

FINDINGS PER FRESNO MUNICIPAL CODE SECTION 15-5206

The Director or Planning Commission may only approve a Development Permit application if it finds that the application is consistent with the purposes of this article and with the following.

a. The applicable standards and requirements of this Code.

Finding a: Development Permit Application No. D-16-081 meets all of the provisions of the FMC per the RM-2/UGM (*Residential Multi-Family, Urban Neighborhood/Urban Growth Management*) zone district with the exception of the frontage coverage requirement. A variance has been filed to allow this deviation.

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

Finding b: Development Permit Application No. D-16-081 complies with the goals, objectives, and policies contained in the Fresno General Plan and the West Area Community Plan as outlined in this staff report.

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

Finding c: Development Permit Application No. D-16-081 complies with all applicable design guidelines of the RM-2/UGM (*Residential Multi-Family, Urban Neighborhood/Urban Growth Management*) zone district and specific standards for multi-unit residential.

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

Finding d: All special conditions required under Development Permit Application No. D-16-081 have been incorporated into the Conditions of Approval and shall be met prior to issuance of building permits/occupancy. Furthermore, the applicant is required to submit corrected exhibits, inclusive of all of the conditions of approval, which will ensure that all requirements are met.

FINDINGS PER FRESNO MUNICIPAL CODE SECTION 15-5812.

<i>Finding A:</i>	The change is consistent with the General Plan goals and policies, any operative plan, or adopted policy;
a. As outlined in "Land Use Plans and Policies" discussion above, the application is consistent with the goals and policies of the General Plan, the West Area Community Plan, and other adopted policies.	
<i>Finding B:</i>	The change is consistent with the purpose of the Development Code to promote growth in orderly and sustainable manner, and to promote and protect the public health, safety, peace, comfort, and general welfare. In addition, all future Development Permits must comply with the requirements of the Development Code.
b. As outlined in "Land Use Plans and Policies" discussion above, the applications are consistent with the purpose of the Development Code to promote growth in an orderly and sustainable manner, support infill development, and to promote and protect the public health, safety, peace, comfort, and general welfare.	
<i>Finding C:</i>	The change is necessary to achieve balance of land uses desired by the City to provide needed housing, consistent with the general Plan, and to increase the inventory of land within zone district to meet market demand.
c. The proposed project will help achieve a balance of land uses desired by the City to provide needed housing or employment-generated uses, consistent with the General Plan. This project provides additional land that is zoned RM-2 which will help meet market demand for multi-family housing in a manner which supports the Complete Neighborhood Concepts included within the General Plan.	

Findings per Fresno Municipal Code Section 15-5506

A Variance, including variances from the terms of open-space zoning, shall only be granted if the Review Authority determines that the project as submitted or as modified conforms to all of the following criteria. If the Review Authority determines that it is not possible to make all of the required findings, the application shall be denied.

a. There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the vicinity and identical zoning classification, and that the granting of a Variance will not constitute a granting of a special privilege inconsistent with the limitations on the property in the vicinity and identical zone classifications;

Finding A:	There are conditions applicable to the property involved that do not apply generally to property in the vicinity and identical zoning classification. The subject property is bordered by single-family and rural residential land uses, has a unique width to depth ratio for multi-family residential development, and is further restricted by requirements imposed by its location abutting a single-family residential district. The subject property's dimensions are 210.58' x 960.67' for a width to depth ratio of 4.6:1, which is a ratio met or exceeded by only one other property in the vicinity (APN 442-060-07, ratio 6.3:1). There are no other properties in the area zoned RM-2. The size and shape of the subject property constitute exceptional or extraordinary circumstances that create significant challenges for the applicant in meeting FMC development requirements and in producing an efficient, safe, and pleasing design for the community. Given the unique shape and zoning of the property, and existing development of the area, the granting of a variance will not constitute a granting of a special privilege inconsistent with the limitations on the property in the vicinity and identical zone classifications. As each variance request is evaluated on a project by project basis, the circumstances of each request may vary, affecting granting or denial, but the opportunity is present.
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b. The granting of the application is necessary to prevent a physical hardship which is not of the applicant's own actions or the actions of a predecessor in interest;

Finding B:	Physical constraints on infill development resultant from the strict application of the municipal code in the context of the existing built environment surrounding the subject property create a hardship which limits the potential for infill development consistent with the goals, objectives and policies of the Fresno General Plan and West Area Community Plan. The granting of variance prevents such hardship while affording alternative measures in a manner which is consistent with the same goals, objectives and policies.
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<p><i>c. The granting of the application will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience, nor the preservation and conservation of open space lands; and</i></p>	
<p><i>Finding C:</i></p>	<p>The granting of the variance will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience, nor the preservation and conservation of open space lands. It is unlikely that the difference in frontage coverage will be noticeable to and negatively perceived by the public. The proposed construction fronts onto West Clinton Avenue and is designed to “soften” the streetscape that is currently dominated by back and side yard fencing separating pedestrians from surrounding land uses and isolating area residents from the transit stop located in front of the subject property.</p>
<p><i>d. The granting of the Variance will be consistent with the general purposes and objectives of this Code, any applicable operative plan, and of the General Plan.</i></p>	
<p><i>Finding D:</i></p>	<p>The granting of the variance will be consistent with the general purposes and objectives of the Fresno Municipal Code, the Fresno General Plan and West Area Community Plan. The granting of the variance application will encourage infill development and increased residential density by allowing the owner of the subject site to demolish a dilapidated single family residence and replace it with new multi-family housing.</p>