

## Exhibit G

**FRESNO MUNICIPAL CODE FINDINGS**

**PLAN AMENDMENT-REZONE APPLICATION NO. P20-00213**

**DEVELOPMENT PERMIT APPLICATION NO. P22-03749**

**PLANNED DEVELOPMENT PERMIT APPLICATION NO. P23-03173**

**PLAN AMENDMENT-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 Plan Amendment:

<b>Findings per Fresno Municipal Code Section 15-5812</b>	
<i>A. The change is consistent with the General Plan goals and policies, any operative plan, or adopted policy; and,</i>	
Finding A:	<p>The project proposes a Plan Amendment to change the planned land use from Employment – Office to Medium High Density Residential. This project meets objectives, goals, and policies of the Fresno General Plan for Medium High Density Residential planned land uses:</p> <p><b>Goal 7:</b> 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> <p><b>Objective UF-1:</b> Emphasize the opportunity for a diversity of districts, neighborhoods, and housing types.</p> <p><b>Objective LU-2:</b> 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.</p> <p><b>Objective LU-5:</b> Plan for a diverse housing stock that will support balanced urban growth and make efficient use of resources and public facilities.</p> <p><b>Policy UF-1-a:</b> Diverse Neighborhoods. Support development projects that provide Fresno with a diversity of urban and suburban neighborhood opportunities.</p> <p><b>Policy UF-1-d:</b> Range of Housing Types. Provide for diversity and variation of building types, densities, and scales of development 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.</p> <p><b>Policy LU-5-d:</b> Medium High Density Residential Uses. Promote medium-high density residential uses to optimize use of available or planned public facilities and services and to provide housing opportunities with convenient access to employment, shopping, services, and transportation.</p> <p><b>Policy LU-5-h:</b> Housing Offering Amenities. Support housing that offers residents a range of amenities, including public and private open space, landscaping, and recreation facilities with direct access to commercial services, public transit, and community gathering spaces.</p> <p>The proposed project provides for a diversity of multi-family residential development in an area that is primarily developed with single-family residential neighborhoods and sparse multi-family residential development. The project promotes multi-family</p>

	<p>residential development on vacant infill property. Furthermore, the proposed multi-family development proposes to offer residents a range of amenities, including various open space areas, a clubhouse, swimming pool, and tot lot. The project is conditioned to construct sidewalk that will connect to existing sidewalk on Chestnut Avenue, which leads to direct access of the transit bus stop across the street at the nearby intersection of Behymer and Chestnut Avenues. This provides transit accessibility to commercial shopping and dining areas.</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>
<p><i>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,</i></p>	
Finding B:	<p>The project site is located within an area which has primarily developed various residential neighborhoods and uses. The subject property is a logical location for further residential expansion because the subject site is served with public facilities and services needed to provide for increased housing opportunities.</p>
<p><i>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.</i></p>	
Finding C:	<p>Approval of Plan Amendment-Rezone Application No. P20-00213, Development Permit Application No. P22-03749, and Planned Development Permit Application No. P23-03173 would help contribute in fulfilling the housing needs of the region and increase the inventory of land within the RM-1 zone district to meet market demand. Furthermore, the proposed multi-family development, once developed, will contribute to the housing inventory for the city.</p>

## DEVELOPMENT PERMIT FINDINGS

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	
<p><i>A. The applicable standards and requirements of this Code.</i></p>	
Finding A:	<p><b>Fresno Municipal Code</b></p> <p><u>Density</u></p> <p>The project proposes construction of a 48-unit multi-family residential development on approximately 3.78 acres of property that is proposed to be zoned RM-1 (<i>Multi-Family Residential, Medium High Density</i>). Pursuant to the Fresno General Plan, Medium High Density Residential planned land uses have an allowable density range of 12 to 16 dwelling units per acre (du/ac). As proposed, the 48 units would result in a density</p>

of 12.70 du/ac and would, therefore, be consistent with the density range requirement of the Medium High Density Residential planned land use.

### Setbacks

The east property line along North Chestnut Avenue is considered the front yard, the south property line is considered the interior side yard, and the west property line is considered the rear yard. The northern property line ends at a point and thus, is not considered as a front, side, or rear yard.

- Front setback (North Chestnut Avenue): The front setback requirement of the RM-1 zone district does not apply (Note 1 in FMC Table 15-1003).
- Interior side yard setback (southern property line; adjacent to child day care property): The minimum interior side yard setback is 10 feet total, minimum 4 feet per side. The site plan depicts the nearest building to the interior side yard setback at 10 feet. Thus, the proposed project complies with the minimum interior side yard setback requirement of the RM-1 zone district.
- Rear yard setback (western property line): Pursuant to FMC Section 15-1004.A.2.b, when an RM zone district abuts an RS zone district, the minimum rear yard setback shall 20 feet. The site plan depicts the nearest building to the portion of the property that abuts the RS zone district at 86 feet. It should be noted that the nearest 2<sup>nd</sup> floor balconies facing the single-family residential properties are approximately 175 feet away. Pursuant to FMC Section 15-2016.C.1, the proposed solid waste enclosure at the southern end of the site is conditioned to be relocated a minimum of 20 feet from the rear property line. Thus, as conditioned, the proposed project complies with the minimum rear yard setback requirement of the RM-1 zone district.
- Parking, from back of sidewalk: The minimum parking setback, from back of sidewalk, is 30 feet. The site plan depicts the nearest parking space from back of sidewalk at approximately 16 feet. This deviation is requested with the planned development permit for which approval findings can be made. Therefore, the proposed project complies with the minimum parking setback requirement of the RM-1 zone district, subject to approval of the planned development permit.

### Lot Coverage

The maximum lot coverage for the RM-1 zone district is 50 percent. The proposed lot coverage for the project is approximately 32 percent, providing consistency with the maximum lot coverage requirement of the RM-1 zone district.

### Parking

The project proposes 16 one-bedroom dwelling units, 20 two-bedroom dwelling units, and 12 three-bedroom dwelling units. For multi-family projects, FMC Section 15-2409 requires one (1) parking space per unit for one- or two-bedroom units, and 1.5 parking spaces for three-bedroom units. Additionally, for one-, two-, or three-bedroom units, 1 covered parking space is required for each unit and 1 additional uncovered guest parking space must be provided for every two (2) units. This equates to a total of 78 required on-site parking spaces (48 covered and 30 uncovered). The site plan depicts 81 total parking spaces, of which 48 are garages (covered parking) and 33 uncovered

	<p>parking spaces, providing compliance with and exceeding the minimum parking space requirements of the RM-1 zone district.</p> <p><u>Walls</u></p> <p>FMC Section 15-2008.B requires a minimum six-foot-high (6') screen wall along the western property line to screen the existing single-family residential uses. The Fresno Irrigation District can permit a wall to be constructed along the edge of their easement, pursuant to a written agreement with the Developer.</p> <p><u>Landscaping / Open Space</u></p> <p>Pursuant to FMC Table 15-1003, the minimum on-site open space requirement of the RM-1 zone district is 20 percent of the subject property area. The subject property is approximately 3.78 acres in size (164,657 square feet), equating to a minimum on-site open space requirement of 0.76 acres (32,931 square feet). The project proposes approximately 0.96 acres (41,793 square feet) of open space that includes various open space areas, a clubhouse, swimming pool, tot lot and private patios and balconies. This equates to 25.4 percent of the subject property developed as open space, which exceeds the minimum requirement of 20 percent, providing compliance with the RM-1 open space requirements.</p> <p>Fresno Municipal Code Section 15-1004.A has minimum applicable setback requirements of the RM zone district abutting an RS zone district, as follows: 1) Interior side yard setback of 10 feet; and, 2) Rear yard setback of 15 feet. Additionally, pursuant to FMC Table 15-2305-C.1, a minimum 10-foot-wide landscape buffer with a minimum of 2 large trees, 2 small to medium trees, 6 large shrubs, and 8 small to medium shrubs is required along the rear yard property line. Although a minimum 15-foot-wide landscape setback will be proposed along the rear property line, only ground cover can be installed because this area is within an existing FID easement that does not allow for trees or shrubs.</p> <p>Development Permit Application No. P22-03749 will comply with the RM-1 zone district development standards and with all applicable codes, given that the special conditions of project approval issued for the project will be complied with prior to the issuance of building permits.</p>
<i>B. The General Plan and any operative plan or policies the City has adopted.</i>	
Finding B:	<p>The project proposes a Plan Amendment to change the planned land use from Employment – Office to Medium High Density Residential. This project meets objectives, goals, and policies of the Fresno General Plan for Medium High Density Residential planned land uses:</p> <p><b>Goal 7:</b> 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> <p><b>Objective UF-1:</b> Emphasize the opportunity for a diversity of districts, neighborhoods, and housing types.</p> <p><b>Objective LU-2:</b> 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.</p> <p><b>Objective LU-5:</b> Plan for a diverse housing stock that will support balanced urban growth and make efficient use of resources and public facilities.</p>

	<p><b>Policy UF-1-a:</b> Diverse Neighborhoods. Support development projects that provide Fresno with a diversity of urban and suburban neighborhood opportunities.</p> <p><b>Policy UF-1-d:</b> Range of Housing Types. Provide for diversity and variation of building types, densities, and scales of development 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.</p> <p><b>Policy LU-5-d:</b> Medium High Density Residential Uses. Promote medium-high density residential uses to optimize use of available or planned public facilities and services and to provide housing opportunities with convenient access to employment, shopping, services, and transportation.</p> <p><b>Policy LU-5-h:</b> Housing Offering Amenities. Support housing that offers residents a range of amenities, including public and private open space, landscaping, and recreation facilities with direct access to commercial services, public transit, and community gathering spaces.</p> <p>The proposed project provides for a diversity of multi-family residential development in an area that is primarily developed with single-family residential neighborhoods with sparse multi-family residential development. The project promotes multi-family residential development on vacant infill property. Furthermore, the proposed multi-family development proposes to offer residents a range of amenities including various open space areas, a clubhouse, swimming pool, and tot lot.</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>
<p><i>C. Any applicable design guidelines adopted by the City Council.</i></p>	
<p>Finding C:</p>	<p>Pursuant to FMC Section 15-1005, the project is required to comply with the Flexibility Option of the Façade Design Development Standards of the RM zone district. The Flexibility Option requires projects to demonstrate to the satisfaction of the Review Authority that the project: 1) Presents an attractive appearance to public streets; 2) Is aesthetically and functionally compatible to the nearby development context; 3) Demonstrates a high level of quality; and, 4) Supports the growth in value of surrounding properties.</p> <p>The proposed elevations depict a Spanish-style façade that incorporates the following:</p> <ul style="list-style-type: none"> <li>• “Sandstone” pre-cast stone veneers on columns that project outward from the primary façade, with ornamental lighting on the larger entrance columns.</li> <li>• Decks, patios, and balconies that have a wooden barrier with a “basketweave” design.</li> <li>• Steel tube and angle iron horizontal and vertical sunshades above tinted glass doors and windows.</li> <li>• Varied roof heights and recesses/projections that provide for staggered horizontal and vertical alignment of the buildings, breaking up the mass of the building.</li> </ul> <p>Overall, the elevations as described above provide for an attractive appearance to public streets, are aesthetically and functionally compatible to the nearby</p>

	development context, demonstrate a high level of quality, and support the growth in value of surrounding properties.
<i>D. Any approved Tentative Map, Conditional Use Permit, Variance, or other planning or zoning approval that the project required.</i>	
Finding D:	All special conditions required for the proposed project from Planned Development Permit Application No. P23-03173 have been incorporated into the Conditions of Approval which shall be met prior to issuance of building permits/occupancy. Furthermore, the applicant is required to submit corrected exhibits, inclusive of all conditions of approval which will ensure that all requirements are met.
<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 Sections 21670-21679.5.</i>	
Finding E:	The proposed project is located within the area of influence under the Fresno County Airport Land Use Compatibility Plan (ALUCP). The project is in Traffic Pattern Zone 6. Zone 6 has no limit on the dwelling units per acre and requires review for structures over 100 feet tall. The proposed peak height of the project is proposed at a peak height of 30 feet (maximum height requirement of the conditions of zoning for the property). Therefore, the proposed project is compatible and in compliance with the Fresno County ALUCP.

## PLANNED DEVELOPMENT FINDINGS

A Planned Development shall only be approved if all of the following findings are made:

Findings per Fresno Municipal Code Section 15-5905	
<i>A. The proposed development is consistent with the General Plan, any applicable operative plan, and adopted policies, including the density and intensity limitations that apply; and,</i>	
Finding A:	<p>The project proposes a Plan Amendment to change the planned land use from Employment – Office to Medium High Density Residential. This project meets objectives, goals, and policies of the Fresno General Plan for Medium High Density Residential planned land uses:</p> <p><b>Goal 7:</b> 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> <p><b>Objective UF-1:</b> Emphasize the opportunity for a diversity of districts, neighborhoods, and housing types.</p> <p><b>Objective LU-2:</b> 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.</p> <p><b>Objective LU-5:</b> Plan for a diverse housing stock that will support balanced urban growth and make efficient use of resources and public facilities.</p> <p><b>Policy UF-1-a:</b> Diverse Neighborhoods. Support development projects that provide Fresno with a diversity of urban and suburban neighborhood opportunities.</p> <p><b>Policy UF-1-d:</b> Range of Housing Types. Provide for diversity and variation of building types, densities, and scales of development to reinforce the identity of</p>

	<p>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.</p> <p><b>Policy LU-5-d:</b> Medium High Density Residential Uses. Promote medium-high density residential uses to optimize use of available or planned public facilities and services and to provide housing opportunities with convenient access to employment, shopping, services, and transportation.</p> <p><b>Policy LU-5-h:</b> Housing Offering Amenities. Support housing that offers residents a range of amenities, including public and private open space, landscaping, and recreation facilities with direct access to commercial services, public transit, and community gathering spaces.</p> <p>The proposed project provides for a diversity of multi-family residential development in an area that is primarily developed with single-family residential neighborhoods with sparse multi-family residential development. The project promotes multi-family residential development on vacant infill property. Furthermore, the proposed multi-family development proposes to offer residents a range of amenities including various open space areas, a clubhouse, swimming pool, and tot lot.</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>
<p><i>B. The subject site is physically suitable for the type and intensity of the land use being proposed; and,</i></p>	
Finding B:	<p>The concurrent plan amendment and rezone applications propose to change the planned land use of the subject property from Employment – Office to Medium High Density Residential, which is consistent with the proposed zone change to the RM-1 (<i>Multi-Family Residential, Medium High Density</i>) zone district. The concurrent application for a Development Permit proposes the development of a 48-unit gated multi-family residential development at an allowable density under the Fresno General Plan, i.e. 12.70 dwelling units per acre (du/ac), within the Medium High Density Residential (12-16 du/ac) planned land use. The proposed use is also compatible with the adjacent land uses, which are single-family residential uses.</p>
<p><i>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; and,</i></p>	
Finding C:	<p>The project will front onto North Chestnut Avenue, which is a collector street. The nearest Fresno Area Express (FAX) bus station to the subject property is directly across the street on North Chestnut Avenue, at its intersection with East Behymer Avenue, serving Bus Route 3 (Herndon). Pursuant to the Fire Department and the Department of Public Utilities memorandums, the project has been appropriately conditioned to provide services to the prospective residents, as well as ensure there will be no negative impacts or a reduction of public services which would result in a detriment to public health, safety or welfare.</p>



*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:

Planning and Development Department staff have determined that the proposed use will not have a substantial adverse effect on surrounding land residential uses if developed in accordance with the various conditions and requirements established through the related development permit application review and planned development application review process. The proposed project is gated and does not provide any connectivity to the developed single-family residential neighborhood to the west and day care center to the south. A 6-foot masonry block wall will be constructed along the western property line of the subject property to provide separation from the existing surrounding single-family residential neighborhood.

*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:

- 1. Appropriateness of the use(s) at the proposed location.*

The project proposes a plan amendment to change the planned land use designation of the subject property from Employment – Office to Medium High Density Residential and a corresponding rezone of the subject property from O/UGM/cz (*Office/Urban Growth Management/conditions of zoning*) to RM-1/UGM/cz (*Multi-Family Residential, Medium High Density/Urban Growth Management/conditions of zoning*), which increases the density permitted on the site. The Fresno General Plan defines Medium High Density Residential uses as intended for neighborhoods with a mix of single-family residences, townhomes, garden apartments, and multi-family units intended to support a fine-grain, pedestrian scale, accommodating densities from 12 to 16 units per acre overall. The change to Medium High Density Residential allows for a mix of multi-family uses at a density of 12.70 du/ac in an area where primarily single-family residences exist. This results in an appropriate use for the area.

- 2. The mix of uses, housing types, and housing price levels.*

The proposed development includes multi-family development where primarily single-family residences exist. This results in an appropriate use for the area. This allows for a mix of uses in the area.

3. *Provision of infrastructure improvements.*

The subject property is in proximity to existing water and sewer mains. The project would include connection to the City's public utilities and infrastructure improvements, such as the construction of curb, gutter, sidewalks, roadways, streetlights, etc.

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.*

The project proposes approximately 0.96 acres (41,793 square feet) of open space that includes various open space areas, a clubhouse, swimming pool, and tot lot. This equates to 25.4 percent of the subject property developed as open space, which exceeds the minimum requirement of 20 percent. The project provides 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.*

The project will be required to construct curb, gutter, and sidewalk along the North Chestnut Avenue property frontage. The sidewalk will connect to existing adjacent sidewalk that leads to pedestrian pathways and a trail on North Willow Avenue one block east of the property. The trail provides direct connectivity to Clovis Community College and Clovis North High School to the north. Additionally, other pedestrian pathways via sidewalk are available that connect to Granite Ridge Intermediate and Riverview Elementary School to the south.

6. *Compatibility of uses within the development area.*

The Fresno General Plan defines Medium High Density Residential uses as intended for neighborhoods with a mix of single-family residences, townhomes, garden apartments, and multi-family units intended to support a fine-grain, pedestrian scale, accommodating densities from 12 to 16 units per acre overall. The change to Medium High Density Residential allows for a mix of multi-family uses at a density of 12.70 du/ac in an area where primarily single-family residences exist. Additionally, the peak height of the tallest proposed building is 30 feet where single-family residential zone districts have a maximum height requirement of 35 feet. Overall, the proposed project is compatible with the uses within the development area.

7. *Creativity in design and use of land.*

The proposed project provides creativity in design and use of land by developing a private multi-family project that incorporates open space in excess of the minimum requirements while having an FID easement that restricts development on a portion of the property.

8. *Quality of design, and adequacy of light and air to the interior spaces of the buildings.*

The project does not request any modifications for building setbacks or increased building height, thus the adequacy of light and air to interior spaces of the buildings are not affected.

9. *Overall contribution to the enhancement of neighborhood character and to the built and natural environment of Fresno in the long term.*

Overall, the project positively contributes to the enhancement of the neighborhood character and to the built and natural environment providing for a

	multi-family residential development in an area primarily developed with single-family residential uses, resulting in a variety of residential development options for the neighborhood.
--	--

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.