

**FRESNO MUNICIPAL CODE FINDINGS
REZONE APPLICATION NO. P20-00596
DEVELOPMENT PERMIT APPLICATION NO. P20-00595**

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 Rezone:

Findings per Fresno Municipal Code Section 15-5812	
<i>A. The change is consistent with the General Plan goals and policies, any operative plan, or adopted policy;</i>	
Finding A:	The purpose for the proposed rezone is not to change the current O (<i>Office</i>) zone district, but to remove the existing conditions of zoning for the property, which provides consistency with the General Plan goals and policies, any operative plan or adopted policy.
<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>	
Finding B:	The proposed rezone to remove the conditions of zoning will allow for the project to build to the intensity consistent with the current O zone district. The proposed construction of a professional office complex promotes the growth of the city in an orderly and sustainable manner and further promotes and protects the public health, safety, peace, comfort, and general welfare.
<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>	
Finding C:	The conditions of zoning for the property prohibits vehicular access to East Browning Avenue. The removal of the conditions of zoning will allow for consistency with the O zone district and maximum allowable Floor Area Ratio permitted. The proposed development is consistent with the General Plan.

DEVELOPMENT PERMIT APPLICATION FINDINGS

Section 15-5206 of the Fresno Municipal Code provides 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	
<i>a. The applicable standards and requirements of this Code.</i>	
Finding a:	Development Permit Application No. P20-00595, subject to the Conditions of Approval dated September 3, 2020, will comply with the Citywide Development Code for the O (<i>Office</i>) zone district and land use designation.
<i>b. The General Plan and any operative plan or policies the City has adopted.</i>	
Finding b:	The proposed project is in compliance with the Fresno General Plan, Hoover Community Plan, Fresno Yosemite International Specific Plan, and The Fresno County Airport Land Use Compatibility Plan. The proposed use is compatible with the surrounding uses, most of which are office and medium low density single family residential uses.
<i>c. Any applicable design guidelines adopted by the City Council.</i>	
Finding c:	Development Permit Application No. P20-00595 complies with all applicable design guidelines of the O (<i>Office</i>) zone district and standards.
<i>d. Any approved Tentative Map, Conditional Use Permit, Variance, or other planning or zoning approval that the project required.</i>	
Finding d:	Development Permit Application No. P19-00595 is consistent with the approval of Rezone Application No. P20-00596 in that the removal of conditions of zoning will allow for the development proposal of a professional office complex with access onto two street frontages.
<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 Code Sections 21670-21679.5.</i>	
Finding e.	The subject property is located within the Airport Influence Area. The Fresno County Airport Land Use Commission approved a Finding of Consistency with the Fresno County Airport Land Use Compatibility Plan on June 1, 2020.

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.