

FINDINGS PER FRESNO MUNICIPAL CODE SECTION 15-5306

The Planning Commission may only approve a Conditional Use Permit application if it finds that the application is consistent with the purposes of this article and with the following:

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; and,

Finding a:	<p><i>Finding (a) can be made:</i> In accordance with FMC Table 15-902 (Use Regulations – Residential Single-Family Districts) and FMC Section 15-906-B, the proposed multi-unit residential development consisting of detached, single-story single-family homes is a permitted use in the RS-5 (<i>Single Family Residential, Medium Density</i>) zone district subject to Planning Commission approval of a Conditional Use Permit. 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, Conditional Use Permit Application No. P20-04902 will comply with the RS-5 zone district and with all applicable codes including but not limited to FMC Sections 15-2003 (Trails) and 15-2738 (Manufactured Homes)..</p>
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b. The proposed use is consistent with the General Plan and any other applicable plan and design guideline the City has adopted; and,

Finding b:	<p><i>Finding (b) can be made:</i> The proposed multi-unit residential development as requested under Conditional Use Permit Application No. P20-04902 is consistent with the Medium Density Residential planned land use designation for the project site and complies with the design guidelines of the Development Code subject to the Conditions of Approval dated April 7, 2021.</p>
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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; and,

Finding c:	<p><i>Finding (c) can be made:</i> The proposed multi-unit residential development consisting of detached, single-story single-family homes has been reviewed by the City of Fresno Planning and Development, Public Utilities, Public Works, Police, and Fire Departments. In addition, all responsible departments, and agencies such as the Fresno County Department of Public Health, San Joaquin Valley Air Pollution Control District, Fresno Metropolitan Flood Control District, Fresno Irrigation District, Central Unified School District, and Pacific Gas & Electric Company have been contacted and afforded opportunity to review and provide comments and/or requirements for purposes of the proposed project. The reviews provided by these City Departments and partnering responsible Agencies have been analyzed and addressed in the conditions of approval for the proposed project listed in Exhibit G of the staff report. The proposed project has also been found to be exempt from the Californian Environmental Quality Act (CEQA) through a Class 32 (Infill Development) Exemption.</p>
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Public services such as Fire and Police are available. The project will not result in significant impacts to emergency response times or other performance objectives for emergency services. The nearest fire station (Station 15) is approximately 1.18 miles southwest from the project site. The nearest police station (Southeast) is approximately 4.01 Miles. The proposed project will also contribute to Citywide Development Impact fees which contribute to police and fire services. Therefore, the proposed project will not be a detriment to the public safety of the community. The proposed project will also not be detrimental to the general welfare of the community. On the contrary, the project will provide for housing (during a State housing crisis) which contribute to the opportunity for the area to be a complete neighborhood with a mix of housing choices.

Further, the project has been adequately reviewed by all responsible departments and agencies for compliance with applicable regulations and requirements as included in the conditions of approval for development, which will minimize or eliminate any potentially significant adverse impacts to the health, safety and general welfare of the surrounding community.

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; and,

Finding d:

Finding (d) can be made:

Design

The design is consistent with the provisions of the RS-5 zone district including additional standards of FMC Section 15-906 which provide additional requirements and property development standards for multi-unit residential projects in RS-5 zoned districts. The project proposes 11.1 dwelling units per acre which is consistent with the allowable density range of 5 to 12 units per acre as established by the General Plan and the development code. The proposed residential development, which includes manufactured homes, will be compatible in design and appearance with existing and future residential structures in the vicinity 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. The project complies with FMC Section 15-2738 (Manufactured Homes) in that the proposed project meets the requirements of the underlying district and meets the prescriptive design standards established for manufactured homes which include foundations, date of construction, roof overhang, roof and siding material, and orientation.

Location.

As stated above, the project is permitted in RS-5 zoned districts subject to a Conditional Use Permit approved by the Planning Commission and is found to be compatible with the existing or future land uses in the vicinity.

Size

The project is comprised of four parcels totaling approximately 4.05 acres.

	<p><u>Operating Characteristics</u> The proposed project will operate as a typical residential single-family development which is consistent with the underlying RS-5 zone district and Medium Density Residential planned land use designation.</p> <p>Therefore, the proposed development is compatible with the established residential and public facility land uses in the surrounding area, will comply with FMC requirements, and will not have a negative impact on the existing and future land uses in the vicinity for the reasonably foreseeable future.</p>
<p><i>e. The site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required.</i></p>	
<p>Finding e:</p>	<p><i>Finding (e) can be made:</i> The proposed project is conditioned to meet the intensity and massing development standards outlined under Sections 15-1003 regarding maximum height, setbacks, frontage and lot coverage, and minimum open space. The proposed project improvements will provide adequate site and emergency vehicle access with two drive approaches on the Tulare Avenue frontage of the site. Improvements include the installation of all on and off-site utilities and services for the project.</p> <p>Therefore, the proposed development development consisting of detached, single-story single-family homes is consistent with the allowable land use and intensity requirements per the underlying zone district. Adequate access, parking, utilities and services shall be provided to serve the property and were reviewed for consistency with the requirements of the RS-5 (<i>Single Family Residential, Medium Density</i>) zone district.</p>
<p><i>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.</i></p>	
<p>Finding f.</p>	<p><i>Finding (f) can be made:</i> The proposed project is located within the area of influence under the Fresno County Airport Land Use Compatibility Plan (ALUCP). The project site is located within the Fresno Yosemite International Airport's (FYIA) Safety Zone 6 – Traffic Pattern Zone. Listed uses such as stadiums and similar uses are prohibited in traffic pattern zone 6. The proposed multi-unit residential development is not a listed prohibited use. Therefore the proposed project is compatible and in compliance with the Airport Land Use Compatibility Plan. Therefore, the City of Fresno Airports Department anticipates no adverse impacts on Fresno Yosemite International Airport as a result of the proposed project and the use is consistent with the Fresno County Airport Land Use Compatibility Plan.</p>

HOUSING ELEMENT FINDINGS

Findings per the Housing Element (California Government Code § 65583, et seq.)	
<p><i>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 find that the application is consistent with the purposes of this article and with the following:</i></p>	
<p><i>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</i></p>	
<p>Finding A:</p>	<p>Finding A can be made.</p> <p>The increase in residential densities on sites within the Housing Element inventory and the proposed Conditional Use Permit is consistent with the goals and objectives of the Fresno General Plan. The proposed multi-unit residential project is an allowable use per the Citywide Development Code subject to Conditional Use Permit approval. Additionally, the project is consistent with the Housing Element in that the project is developing at an allowed density as noted below.</p>
<p><i>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:</i></p>	
<p>Finding B:</p>	<p>Finding B can be made.</p> <p>This project is located on parcels listed in the 2013-2023 RHNA Housing Sites Inventory and proposes 42 units of above moderate housing. The 2013-2023 RHNA obligation for above moderate is 10,116 and the existing surplus capacity is 5,528 for a total existing capacity of 15,644 units.</p> <p>The expected capacity for APNs 313-810-28, 313-060-09, and 313-060-10 is 23 units of above moderate housing. Because the project is proposing 42 units of above moderate housing, it would increase the existing capacity by 19 units to 5,547 for a total capacity of 15,663 above moderate units. As the remaining sites identified in the Housing Element are adequate to meet the requirements of Section 65583.2 of the California Government Code and to accommodate the City’s share of the regional housing need pursuant to Section 65584, this project is consistent with the Housing Element.</p>

FINDINGS PER FRESNO MUNICIPAL CODE SECTION 15-5607-B

A decision to grant a deviation shall be based on making all of the following findings:

B. All Other Development Standards

1. The deviation is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, but not limited to, topography, noise exposure, irregular property boundaries, or other unusual circumstance;

Finding 1:	Finding (1) can be made. The deviation is necessary due to the physical characteristics of the property and the proposed use or structure (i.e., residential and trail development), including lot configuration, site constraints, and compliance with minimum requirements. The Project site consists of four (4) legal lots of record, which will be merged through a parcel merger prior to issuance of building permits. The merged parcel comprises approximately ± 4.66 acres (223,393 sf.) for a lot configuration that has more street frontage than site depth. Of the total acreage, incorporation of site constraints account for approximately ± 43,649 sf. (or ± 20% of the lot). Site constraints include a: 15' Fresno Metropolitan Flood Control District (FMFCD) easement, 10' Public Utility Easement (PUE), 20' proposed Fresno Irrigation District (FID) easement, and 25' proposed bike/pedestrian easement (i.e., trail). In addition, the Project is subject to compliance with minimum requirements for lot coverage, private open space, common open space, landscaping, parking, and circulation. Together, the lot configuration, incorporation of site constraints, and minimum requirements limit the property's buildable area for the multi-unit residential project. As such, the Applicant requests a 10% minor deviation to reduce the required number of parking stalls in order to maximize residential development on an already constrained lot.
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2. There are no alternatives to the requested deviation that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the general public;

Finding 2:	Finding (2) can be made. As it is proposed, the Project site design incorporates the site constraints described in Finding No. 1 and complies with the minimum requirements for lot coverage, open space, landscaping, and circulation. There are no alternatives that would allow the site to be developed at the proposed density that would provide less potential detriment to surrounding owners or the public. Allowing the reduction in parking stalls will allow the site to include public access to the trail and proposed common open space, which will benefit the community. If the requested minor deviation is not approved, providing additional stalls to meet the minimum requirements would likely result in the proposed total dwelling units per acre, landscaping, or open space being reduced. The reduction of units, green space, or open space would be a detriment to the owners, surrounding owners, occupants, and
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	<p>the general public. Supporting projects that provide an adequate density of dwelling units per acre in accordance with the development code; utilize vacant properties; provide adequate open space and landscaping; and trails through dedication of land is consistent with the General Plan provisions LU-1-a, LU-5-h, and POSS 2-e. If the minor deviation is approved, the project is required to provide a total of 63 (1.5 stalls per unit) total stalls for residents, and 13 stalls remain available for guest parking for a total of 76 parking spaces. Street parking is available along Tulare Avenue; however street parking is not allowed to be counted towards the minimum parking requirement.</p>
<p><i>3. The granting of the requested deviation will not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of this Code; and</i></p>	
<p>Finding 3.</p>	<p>Finding (3) can be made. The Project proposes the development of a multi- unit residential project. The Project site is zoned RS-5 Residential Single-Family, Medium Density with a planned land use of Residential Medium Density (5-12 DU/acre). The Applicant proposes 42 units with a residential density of 9 DU/acre, which is consistent with the zone district and the planned land use (5-12 DU/acre). As such, the intensity and density of the Project is consistent with the General Plan and Development Code and will not be detrimental to the health or safety of the public or the occupants of the property. In addition, the parking provided per unit will exceed the parking requirements for single-family residential development. Approval of the project will authorize development of a multi-unit residential project at an intensity consistent with the allowable density established by the General Plan and Development Code. The granting of the requested deviation (10% reduction in minimum parking requirement) will not be detrimental to the health or safety of the public or the occupants of the property nor will it result in a change in the land use or density that would be inconsistent with the requirements of the development code. Except for the standard minimum parking stall requirement, the project as conditioned would comply will all other requirements of Article 15 Section 24 (Parking and Loading). The overall project was reviewed and conditioned by all departments with the reduction of stalls considered as part of the review process. Planning has reviewed and conditioned the project regarding on-site circulation of the parking lot; Public Works reviewed the off-site-circulation and impact of the project to the public Right-of-Way; Building & Safety will review the parking in regards American Disabilities Act and the California Building Code prior to issuance of the building permit; and the Fire department reviewed all on and off site circulation to ensure adequate access is available for an emergency. Therefore, the proposed reduction will not be detrimentally to health and safety of the public or the occupants of the development.</p>

4. If the deviation requested is to accommodate religious uses protected by RLUIPA, the decision-maker must also find that the denial of the requested deviation would impose a substantial burden on religious exercise.

Finding 4.

Finding (4) is not applicable to the project because it is not related to religious uses protected by the RLUIPA.