

# Fresno Municipal Code Findings

## DEVELOPMENT PERMIT APPLICATION FINDINGS

FINDINGS PER FRESNO MUNICIPAL CODE SECTION 15-5206	
<i>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.</i>	
<i>a. The applicable standards and requirements of this Code.</i>	
Finding a:	Development Permit Application No. D-17-109 meets all the provisions of the FMC per the DTN ( <i>Downtown Neighborhood</i> ) zone district, except for those specifically modified by the related Planned Development Permit application, given that the special conditions of project approval issued for the project will be complied with prior to the construction of the structures and development of the site.
<i>b. The General Plan and any operative plan or policies the City has adopted.</i>	
Finding b:	Development Permit Application No. D-17-109 complies with the goals, objectives, and policies contained in the Fresno General plan and the Downtown Neighborhoods Specific Plan.
<i>c. Any applicable design guidelines adopted by the City Council.</i>	
Finding c:	Development Permit Application No. D-17-109 complies with the design guidelines of the Development Code except for those specifically modified by the related Planned Development Permit application, subject to the Conditions of Approval dated September 18, 2019.
<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 under Development Permit Application No. D-17-109 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.

## PLANNED DEVELOPMENT PERMIT APPLICATION REVIEW FINDINGS

FINDINGS PER FRESNO MUNICIPAL CODE SECTION 15-5905	
<i>The Director or Planning Commission may only approve a Planned Development Permit application if it finds that the application is consistent with the purposes of this article and with the following:</i>	
<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:	As proposed, Phase I will comply with the majority of applicable DTN (Downtown Neighborhood) zone district development standards. However, the integrated retail & entertainment center proposed under Phase I will incorporate shipping containers, shade structures, and a mix of alternative design and building materials not typically utilized and therefore requires greater flexibility than already provided for in the development code. Therefore, requested modifications have been proposed that will not compromise the intent of the development standards or General Plan and Downtown Neighborhoods Community Plan goals. The project supports a successful and competitive downtown by providing infill development that will revitalize a central core area of Downtown Fresno. Given the requested modifications, the proposed phased development (Phase I in particular) is consistent with the allowable land use and intensity requirements per the underlying zone district and with the goals, objectives, and policies contained in the Downtown Neighborhoods Community Plan and the Fresno General Plan.
<i>b. The subject site is physically suitable for the type and intensity of the land use being proposed; and,</i>	
Finding b:	The subject property is surrounded by existing commercial and light industrial uses. Portions of the subject property currently vacant, undeveloped, and underutilized. In addition, sidewalks and all required utilities and services either exist or will be provided. Phase I of the proposed is similar and complimentary to the existing buildings on the adjacent property and future phases of development (Phases II, III, & IV). Therefore, the subject site is physically suitable for the proposed integrated retail & entertainment center with outdoor dining and compatible with the surrounding uses.
<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>	
Finding c:	Adequate access, parking, utilities and services shall be provided to serve the property and were reviewed for consistency with the requirements of the Downtown General planned land use and the DTN ( <i>Downtown Neighborhood</i> ) zone district. Approval of the special permit would be in accordance with applicable provisions of the FMC, including the determination that all findings have been made relative to the issuance of a development permit and planned development permit for the proposed project. Therefore, approval of the proposed integrated retail & entertainment center with outdoor dining (Phase I) will not be detrimental to public health, safety, or welfare.
<i>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</i>	

Finding d:	The proposed integrated retail & entertainment center with outdoor dining (Phase I) is consistent with the Downtown Neighborhood planned land use designation for the project site. Furthermore, the proposed use is compatible with the surrounding commercial and employment properties and will not have a negative impact on either the subject site or neighboring properties. Approval of the special permit would be in accordance with applicable provisions of the FMC, including the determination that all findings have been made relative to the issuance of a development permit and planned development permit for the proposed project.
<p>e. <i>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:</i></p> <ol style="list-style-type: none"> <li><i>1. Appropriateness of the use(s) at the proposed location.</i></li> <li><i>2. The mix of uses, housing types, and housing price levels.</i></li> <li><i>3. Provision of infrastructure improvements.</i></li> <li><i>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.</i></li> <li><i>5. Connectivity to public trails, schools, etc.</i></li> <li><i>6. Compatibility of uses within the development area.</i></li> <li><i>7. Creativity in design and use of land.</i></li> <li><i>8. Quality of design, and adequacy of light and air to the interior spaces of the buildings.</i></li> <li><i>9. Overall contribution to the enhancement of neighborhood character and to the built and natural environment of Fresno in the long term.</i></li> </ol>	
Finding e.	The proposed integrated retail & entertainment center with outdoor dining (Phase I) will benefit the community by providing new eating and drinking establishments, and entertainment venue, and a place for downtown residents and employees to congregate. The proposed project will provide an overall improvement to the area through infill development of a vacant site and construction of a new alternatively designed building that will result in a greater concentration of buildings and people in Downtown Fresno. Furthermore, the proposed project will provide pedestrian scale ground-level frontage that fosters an overall better pedestrian experience.

## HOUSING ELEMENT FINDINGS

The Director or Planning Commission may only approve development on a Housing Element Site at less than the established minimum residential capacity if it makes the following findings at the time of approval pursuant to California Government Code §§ 65863, *et seq.*:

**Findings per the Housing Element (California Government Code §§ 65863, et seq.)**

*The Director or Planning Commission may only approve an application that reduces the residential density for sites within the Housing Element Inventory, or allow development of any site at, a lower density if it finds that the application is consistent with the purposes of this article and with the following.*

*a. The reduction in residential densities on sites within the Housing Element inventory included in the proposed Development Permit and Planned Development is consistent with the goals and objectives of the Fresno General Plan, and is consistent with the Housing Element; and*

Finding a:	The proposed phased development which will reduce residential densities on sites within the Housing Element inventory is consistent with the goals and objectives of the Fresno General Plan, and is consistent with the Housing Element.
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*b. The remaining sites identified in the Housing Element are adequate to meet the requirements of Section 65583.2 and to accommodate the City's share of the regional housing need pursuant to Section 65584. The capacity quantification for all income categories is as follows:*

Finding b:	<p>The 2008-2013 RHNA capacity for very low/low is proposed to decrease by 70 units which will reduce the excess capacity from 59 units to -11 units. The 2008-2013 RHNA obligation for very low/low is 4,873 and the total capacity remaining after the proposed decrease is 4,862. Per Section 65863 of the California Government Code a housing project cannot be denied because it would reduce the capacity of the Housing Sites Inventory to below the City's RHNA obligation in any one income category. In keeping with Section 65863, the City will have 180 days after the approval of this project to identify and make available additional adequate sites to increase the capacity of the Housing Sites Inventory (2008-2013 RHNA) to accommodate the City's share of the regional housing need.</p> <p>There are no proposed changes to the 2013-2023 RHNA.</p>
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