

Exhibit N

FRESNO MUNICIPAL CODE & HOUSING ELEMENT FINDINGS

REZONE APPLICATION NO. P23-03475 & DEVELOPMENT PERMIT APPLICATION NO. P23-00186

REZONE APPLICATION FINDINGS

Section 15-5812 of the Fresno Municipal Code provides that the Planning Commission shall not recommend and the City Council shall not approve an application unless the following findings can be made for the proposed Rezone:

Findings per Fresno Municipal Code Section 15-5812	
Finding a:	<i>The change is consistent with the General Plan goals and policies, any operative plan, or adopted policy;</i>
Finding (a) can be made for the following reasons:	
The purpose for the proposed rezone is not to change the current O (Office) zone district, but to remove the existing conditions of zoning for the property, which if approved provides consistency with the General Plan goals and policies, any operative plan or adopted policy with the following General Plan goals:	
General Plan Goal 1: Increase opportunity, economic development, business, and job creation.	
General Plan 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.	
General Plan 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.	
General Plan Goal 10: Emphasize increased land use intensity and mixed-use development at densities supportive of greater use of transit in Fresno.	
These goals contribute to the establishment of a comprehensive city-wide land use planning strategy to meet economic development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment.	
The following are applicable objectives and policies from the Urban Form, and Land Use & Design, elements of the Fresno General Plan that the project is consistent with:	
<ul style="list-style-type: none">Objective LU-1: Establish 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.

- Policy LU-1-a: **Promote Development within the Existing City Limits as of December 31, 2012.** Promote 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.
- Objective LU-2: Plan for infill development that includes a range of housing types, building forms, and land uses to meet the needs of both current and future residents.
 - 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.
- Objective LU-6: Retain and enhance existing commercial areas to strengthen Fresno's economic base and site new office, retail, and lodging use districts to serve neighborhoods and regional visitors.
- LU-6-c: Promote the establishment of development standards for new offices, addressing location, size, and intensity necessary to meet the City's needs. Integrate and support employment in adjacent and proximate neighborhoods.

The proposed development will enhance the existing surrounding office areas that will continue to strengthen Fresno's economic base. In addition, the new office building façade complies with the FMC and provides a high-quality design. The subject property is adjacent to the west is convenience retail, general retail, and a service station, adjacent to the south across East Gettysburg Avenue is a small commercial shopping center including retail businesses and restaurants, and adjacent to the east is a pre-school/day care center and single-family residential neighborhood.

Finding b:

The change is consistent with the purpose of the Development Code to promote the growth of the city in an orderly and sustainable manner and to promote and protect the public health, safety, peace, comfort, and general welfare; and

Finding (b) can be made for the following reasons:

Pursuant to Table 15-1302 (Land Use Regulations – Employment Districts) of the FMC, Medical and Dental uses, are permitted “by right” in the O zone district and not subject to specific limitations or additional regulations for special uses pursuant to Article 27 of the FMC. Therefore, if approved, the project (Development Permit Application No. P23-00186) would be considered consistent with the proposed planned land use and zoning classification of Office.

The Development Code implements setbacks, height, density, landscaping, parking and all applicable development standards for the use listed above. In addition, all responsible departments

and agencies have been contacted and provided opportunity to respond with requirements to ensure the proposed development will protect the health, safety, peace, comfort, and general welfare of the community.

The project has been designed and conditioned in a manner which will promote and protect the public health, safety, peace, comfort and general welfare as provided and further analyzed within the staff report, to which these findings are attached, as well as within the associated Environmental Assessment.

Finding c:	<i>The change is necessary to achieve the balance of land uses desired by the City and to provide sites for needed housing or employment-generating uses, consistent with the General Plan, any applicable operative plan, or adopted policy; and to increase the inventory of land within a given zoning district to meet market demand.</i>
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Finding (c) can be made for the following reasons:

The conditions of zoning for the property requires the following:

1. Maximum building floor area not to exceed 15,000 square feet.
2. No less than 96 parking spaces are to be provided on the site. Not less than 7 spaces per doctor, nor less than one space for each 200 square feet of floor area.
3. A minimum of 40 percent of the site area shall be open space landscaping.
4. Provision of a leaching system acceptable to the Fresno Metropolitan Flood Control District and the City of Fresno.
5. Minimum building setbacks as follows: Front – 30 feet, side – 20 feet, rear – 30 feet.
6. Provision of a 10-foot minimum landscaped space adjacent to existing single family residential lots.
7. The exterior appearance and character of buildings must substantially conform to that of the residential neighborhood.
8. Provision of a 6-foot decorative colored masonry wall on the property line adjacent to existing single family residential lots.
9. An avigation easement is to be granted to the City of Fresno.
10. Interior noise levels of new development attributable to exterior sources is not to exceed 45 dB CNEL.

The removal of the conditions of zoning will allow for consistency with the O zone district and maximum allowable Floor Area Ratio permitted. The proposed development is consistent with the General Plan.

DEVELOPMENT PERMIT APPLICATION FINDINGS

Section 15-5206 of the Fresno Municipal Code provides 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

Finding a:	<i>The applicable standards and requirements of this Code.</i>
<p>Finding (a) can be made for the following reasons:</p> <p>Development Permit Application No. P23-00186, subject to the Conditions of Approval dated February 7, 2024, will comply with the Citywide Development Code for the O (Office) zone district and land use designation.</p>	
Finding b:	<i>The General Plan and any operative plan or policies the City has adopted.</i>
<p>Finding (b) can be made for the following reasons:</p> <p>The Fresno General Plan designates the subject property for Employment - Office planned land use and provides objectives to guide in the development of this project. The Office planned land use designation is intended for administrative, financial, business, professional, medical, and public offices. This designation is mainly intended to apply to existing office uses on smaller lots, generally located on arterial roadways. This designation is also considered compatible with existing residential neighborhoods given the smaller level of noise and traffic generated compared to commercial uses. Retail uses would be limited to business services, food services, and convenience goods for those who work in the area.</p> <p>The Fresno General Plan provides goals, objectives, and policies to guide development. As proposed, the project will be consistent with the following Fresno General Plan goals:</p> <ul style="list-style-type: none"> • Increase opportunity, economic development, business, and job creation. • Make full use of existing infrastructure, and investment in improvements to increase competitiveness and promote economic growth. • Promote orderly land use development in pace with public facilities and services needed to serve development. • 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. <p>The following are applicable objectives and policies from the Urban Form, Land Use & Design, and Economic Development elements of the Fresno General Plan:</p> <ul style="list-style-type: none"> • Objective LU-1: Establish 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. 	

- Policy LU-1-a: Promote Development within the Existing City Limits as of December 31, 2012. Promote 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.
- Objective LU-2: Plan for infill development that includes a range of housing types, building forms, and land uses to meet the needs of both current and future residents.
 - 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.
- Objective LU-6: Retain and enhance existing commercial areas to strengthen Fresno's economic base and site new office, retail, and lodging use districts to serve neighborhoods and regional visitors.
 - Policy LU-6-c: Appropriate Office Development. Promote the establishment of development standards for new offices, addressing location, size, and intensity necessary to meet the City's needs. Integrate and support employment in adjacent and proximate neighborhoods
- Objective ED-1: Support economic development by maintaining a strong working relationship with the business community and improving the business climate for current and future businesses.

Hoover Community Plan

The subject property is designated for Employment - Office planned land uses by the Hoover Community Plan which provides for ample commercial office development along major streets. Upon reviewing the policies contained in the Plan staff has determined that there are no policies that are applicable or are no more restrictive than those contained in the Fresno General Plan or the FMC. However, should there be a conflict the FMC shall control pursuant to Section 15-104-D-4 of the FMC.

Finding c:	<i>Any applicable design guidelines adopted by the City Council.</i>
<p>Finding (c) can be made for the following reasons:</p> <p>Given the conditions of approval, Development Permit Application No. P23-00186 will comply with all applicable site design and façade design development standards of the O (Office) zone district.</p>	
Finding d:	<i>Any approved Tentative Map, Conditional Use Permit, Variance, or other planning or zoning approval that the project required.</i>

Finding (d) can be made for the following reasons:

Development Permit Application No. P23-00186 is consistent with the approval of Rezone Application No. P23-03475 in that the removal of conditions of zoning will allow for the development proposal of a professional office complex.

Finding e.	<i>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>
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Finding (e) can be made for the following reasons:

The proposed project is located within the Airport Influence Area under the Fresno County Airport Land Use Compatibility Plan (ALUCP). The project site is located within the (Fresno Yosemite International Airport (FYIA) Safety Zone 6 – Traffic Pattern Zone and is not located within a Noise Contour. Listed uses prohibited in Traffic Pattern Zone 6 include hazards to flight. Furthermore, the following Development conditions do not apply; No object shall have a height that would penetrate the airspace protection surface of the airport. Any object that penetrates one of these surfaces is, by FAA definition, considered an obstruction. A proposed object having a height that exceeds the airport’s airspace protection surface shall be allowed only if, upon conclusion of the FAA’s 7460 review process, the FAA determines that the object would not be a hazard to air navigation.

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.