridor segment include Corridor/Center Mixed Use (18.74 acres) and Regional Mixed Use (10.39 acres). Based on the maximum allowable density for both planned land uses, a maximum total of 1,030 dwelling units could be allowed for the corridor segment. Based on existing development conditions, only 2.65 acres of land are vacant. The remaining developed land has no legal dwelling units. This would result in the maximum number of available dwelling units for the corridor segment to be 79 dwelling units, which leaves a surplus of 951 dwelling units that was planned for the corridor segment based on the PEIR.</p> <p>Considering the proposal of adding an additional 54 dwelling units beyond the maximum allowable density of the CMX zone district (30 dwelling units per acre) using the density bonus allowance, there would still be a surplus of 897 dwelling units for the corridor segment. Also, it seems unlikely for a majority of the developed properties to convert to or redevelop as a residential use considering they have been commercial and office uses for a long period of time.</p>
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C. Granting the bonus shall not cause the capacity of the infrastructure which serves the site to be exceeded; and,

<p>Finding C:</p>	<p>The density bonus that adds the number of dwelling units to exceed the maximum density requirement of the CMX (<i>Corridor/Center Mixed-Use</i>) zone district does not cause the capacity of the infrastructure which serves the site to be exceeded.</p>
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	<p>The Department of Public Utilities memorandum dated October 19, 2021 requires that the developer will be required to construct the following to provide sufficient capacity of infrastructure to serve the proposed project:</p> <ul style="list-style-type: none"> • Replacement of the existing 6-inch water main (including City fire hydrants) located in West Shaw Avenue from North Glenn Avenue east across the project frontage. • Installation of a 12-inch water main (including City fire hydrants) in West Shaw Avenue from the easterly boundary of the proposed project boundary east, approximately 200 linear feet to the existing 12-inch water main located in West Shaw Avenue. • Installation of water service(s) and meter box(es). • Two independent sources of water, meeting Federal and State Drinking Water Act Standards. • Installation of sewer house branch(es).
<p><i>D. Granting the bonus will not be detrimental to the health or safety of the public or the occupants of the property.</i></p>	
<p>Finding D:</p>	<p>Various partner departments and agencies have provided comments and conditions, all of which have been incorporated into the conditions of approval. Compliance with the Conditions of Approval dated June 24, 2022, and the above findings subject to FMC Section 15-5206, will ensure that the proposed development will not be detrimental to the health or safety of the public or the occupants of the property.</p>

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.