

Exhibit J-4 – City Council FMC Findings Adoption Resolution

Costco Commercial Center Project

Conditional Use Permit Application No. P21-01959

Plan Amendment and Rezone Application No. P21-01960

Conditional Use Permit Application No. P21-03251

Planned Development Permit Application No. P21-03252

7120 North Riverside Drive Fresno, CA 93722

APN: 503-020-12

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, ADOPTING FRESNO MUNICIPAL CODE FINDINGS FOR PLAN AMENDMENT AND REZONE APPLICATION NO. P21-01960, CONDITIONAL USE PERMIT APPLICATION NO. P21-01959, CONDITIONAL USE PERMIT APPLICATION NO. P21-03251, PLANNED DEVELOPMENT PERMIT APPLICATION NO. P21-03252 AS REQUIRED PURSUANT TO FRESNO MUNICIPAL CODE SECTIONS 15-5306, 15-5812, 15-5905 AS RELATED TO THE APPROVAL OF PLAN AMENDMENT AND REZONE APPLICATION NO. P21-01960, CONDITIONAL USE PERMIT APPLICATION NO. P21-01959, CONDITIONAL USE PERMIT APPLICATION NO. P21-03251, PLANNED DEVELOPMENT PERMIT APPLICATION NO. P21-03252

WHEREAS, Plan Amendment and Rezone Application No. P21-01960, Conditional Use Permit Application No. P21-01959, Conditional Use Permit Application No. P21-03251, Planned Development Permit Application No. P21-03252 were submitted by Lynette Dias of Urban Planning Partners, Inc., on behalf of Costco Wholesale Corporation, and pertain to ±22.4 acres of property located on the northeast corner of West Herndon Avenue and North Riverside Drive; and

WHEREAS, Plan Amendment No. P21-01960 requests authorization to amend the Fresno General Plan and Bullard Community Plan to change the planned land use designation for the subject property from Community Commercial to General Commercial, and reclassify West Herndon Avenue, from North Riverside to North Hayes Avenue, from an Expressway to a Super Arterial; and

WHEREAS, Rezone Application No. P21-01960 requests authorization to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:

Resolution No.

CC/EA/UGM/cz (Community Commercial/Expressway Overlay/Urban Growth Management) zone district to the CG/UGM/cz (Commercial General/Urban Growth Management/conditions of zoning) zone district in accordance with the Plan Amendment Application; and

WHEREAS, Conditional Use Permit No. P21-01959 requests authorization to construct a ±219,216 square-foot Costco warehouse retail building, with a ±4,800 square-foot carwash and a ±13,000 square-foot fuel canopy with 32 fuel pumps. The warehouse footprint is comprised of ±163,539 square-feet for retail sales, ±4,422 square-feet for loading/receiving, ±46,834 square-feet for market delivery operation, ±3,233 square-feet of open canopy space, and ±1,188 square-feet of building envelope. The project includes 873 total parking stalls, which include 25 accessible spaces and 92 electric vehicle-ready parking stalls; and

WHEREAS, Conditional Use Permit No. P21-03251 requests authorization to establish a State of California Alcoholic Beverage Control (ABC) Type 21 alcohol license for the proposed Costco warehouse retail store that will allow the sale of beer, wine, and distilled spirits for consumption off the premises where sold; and

WHEREAS, Planned Development Permit No. P21-03252 requests authorization to modify parking lot development standards for the proposed Costco warehouse retail building to allow for 36.5-foot-tall parking lot light fixtures rather than 25-foot tall fixtures; and

WHEREAS, pursuant to Fresno Municipal Code Section 15-5306, a conditional use permit shall only be granted if the decision-maker determines that the project meets all required findings; and

WHEREAS, pursuant to Fresno Municipal Code Section 15-5812, the Planning Commission shall not recommend and the Council of the City of Fresno shall not approve an application unless the proposed rezone and plan amendment meets all identified criteria; and

WHEREAS, pursuant to Fresno Municipal Code Section 15-5905, a planned development permit shall only be approved if the project meets all required findings; and

WHEREAS, previously on February 21, 2024, the Planning Commission conducted a public hearing to review the Project and adopted Resolution Nos. 13834, 13835, 13836, 13837, 13838 and 13839 recommending approval of the Project and certification of the Environmental Impact Report (EIR) SCH No. 2021100443 to the Council of the City of Fresno; and

WHEREAS, previously on April 18, 2024, the Council of the City of Fresno adopted Resolution No. 2024-072, Resolution No. 2024-073, and Ordinance No. 2024-011 approving the Project and certifying the associated EIR (SCH No. 2021100443); and

WHEREAS, on May 23, 2024, a Petition for Writ of Mandate was filed challenging the Project and associated environmental approvals under the California Environmental Quality Act in Fresno County Superior Court Case No. 24CECG02208, Herndon-Riverside Coalition for Responsible Planning and Development v. City of Fresno et al.; and

WHEREAS, on July 17, 2025, the Court issued an Order After Hearing in the Lawsuit granting the First and Second causes of action of the Petition and denying the Third cause of action of the Petition, and subsequently on September 15, 2025, judgment was entered; and

WHEREAS, on September 15, 2025, the Court issued a Peremptory Writ of Mandate ordering that within 60 days (i.e. no later than November 14, 2025), the City set aside its certification of its EIR for the Project as well as all related approvals for the Project, including Plan Amendment and Rezone No. P21-01960, Conditional Use Permit No. P21-01959, Conditional Use Permit No. P21-03251, and Planned Development Permit No. P21-03252; and

WHEREAS, on November 06, 2025, the Council of the City of Fresno adopted Resolution No. 2025-325 rescinding Resolution No. 2024-072, Resolution No. 2024-073, and Ordinance No. 2024-011 which approved the Project and certified the associated EIR (SCH No. 2021100443); and

WHEREAS, Resolution No. 2025-325 further requires the City to refrain from issuing any further approvals related to the Project unless and until the City has certified a revised EIR that, consistent with the Court's July 17, 2025, Order, includes a legally adequate analysis of the Project's Greenhouse Gas impacts that complies with CEQA and does not rely on the City's 2021 Greenhouse Gas Reduction Plan; and

WHEREAS, Resolution No. 2025-325 further requires the City to refrain from issuing any further approvals related to the Project unless and until, concurrent with such approvals, the City adopts findings addressing consistency between the City's zoning provisions and the market delivery operations component of the Project as a permitted and/or accessory use; and

WHEREAS, on May 6, 2026, the Planning Commission conducted a public hearing to review the Project, draft revised EIR consistent with the Court's July 17, 2025, Order, and findings addressing consistency between the City's zoning provisions and the market delivery operations component of the Project; and

WHEREAS, the Fresno City Planning Commission took action, as evidenced in Planning Commission Resolution Nos. 19954, 19955, 19956, 19957, 19958, 19959, and 19960 to recommend to the Council of the City of Fresno certification of the EIR (SCH No. 2021100443); approval of Plan Amendment and Rezone Application No. P21-01960, Conditional Use Permit Application No. P21-01959, Conditional Use Permit Application No. P21-03251, and Planned Development Permit Application No. P21-03252; and adoption of the findings pursuant to Fresno Municipal Code Sections 15-5306, 15-5812, 15-5905 (Exhibit A); and

WHEREAS, on May 21, 2026, the Council of the City of Fresno held a public hearing to consider the EIR (SCH No. 2021100443); Plan Amendment and Rezone Application No. P21-01960, Conditional Use Permit Application No. P21-01959, Conditional Use Permit Application No. P21-03251, and Planned Development Permit Application No. P21-03252; and related findings pursuant to Fresno Municipal Code Sections 15-5306, 15-5812, 15-5905 (Exhibit A).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno, based upon the testimony and information presented at the hearing and upon review and consideration of the documentation provided, the Council of the City of Fresno hereby adopts the required findings pursuant to Fresno Municipal Code Sections 15-5306, 15-5812, 15-5905 for Plan Amendment and Rezone Application No. P21-01960, Conditional Use Permit Application No. P21-01959, Conditional Use Permit Application No. P21-03251, and Planned Development Permit Application No. P21-03252; attached as Exhibits A hereto and incorporated herein by reference.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, AMY K. ALLER, Interim City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2026.

AYES :
NOES :
ABSENT :
ABSTAIN :

AMY K. ALLER
Interim City Clerk

By: _____ Date
Deputy

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By _____ Date
Talía Kolluri
Assistant City Attorney

Attachment: Exhibit A – Fresno Municipal Code Findings

Exhibit A – Fresno Municipal Code Findings

Costco Commercial Center Project

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Planned Development Permit Application No. P21-03252

7120 North Riverside Drive Fresno, CA 93722

APN: 503-020-12

2600 Fresno Street, Room 3043
 Fresno, California 93721-3604
 (559) 621-8277
www.fresno.gov

Jennifer K. Clark, AICP
 Director

COSTCO COMMERCIAL CENTER PROJECT
FRESNO MUNICIPAL CODE SECTIONS 15-5306, 15-5812, & 15-5905 FINDINGS FOR:
 CONDITIONAL USE PERMIT APPLICATION P21-01959
 PLAN AMENDMENT REZONE APPLICATION P21-01960
 ALCOHOL BEVERAGE CONDITIONAL USE PERMIT APPLICATION P21-03251
 PLANNED DEVELOPMENT PERMIT APPLICATION P21-03252

CONDITIONAL USE PERMIT APPLICATION P21-01959 REVIEW FINDINGS
[Warehouse, Service Station, Car Wash]

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:

The project’s principally proposed uses include a retail warehouse, a fuel facility, and a car wash. The approximately 219,216 square foot retail warehouse building is dedicated to a membership-based direct-to-consumer retail operation.

The project includes a rezone of the project site from the CC/EA/UGM/cz (Community Commercial/Expressway Overlay/Urban Growth Management/conditions of zoning) zoning designation to the CG/UGM/cz (General Commercial/Urban Growth Management/conditions of zoning) zoning designation. The existing Community Commercial zoning designation permits large-format retail uses and fuel service stations with approval of a conditional use permit; however, automobile/vehicle washing uses are not permitted within this zone. Therefore, to accommodate all of the proposed uses, the project site is proposed to be rezoned to General Commercial.

As shown in Table 15-1202 of Fresno Municipal Code Section 15-1202, the General Commercial zoning designation permits large format retail uses by-right, and service stations and automobile/vehicle washing uses are conditionally permitted uses. The consistency of each of the project’s proposed uses with the General Commercial zoning designation is analyzed in turn below.

1. The proposed retail warehouse building including market delivery operation (“MDO”) space, as conditioned, is allowed in and consistent with the General Commercial zoning designation and complies with all provisions of the Municipal Code.

Fresno Municipal Code Section 15-6802 defines “large-format retail” as “Retail establishments (over 80,000 square feet of sales area) that sell merchandise and bulk goods for individual consumption, including membership warehouse clubs.” The Municipal Code expressly permits membership warehouse clubs, which typically include both sales floors accessible to the public and areas accessible only to employees. As is evident to anyone who has visited or shopped at a large-format retailer or grocery store, modern retail uses incorporate both opportunities for in-person shopping and delivery to customers. Here, the retail warehouse consists of an approximately 219,216 square foot building that would operate as a membership warehouse that would sell merchandise and bulk

goods for individual consumption from a sales floor open to members. In addition, the retail warehouse would include areas accessible only to employees, as is typical in large-format retail, such as loading and storage areas, cooking facilities, and approximately 47,000 square feet of market delivery operation (“MDO”) space to manage customer deliveries.

The MDO element of the retail warehouse facilitates efficient delivery to members of big and bulky items, including furniture, major appliances, patio furniture, televisions, fitness equipment, mattresses and grills. The MDO space within the retail warehouse would function much like the storage element of a typical home improvement or furniture store; purchased items would be loaded onto small box trucks from the MDO space within the retail warehouse for delivery to members’ homes, just as occurs with orders placed with other large format retailers throughout Fresno. For example, Walmart Supercenter offers free delivery to Walmart+ members managed through its Supercenter retail facilities. The City has previously approved a Walmart Supercenter in the General Commercial zone, which demonstrates that big box general commercial uses with integrated delivery services – as proposed by Costco here – are consistent with the General Commercial land use designation. Likewise, the City has approved other big-box commercial retailers with storage and delivery capabilities – such as Best Buy, Dick’s Sporting Goods, Lowes, and Home Depot – in other comparable commercial zoning districts.

Large items (such as washers and dryers or couches) can be displayed on the sales floor and delivered through the MDO, better serving members by providing in-person visibility for goods that would otherwise only be available online. Members can purchase and return items in-person at the retail warehouse, and members can view additional items either in person or at digital kiosks or online. Following a purchase, members receive delivery of those items that flow through the MDO space in as little as two days, or members can take immediate delivery of in-stock items on a “cash and carry basis” (i.e., members pay on site and self-transport items). For example, a member could purchase a large TV from the sales floor or place an online order (where there is a greater range of available inventory) with a Costco sales associate, and if the MDO has the ordered item in inventory, the member could receive the purchased television immediately. In all cases, delivery and returns are managed on location from within the retail warehouse. Member home delivery issues can be handled in-person at the MDO within the building rather than needing to be directed to a national call center for resolution.

Moreover, the MDO and the sales floor share employees. For example, an employee hired to load delivery vehicles with goods taken from the MDO in the morning may be redeployed to the sales floor or stocking areas for the duration of their shift, or to cover sick calls and vacations. The sales floor and MDO are also fully physically integrated within one contiguous building, with a single lighting, HVAC, security, and utility system, as well as employee facilities like restrooms, breakrooms, quiet rooms, and meeting rooms. Equipment will be shared throughout the entire warehouse building, including forklifts, compactors, cardboard balers, and time clocks. The retail warehouse has a common delivery/receiving area for both the sales floor and the MDO space. Based on the collective facts, the City finds that the retail warehouse includes a sales floor and MDO space with interrelated functions that are physically integrated into the form of the building and operations of the business. Therefore, the entirety of the retail warehouse, inclusive of the MDO, is a retail establishment that is over 80,000 square feet and sells merchandise and bulk goods for individual consumption and therefore fits within the definition of large-format retail. Accordingly, the retail warehouse, inclusive of the MDO, is permitted within the General Commercial zone.

In addition, as a separate and independent basis to find that the project is consistent with the General Commercial zone, even if the overall store were assumed for the sake of argument to not

be an integrated and permitted large-format retail use, the MDO would otherwise be classified as an accessory use to the remainder of the retail warehouse. Under Fresno Municipal Code Section 15-6802, an “accessory use” is a “use that is customarily associated with, and is incidental and subordinate to, the primary use and located on the same parcel as the primary use.” Accessory uses are further regulated in Fresno Municipal Code Section 15-2703, which provides that “an accessory use shall be incidental, related, appropriate, and clearly subordinate to the principal use or building to which it relates; under the same regulations applied to the principal use in any zoning district; and where the accessory use does not alter the principal use.”

Here, the MDO space satisfies each of the criteria to be classified as an accessory use to the retail warehouse building that is permitted as a large-format retail use. As described above, the MDO space would be used to receive large and bulky items that cannot practically be kept on the sales floor before those items would be delivered to Costco members’ homes after purchase. The MDO portion of the project would operate during limited business hours, with only one set of deliveries per day. This type of storage and delivery use is customarily associated with large-format retailers and is not substantially different from the storage and delivery options available at Best Buy, Lowes, and other large format retailers – such as Walmart Supercenter – located throughout the City’s commercial zones.

In addition, the MDO space is incidental and subordinate to the main retail warehouse. The vast majority of the retail warehouse would be dedicated to the sales floor open to the public; the MDO space would constitute only approximately 20% of the retail warehouse building’s area, making it subordinate to the other elements of the retail warehouse in terms of scale. Likewise, in terms of function, the MDO space would support retail operations in the retail warehouse with the retail warehouse providing members in-person visibility for goods that would otherwise only be available online, along with in-person purchasing and return opportunities. For instance, shoppers could see a washer/dryer set in person or sit on a couch in order to decide whether to order the item for delivery. Moreover, the addition of the MDO space would not change the nature or character of the retail warehouse’s large-format retail use; the retail warehouse is designed to share mechanical systems, loading areas, and staff between the sales floor and the MDO space, meaning that the MDO space does not alter the principal use of the retail warehouse. All elements reside within one contiguous building that shares lighting, HVAC, security and utility systems, as well as employee facilities like restrooms, breakrooms, quiet rooms, and meeting rooms. In practice, the MDO space is no different than the other portions of the retail warehouse that are inaccessible to the public, such as the meat preparation area, the pharmacy, the bakery, and other storage and shipping areas. Each of these functions, including the MDO space, are subordinate to, and serve the purpose of, the retail warehouse as a large-format retail use.

Finally, the MDO space would be subject to the same regulations applied to the principal large-format retail use. Because Fresno Municipal Code Table 15-1202 specifically allows for accessory uses in all commercial zones including General Commercial, the City therefore finds that it is not necessary for the MDO to be expressly identified as a stand-alone permitted or conditionally permitted use in the General Commercial district to be an accessory use to a permitted large-format retail use. However, the Municipal Code permits any use in the General Commercial zone – regardless of whether it is expressly listed as permitted or conditionally permitted – as an accessory use, provided that the use meets the Fresno Municipal Code Section 15-2703 definition of an accessory use, i.e., the use must be “incidental, related, appropriate, and clearly subordinate” to the principal uses. For the reasons set forth above, the MDO space satisfies the Municipal Code’s criteria to be classified as an accessory use to the permitted large-format retail use.

As set forth above, these findings set forth the basis for the City's conclusion that under the specific facts here – where the MDO is proposed as less than 20% of the area of the entire retail warehouse, where the retail warehouse is open to the public and operates as a large-format retail store, where the retail sales floor and the MDO are functionally and physically interrelated, and where someone can make in-person purchases for goods in the MDO component – the MDO is allowed as an integrated part of the retail warehouse, such that the overall store is a permitted large-format retail use. In addition, these findings set forth the basis for the City's conclusion that, even if the overall store were assumed for the sake of argument to not be an integrated and permitted large-format retail use, under the specific facts here, the MDO would be a separate use from the retail warehouse that is permitted as an accessory use to the retail warehouse.

2. The proposed fuel facility, as conditioned, is allowed in and consistent with the General Commercial zoning designation and complies with all provisions of the Municipal Code.

Fresno Municipal Code Section 15-6802 defines service stations as “Establishments primarily engaged in retailing automotive fuels,” and Fresno Municipal Code Section 15-2755 regulates both “service stations and any other commercial use that provide fuel pumps for retail sales of gasoline.” Here, the project proposes a fuel facility with a 13,000 square foot canopy and 32 fuel pumps for the retail sale of gasoline. The fuel facility component of the project is therefore within the definition of service station, and the Fresno Municipal Code designates it as a conditionally permitted use within the General Commercial zone.

3. The proposed car wash, as conditioned, is allowed in and consistent with the General Commercial zoning designation and complies with all provisions of the Municipal Code.

As shown in Table 15-1202 of Fresno Municipal Code Section 15-1202, the General Commercial zoning designation conditionally permits automobile/vehicle washing uses. The current zoning for the project site, Community Commercial, does not permit car washes. Further, the car wash could not be considered an accessory use or an accessory building to the retail warehouse in the Community Commercial zone. As defined in Fresno Municipal Code Section 15-6802, an “accessory building” is a “detached building located on the same parcel as the principal building, which is incidental and subordinate to the principal building in terms of both size and use,” and an “accessory use” is a “use that is customarily associated with, and is incidental and subordinate to, the primary use and located on the same parcel as the primary use.” Here, the proposed car wash is a stand-alone structure proposed on a separate parcel from the other uses on the project site, it is neither part of the large format retail use or the fuel facility use, nor is the car wash an accessory building or accessory use. Accordingly, the proposed rezoning to General Commercial is necessary to permit the development of the car wash along with the fuel facility and the retail warehouse.

Fresno Municipal Code Section 15-6802 defines “washing” to mean “Washing, waxing, detailing, or cleaning of automobiles or similar light vehicles, including self-serve washing facilities.” “Automobile/vehicle washing” uses are subject to the standards in Fresno Municipal Code Section 15-2711, which permits “carwash facilities” following “a design review of architecture, style, and appearance to ensure similarity and compatibility with surrounding residential, commercial, and industrial development.” Here, the project proposes a 4,800 square-foot car wash, which would involve the mechanical washing and cleaning of automobiles and similar light vehicles. The proposed car wash has undergone design review and is styled in a manner to be compatible with the other uses on the project site as well as the surrounding areas. Therefore, the car wash component of the project meets the definition of an automobile/vehicle washing use, and the Fresno Municipal Code designates it as a conditionally permitted use within the General Commercial zone.

In conclusion, with the proposed zoning change, all of the project's proposed uses are allowed within the applicable zoning district and comply with all other applicable provisions of the Fresno Municipal Code. All of the project's proposed uses will be consistent with the zoning designation and standards from the General Commercial zoning district that are focused on ensuring that structures fit into the surrounding development pattern and architectural or traffic conflicts are minimized.

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

Finding B:

The project includes a general plan amendment to change the land use designation of the project site from CC (Community Commercial) to CG (General Commercial). The General Commercial designation proposed for the site is described in the Urban Form, Land Use, and Design Element of the general plan as appropriate for retail and service uses that may generate high volumes of vehicle traffic. Pursuant to Fresno Municipal Code Table 15-1202 (Land Use Regulations – Commercial Districts), Washing and Service Stations are a conditionally permitted use in the CG zone district. Furthermore, Large-Format Retail is a permitted use in the CG zone district and not subject to specific limitations or additional regulations for special uses pursuant to FMC Article 27. Consistency with applicable zoning standards is discussed in finding (A) above, which is incorporated herein by this reference. Therefore, the project is considered consistent with the proposed planned land use and zoning classification of Commercial General.

The entirety of the project, including the retail warehouse (with the MDO space), the fuel facility and the car wash is consistent with the General Commercial land use designation, because, as discussed above, each of the proposed uses (large-format retail; service station; and carwash facility) are allowed within the General Commercial land use designation. In addition, (1) the retail warehouse, inclusive of the MDO, is a commercial use allowed as large-format retail for the reasons set forth above; and, (2) the MDO would otherwise be permitted as an accessory use to the large-format retail use of the retail warehouse for the reasons discussed above.

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:

The appropriateness of the proposed project has been examined with respect to its compatibility with surrounding existing and proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated by the accompanying environmental impact report, and as set forth in the accompanying resolution certifying the environmental impact report, approving a mitigation monitoring program, and adopting findings of fact and a statement of overriding considerations, which is incorporated herein by this reference, the City has imposed all feasible mitigation measures to avoid or lessen the project's environmental effects to the greatest extent feasible. 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.

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:

Based upon the record, the project EIR, and these findings, as conditioned, the design, location, size, and operating characteristic of the proposed Costco Commercial Center is compatible with the

<p>existing land uses in the area and reasonably foreseeable future land uses in the vicinity which are: Open Space – Golf Course (North); Commercial Community and Residential Urban Neighborhood (South), Residential – Medium High Density (East); and Residential – Medium Density (West).</p>
<p>E.) The site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required.</p>
<p>Finding E: Based upon the record, the project EIR, and these findings, as conditioned, the site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required. These factors have been evaluated by the accompanying environmental impact report.</p>
<p>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.</p>
<p>Finding F: The project is not located within any safety zone as described in the Fresno County Airport Land Use Compatibility Plan. Therefore, there are no Airport Land Use Compatibility Plan policies applicable to the project.</p>

PLAN AMENDMENT REZONE APPLICATION P21-01960 REVIEW FINDINGS

<p>Findings per Fresno Municipal Code Section 15-5812</p>
<p>A.) The change is consistent with the General Plan goals and policies, any operative plan, or adopted policy;</p>
<p>Finding A: Based upon the record, the project EIR, and these findings, as conditioned, the proposed facility has been found to be consistent with the Bullard Community Plan and applicable Goals and Policies of the Fresno General Plan.</p> <p>Fresno General Plan: The project is consistent with the following Fresno General Plan goals, objectives, and policies related to residential land use and the urban form:</p> <p><u>Goals</u></p> <ul style="list-style-type: none"> • Goal 1: Increase opportunity, economic development, business, and job creation. • 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. <p>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.</p> <p><u>Objectives</u></p> <ul style="list-style-type: none"> • Objective D-4 supports that the City preserve and strengthen Fresno’s overall image through design review and create a safe, walkable and attractive urban environment for the current and future generations of residents. • 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.

Policies

- Policy UF-1-f promotes the use of Complete Neighborhood design concepts and development standards to achieve the development of Complete Neighborhoods and the residential density targets of the General Plan.
- Policy LU-5-g promotes new development in or adjacent to established neighborhoods that is compatible in scale and character with the surrounding area by promoting a transition in scale and architectural character between new buildings and established neighborhoods, as well as integrating pedestrian circulation and vehicular routes.

Much of Fresno has been built as discrete residential tracts bordered by strip retail centers, many of which are not accessible from the adjacent homes due to security walls or other barriers. By contrast, the Complete Neighborhoods concept will enable Fresnoans to live in communities with convenient services, employment, and recreation within walking distance.

The defining characteristic of a Complete Neighborhood is a neighborhood that is mostly self-sufficient, walkable, and interconnected. It provides residents with most all they need on a daily basis nearby. In other words, a Complete Neighborhood anticipates and plans in advance all amenities needed in a neighborhood to ensure quality and lasting property values before the residential units are built instead of trying to piecemeal those amenities after the fact. This convenient and healthy lifestyle is the benefit of a Complete Neighborhood. While total self-sufficiency or even completeness is unlikely to be accomplished in each neighborhood, some of the defining characteristics of a Complete Neighborhood include parks and public schools within or near the neighborhood, public plaza/civic space, access to public transit, neighborhood-serving retail, and a range of employment opportunities.

Bullard Community Plan:

Upon reviewing the policies contained in the Bullard Community Plan, staff have determined there are no applicable policies that are more restrictive than those contained in the Fresno Municipal Code or General Plan.

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:

The subject property is located within an area which is attracting substantial residential and commercial development interest and meets the General Plan goals and strategies for infill development. The vicinity of the subject property is currently undergoing rapid growth with residential and commercial uses, and the subject property is a logical location for further commercial expansion, as the subject property is served with public facilities and services needed to provide for increased commercial opportunities.

C.) 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.

Finding C:

The project proposes to amend the Fresno General Plan and Bullard Community Plan to achieve the balance of land uses desired by the City of Fresno. This includes, but is not limited to, emphasizing land conservation and maximizing the efficient use of available underutilized property.

The project will increase employment opportunities and help to meet existing and future market demand.

ALCOHOL BEVERAGE CONDITIONAL USE PERMIT APPLICATION P21-03251 REVIEW 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:

Pursuant to Section 15-1202 of the Fresno Municipal Code, Alcohol Sales are a conditionally permitted use in the CG (*Commercial General*) zone district subject to the approval of a Conditional Use Permit. Given the conditions of approval, the project will comply with all applicable standards and requirements of the Fresno Municipal Code including Section 15-2706 (The Responsible Neighborhood Market Act).

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

Finding B:

Based upon the record, the project EIR, and these findings, as conditioned, the proposed facility has been found to be consistent with the Bullard Community Plan and applicable Goals and Policies of the Fresno General Plan.

Fresno General Plan:

The project 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 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.

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 D-4 supports that the City preserve and strengthen Fresno’s overall image through design review and create a safe, walkable and attractive urban environment for the current and future generations of residents.
- 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.

Policies

- Policy UF-1-f promotes the use of Complete Neighborhood design concepts and development standards to achieve the development of Complete Neighborhoods and the residential density targets of the General Plan.
- Policy LU-5-g promotes new development in or adjacent to established neighborhoods that is compatible in scale and character with the surrounding area by promoting a transition in

scale and architectural character between new buildings and established neighborhoods, as well as integrating pedestrian circulation and vehicular routes.

Much of Fresno has been built as discrete residential tracts bordered by strip retail centers, many of which are not accessible from the adjacent homes due to security walls or other barriers. By contrast, the Complete Neighborhoods concept will enable Fresnoans to live in communities with convenient services, employment, and recreation within walking distance.

The defining characteristic of a Complete Neighborhood is a neighborhood that is mostly self-sufficient, walkable, and interconnected. It provides residents with most all they need on a daily basis nearby. In other words, a Complete Neighborhood anticipates and plans in advance all amenities needed in a neighborhood to ensure quality and lasting property values before the residential units are built instead of trying to piecemeal those amenities after the fact. This convenient and healthy lifestyle is the benefit of a Complete Neighborhood. While total self-sufficiency or even completeness is unlikely to be accomplished in each neighborhood, some of the defining characteristics of a Complete Neighborhood include parks and public schools within or near the neighborhood, public plaza/civic space, access to public transit, neighborhood-serving retail, and a range of employment opportunities.

Bullard Community Plan:

Upon reviewing the policies contained in the Bullard Community Plan, staff have determined there are no applicable policies that are more restrictive than those contained in the Fresno Municipal Code or General Plan.

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:

Although the proposed project does not comply with the Location Restrictions for New Establishments set forth in FMC Section 15-2706-F, as conditioned, the Costco Commercial Center meets all of the required exceptions to location restrictions set forth in FMC Section 15-2706-F(6) and as such the ABC CUP may be issued.

Pursuant to FMC Section 15-2706(F)(6), a new establishment may be excepted from location restrictions if the Review Authority determines all the following:

1) The proposed use is not located within an area in which the Chief of Police has determined, based upon quantifiable information, that the proposed use: (a) would be detrimental to the public health, safety, or welfare of persons located in the area; or (b) would increase the severity of existing law enforcement or public nuisance problems in the area.

The project complies. In the memorandum dated September 28, 2021, the Fresno Police Department indicated they were not in opposition to the project and provided Conditions of Approval should the application be approved. The Police Chief determined that the proposed use is not located within an area that the proposed use (a) would be detrimental to the public health, safety, or welfare of persons located in the area; or (b) would increase the severity of existing law enforcement or public nuisance problems in the area specific to this request.

2) The proposed off-premises sale of alcoholic beverages is incidental and appurtenant to a larger retail use and provides for a more complete and convenient shopping experience.

The project complies. Costco warehouse stores provide a variety of good and services including, but not limited to tire center; optical exams and optical sales; hearing aid testing and sales; pharmacy; food service preparation and sales; meat preparation and sales; bakery and sales of baked goods; sale of bulk groceries (produce, dairy, dry, refrigerated, and frozen); sale of pet, household, office, and hygienic goods; and alcohol sales. Furthermore, the project site will also feature a car wash and a gas station.

3) The proposed outlet for the off-premises sale of alcoholic beverages would act as a public convenience or necessity to an underserved portion of the community and/or enhance the vitality of an existing commercial area without presenting a significant adverse impact on public health or safety.

The project complies. The proposed establishment will be the only bulk/warehouse store in the vicinity and contribute to the commercial and retail options available to residents and visitors. Patrons at the Costco will have convenient access to purchase alcohol on their regular trip to the store and will not have to travel to another retail location. Per ABC, a total of three (3) off-sale alcohol licenses are allowed in Census Tract 42.16. There are currently only two (2) off-sale alcohol licenses. Therefore, the tract may be considered underserved. As conditioned, the Costco will not present a significant adverse impact on public health or safety.

4) The primary use of the establishment, based on information provided by the applicant, has been determined by the Review Authority to meet the definition of a General Market including a supermarket, neighborhood grocery store, or a Healthy Food Grocer.

The project complies. The proposed establishment will sell food and grocery items for offsite preparation and consumption including meat preparation and sales; bakery and sales of baked goods; sale of bulk groceries (produce, dairy, dry, refrigerated, and frozen).

The Review Authority is able to make all of the aforementioned exceptions to the location restrictions pursuant to FMC Section 15-2706(F)(6). As such, 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. Therefore, staff recommend the requested ABC Type 21 License request be approved subject to the Draft Conditions of Approval.

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:

Based upon the record, the project EIR, and these findings, as conditioned, the design, location, size, and operating characteristic of the proposed Costco Commercial Center is compatible with the existing land uses in the area and reasonably foreseeable future land uses in the vicinity which are: Open Space – Golf Course (North); Commercial Community and Residential Urban Neighborhood (South), Residential – Medium High Density (East); and Residential – Medium Density (West).

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:

Based upon the record, the project EIR, and these findings, as conditioned, the site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency

access, utilities, and services required. These factors have been evaluated by the accompanying environmental impact report.

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. Therefore, there are no Airport Land Use Compatibility Plan policies applicable to the project.

PLANNED DEVELOPMENT PERMIT APPLICATION P21-03252 REVIEW FINDINGS

Findings per Fresno Municipal Code Section 15-5905

A.) The proposed development is consistent with the General Plan, 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, any applicable operative plan, and adopted policies, including the density and intensity limitations that apply;

Finding A:

Based upon the record, the project EIR, and these findings, as conditioned, the proposed facility has been found to be consistent with the Fresno County Airport Land Use Compatibility Plan, Bullard Community Plan, and applicable Goals and Policies of the Fresno General Plan.

Fresno General Plan:

The project 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 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.

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 D-4 supports that the City preserve and strengthen Fresno's overall image through design review and create a safe, walkable and attractive urban environment for the current and future generations of residents.
- 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.

Policies

- Policy UF-1-f promotes the use of Complete Neighborhood design concepts and development standards to achieve the development of Complete Neighborhoods and the residential density targets of the General Plan.
- Policy LU-5-g promotes new development in or adjacent to established neighborhoods that is compatible in scale and character with the surrounding area by promoting a transition in

scale and architectural character between new buildings and established neighborhoods, as well as integrating pedestrian circulation and vehicular routes.

Much of Fresno has been built as discrete residential tracts bordered by strip retail centers, many of which are not accessible from the adjacent homes due to security walls or other barriers. By contrast, the Complete Neighborhoods concept will enable Fresnans to live in communities with convenient services, employment, and recreation within walking distance.

The defining characteristic of a Complete Neighborhood is a neighborhood that is mostly self-sufficient, walkable, and interconnected. It provides residents with most all they need on a daily basis nearby. In other words, a Complete Neighborhood anticipates and plans in advance all amenities needed in a neighborhood to ensure quality and lasting property values before the residential units are built instead of trying to piecemeal those amenities after the fact. This convenient and healthy lifestyle is the benefit of a Complete Neighborhood. While total self-sufficiency or even completeness is unlikely to be accomplished in each neighborhood, some of the defining characteristics of a Complete Neighborhood include parks and public schools within or near the neighborhood, public plaza/civic space, access to public transit, neighborhood-serving retail, and a range of employment opportunities.

Bullard Community Plan:

Upon reviewing the policies contained in the Bullard Community Plan, staff have determined there are no applicable policies that are more restrictive than those contained in the Fresno Municipal Code or General Plan.

Fresno County Airport Land Use Compatibility Plan:

The project is not located within any safety zone as described in the Fresno County Airport Land Use Compatibility Plan. Therefore, there are no Airport Land Use Compatibility Plan policies applicable to the project.

B.) The subject site is physically suitable for the type and intensity of the land use being proposed;

Finding B:

Based upon the record, the project EIR, and these findings, as conditioned, the site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required. These factors have been evaluated by the accompanying environmental impact report.

C.) Adequate transportation facilities, utilities, and public services exist or will be provided, in accord with the conditions of PD approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of public services so as to be a detriment to public health, safety, or welfare;

Finding C:

Based upon the record, the project EIR, and these findings, as conditioned, adequate transportation facilities, utilities, and public services exist or will be provided. These factors have been evaluated by the accompanying environmental impact report and the approval of the proposed development will not result in a reduction of public services so as to be a detriment to public health, safety, or welfare.

D.) The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area; and

Finding D:

Based upon the record, the project EIR, and these findings, as conditioned, the design, location, size, and operating characteristic of the proposed Costco Commercial Center is compatible with the existing land uses in the area and reasonably foreseeable future land uses in the vicinity which are: Open Space – Golf Course (North); Commercial Community and Residential Urban Neighborhood (South), Residential – Medium High Density (East); and Residential – Medium Density (West).

E.) The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation, and/or substantial public benefit. In making this determination, the following factors should be considered:

1. Appropriateness of the use(s) at the proposed location.
2. The mix of uses, housing types, and housing price levels.
3. Provision of infrastructure improvements.
4. Provision of open space. For example, a greater amount of open space than would otherwise be provided under the strict application of this code.
5. Connectivity to public trails, schools, etc.
6. Compatibility of uses within the development area.
7. Creativity in design and use of land.
8. Quality of design, and adequacy of light and air to the interior spaces of the buildings.
9. Overall contribution to the enhancement of neighborhood character and to the built and natural environment of Fresno in the long term.

Finding E:

Much of Fresno has been built as discrete residential tracts bordered by strip retail centers, many of which are not accessible from the adjacent homes due to security walls or other barriers. By contrast, the Complete Neighborhoods concept will enable Fresnans to live in communities with convenient services, employment, and recreation within walking distance.

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The Costco Commercial Center will contribute to the establishment of this neighborhood as a Complete Neighborhood by providing access to employment opportunities; neighborhood serving functions such full service grocery retail, pharmacy services, optical exams and retail, sale of home goods; construction of infrastructure, including multi-modal transportation facilities (including pedestrian and bicycle paths); and other features as detailed in the record.