

Exhibit N – Fresno Municipal Code Findings

**FRESNO MUNICIPAL CODE &
HOUSING ELEMENT FINDINGS
PLAN AMENDMENT AND
REZONE APPLICATION NO. P22-04389
DEVELOPMENT PERMIT APPLICATION NO. P22-02376**

PLAN AMENDMENT AND REZONE APPLICATION FINDINGS

Section 15-5812 of the Fresno Municipal Code provides that the City Council shall not approve an application unless the following findings can be made for the proposed Plan Amendment and Rezone:

Findings per Fresno Municipal Code Section 15-5812	
Finding a:	<i>The change is consistent with the General Plan goals and policies, any operative plan, or adopted policy;</i>
<p>Finding (a) can be made for the following reasons:</p> <p>The change in planned land use and zoning from Low Density Residential to Medium High Density Residential provides consistency with the following General Plan goals:</p> <p>General Plan Goal 1: Increase opportunity, economic development, business, and job creation;</p> <p>General Plan Goal 7: 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>General Plan Goal 8: Develop Complete Neighborhoods and districts with an efficient and diverse mix of residential densities, building types, and affordability which are designed to be healthy, attractive, and centered by schools, parks, and public and commercial services to provide a sense of place and that provide as many services as possible within walking distance.</p> <p>General Plan Goal 10: Emphasize increased land use intensity and mixed-use development at densities supportive of greater use of transit in Fresno.</p> <p>These goals contribute to the establishment of a comprehensive city-wide land use planning strategy to meet economic development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment.</p> <p>The following are applicable objectives and policies from the Urban Form, and Land Use & Design, elements of the Fresno General Plan that the project is consistent with:</p> <ul style="list-style-type: none"> • Objective UF-1 emphasizes the opportunity for a diversity of districts, neighborhoods, and housing types. <ul style="list-style-type: none"> ○ Policy UF-1-a: Diverse Neighborhoods. Support development projects that provide Fresno with a diversity of urban and suburban neighborhood opportunities. ○ Policy UF-1-e: Unique Neighborhoods. Promote and protect unique neighborhoods and mixed-use areas throughout Fresno that respect and support various ethnic, cultural, 	

and historic enclaves; provide a range of housing options, including furthering affordable housing opportunities; and convey a unique character and lifestyle attractive to Fresnoans. Support unique areas through more specific planning processes that directly engage community members in creative and innovative design efforts.

- Policy UF-1-f: Complete Neighborhoods, Densities, and Development Standards. Use Complete Neighborhood design concepts and development standards to achieve the development of Complete Neighborhoods and the residential density targets of the General Plan.
- Objective LU-1 promotes the establishment of a comprehensive citywide land use planning strategy to meet economic development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment.
 - Policy LU-1-a: Promote new development, infill, and rehabilitation of existing building stock in the Downtown Planning Area, along BRT corridors, in established neighborhoods generally south of Herndon Avenue, and on other infill sites and vacant land within the City.
- Objective LU-2: 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.
 - Policy LU-2-a: Promote development of vacant, underdeveloped, and re-developable land within the City Limits where urban services are available by considering the establishment and implementation of supportive regulations and programs.

The change in the planned land use and zoning designation from Low Density Residential to Medium High Density Residential would allow for the development of Multi-Family residential units at the subject site. Further, the change would help facilitate and achieve the above-mentioned goals, objectives, and policies of the General Plan.

The proposed plan amendment and rezone will facilitate a project that meets the intent of the goals, objectives, and policies of the Fresno General Plan referenced herein above.

The subject property current use is retail nursery, and the immediate project site is in an area generally characterized by existing residential land uses. Residential is located Residential Single-Family, Extremely Low Density (North), Residential Single-Family, Medium Low Density (East), Residential Single-Family, Medium Density (West), and directly to the Residential Single-Family, Extremely Low Density (South) is vacant land. The property is an appropriate infill site as it has existing infrastructure and is near built-out urban uses. The project also proposes a building of high-quality design and at a scale compatible with the surrounding area; therefore, the project fosters a high-quality design and would contribute to the surrounding properties as they are all planned and zoned Residential land uses.

The subject property is designated for Low Density Residential planned uses by the McLane Community Plan. Upon reviewing the policies contained in the Plan staff has determined that there are no policies that are applicable or are more restrictive than those contained in the FMC or the Fresno General Plan. However, should there be a conflict between the FMC and the McLane Community Plan, pursuant to Section 15-104-D-4 of the FMC, the FMC shall control.

Finding b:	<i>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>
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Finding (b) can be made for the following reasons:

The proposed change is necessary for the development of Multi-Family residential units. The subject property is currently zoned for Residential Single-Family; Extremely Low Density uses. The proposed rezoning of the property would allow the construct a 64-unit two-story multi-family residential development consisting of (12) one-bedroom one bath, (32) two-bedroom two bath, and (20) three-bedroom two bath units; including a community building.

Pursuant to Table 15-1002 (Land Use Regulations – Residential Multi-Family Districts) of the FMC, Multi-Unit Residential uses, are permitted “by right” in the RM-1 zone district and not subject to specific limitations or additional regulations for special uses pursuant to Article 27 of the FMC. Therefore, if approved, the project (Development Permit Application No. P22-02376) would be considered consistent with the proposed planned land use and zoning classification of Medium High Density Residential.

The Development Code implements setbacks, height, density, landscaping, parking and all applicable development standards for the use listed above. In addition, all responsible departments and agencies have been contacted and provided opportunity to respond with requirements to ensure the proposed development will protect the health, safety, peace, comfort, and general welfare of the community.

The project has been designed and conditioned in a manner which will promote and protect the public health, safety, peace, comfort and general welfare as provided and further analyzed within the staff report, to which these findings are attached, as well as within the associated Environmental Assessment.

Finding c:	<i>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>
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Finding (c) can be made for the following reasons:

The proposed change in land use from Residential - Low Density to Residential - Medium High Density will help the City comply with goals and policies of the General Plan, including Objectives UF-1, LU-1, LU-2, and Policies: UF-1-a, UF-1-e, UF-1-f, LU-1-a, LU-2-a as mentioned in Finding A above.

Furthermore, the proposed change in land use from Residential - Low Density to Residential - Medium High Density will help the city meet the intent and vision of the General Plan as mentioned in Finding A above.

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

Finding a: *The applicable standards and requirements of this Code.*

Finding (a) can be made for the following reasons:

Development and use of the subject site as proposed is contingent upon approval of the related Plan Amendment and Rezone Application No. (P22-04389) components. The rezone application component proposes to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the RS-1 (*Residential Single-Family, Extremely Low Density*) to RM-1 (*Residential Multi-Family, Medium High Density*) zone district in accordance with the Plan Amendment Application. The proposed use, Multi-Family residential, is permitted by right, subject to an approved Development Permit, in the RM-1 (*Residential Multi-Family, Medium High Density*) zone district. Given the conditions of approval, Development Permit Application No. P22-02376 will comply with all applicable development standards of RM-1 zone district and the Citywide Development Code including but not limited to Article 10 (Residential Multi-Family Districts), Article 23 (Landscaping), and Article 24 (Parking and Loading).

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

Finding (b) can be made for the following reasons:

Given the conditions of approval, Development Permit Application No. P22-02376 has been found to be consistent with the goals, objectives, and policies contained in the Fresno General Plan, and the McLane Community Plan as well as the proposed planned land use designation of Medium High Density Residential.

Finding c: *Any applicable design guidelines adopted by the City Council.*

Finding (c) can be made for the following reasons:

Given the conditions of approval, Development Permit Application No. P22-02376 will comply with all applicable site design and façade design development standards of the RM-1 (*Residential Multi-Family, Medium High Density*) zone district.

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

Finding (d) can be made for the following reasons:

Aside from the related Plan Amendment and Rezone Application No. P22-04389, the proposed project does not require a Tentative Map, Conditional Use Permit, Variance or other planning or zoning approval. Development Permit Application No. P22-02376 is consistent with the proposed Plan Amendment and Rezone Application No. P22-04389 in that the land use and zoning change approval will allow for the development of a Multi-Family Residential. All special conditions required for the proposed project 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.

Finding e.	<i>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>
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Finding (e) can be made for the following reasons:

The proposed project is located within the Airport Influence Area under the Fresno County Airport Land Use Compatibility Plan (ALUCP). The project site is located within the (Fresno Yosemite International Airport (FYIA) Safety Zone 6 – Traffic Pattern Zone and is not located within a Noise Contour. Listed uses prohibited in Traffic Pattern Zone 6 include hazards to flight. Furthermore, the following Development conditions do not apply; No object shall have a height that would penetrate the airspace protection surface of the airport. Any object that penetrates one of these surfaces is, by FAA definition, considered an obstruction. A proposed object having a height that exceeds the airport's airspace protection surface shall be allowed only if, upon conclusion of the FAA's 7460 review process, the FAA determines that the object would not be a hazard to air navigation.

The Airport Land Use Commission is scheduled to review this project at their August 7, 2023, regular meeting.

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.