

Exhibit J  
Fresno Municipal Code Findings

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## FRESNO MUNICIPAL CODE FINDINGS

### Plan Amendment and Rezone 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 proposed Rezone or Plan Amendment meets the following criteria:

**Criteria A:** The change is consistent with the General Plan goals and policies, any operative plan, or adopted policy; and,

Finding A: **Fresno General Plan Consistency.** The Government Code requires consistency between a Fresno General Plan and a Specific Plan. Since Tower District Specific Plan (the Plan) contains proposed land uses that are different than those on the Fresno General Plan Land Use Map (Figure LU-1) for approximately 6 percent of the Plan Area, a Fresno General Plan Amendment is proposed to ensure land use consistency between both plans. In terms of policy, the Plan is a refinement of the Fresno General Plan that includes goals and policies which reflect the needs and desires of Tower District residents and stakeholders. These goals and policies are found to be consistent with those of the Fresno General Plan. Consistency with key Elements is discussed below.

Economic Development. This Element focuses on a balanced economic strategy for the city. The Plan can be found to be consistent with, and help implement, the following Objectives:

- *Objective ED-1:* Support economic development by maintaining a strong working relationship with the business community and improving the business climate for current and future businesses.
- *Objective ED-2:* Support local business start-ups and encourage innovation by improving access to resources and capital and help overcome obstacles hampering economic development.
- *Objective ED-3:* Attract and recruit businesses and offer incentives for economic development.
- *Objective ED-4:* Cultivate a skilled, educated, and well-trained workforce by increasing educational attainment and the relevant job skill levels in order to appeal to local and non-local businesses.

The Plan's Guiding Principle #2 is to nurture the mutually supportive relationship between the Tower District's residential neighborhoods and vibrant commercial areas. Every objective and policy in the Plan has been

considered from a health and equity perspective. Six broad categories were used, one of which is access to jobs. The access to jobs analysis determined that Policy CHP 3.3: Adaptive reuse of historic buildings supports economic activity by maintaining affordable commercial space for businesses and preventing the displacement of long-standing local employers. Policy CHP 4.1: Connection to Downtown enhances job accessibility by improving integration between the Tower District and Fresno's broader employment centers. Policy LU 4.1: Support small commercial businesses and LU 5.5: Support Business Improvement Districts and festivals strengthen the local economy by supporting small businesses and local entrepreneurship, creating jobs in retail, food service, and event-based industries. Similarly, LU 7.1: Reinforce Fulton Street and Van Ness Avenue as major corridors and LU 7.2: Encourage land use intensification to enhance commercial corridors, leading to increased job opportunities. LU 5.4: Support future street vending programs that establish consistent procedures and appropriately incorporate street vendors into the Tower District neighborhood promotes economic inclusion by providing opportunities for informal businesses, particularly benefiting low-income and immigrant entrepreneurs.

#### Urban Form, Land Use, and Design.

This Element focuses on establishing a structural framework for the city, enhancing the character of neighborhoods and districts, creating vibrant centers of activity and a public realm that is engaging and livable, crafting a tapestry of distinctive, connected communities, and strengthening Fresno's identity and sense of place. This Element also envisions amending the 1991 Tower District Specific Plan in Policy D-7-a and this Plan is an update to the 1991 Plan. The Plan can be found to be consistent with, and help implement, the following Objectives:

- *Objective D-1:* Provide and maintain an urban image that creates a "sense of place" throughout Fresno.
- *Objective D-3:* Create unified plans for Green Streets, using distinctive features reflecting Fresno's landscape heritage.
- *Objective D-4:* Preserve and strengthen Fresno's overall image through design review and create a safe, walkable and attractive urban environment for the current and future generations of residents.
- *Objective D-5:* Maintain and improve community appearance through programs that prevent and abate blighting influences.

- *Objective D-6:* Encourage design that celebrates and supports the cultural and ethnic diversity of Fresno.
- *Objective D-7:* Continue applying local urban form, land use, and design policies to specific neighborhoods and locations.

The Plan includes policies to create a desirable urban image that reflects the unique history and traits of the Plan Area, including through the promotion of character-defining elements that reflect the District's historic character, support for well-designed missing middle housing, and adoption of design standards and guidelines (see Plan Policies LU1.1, LU 2.2, LU 3.1, LU 3.4, and LU 4.5). The Plan includes a policy to improve the alleyways through a "Green Alleys" program in C 1.10.

- *Objective UF-1:* Emphasize the opportunity for a diversity of districts, neighborhoods, and housing types.
- *Objective UF 12:* *Locate roughly one-half of future residential development in infill areas—defined as being within the City on December 31, 2012—including the Downtown core area and surrounding neighborhoods, mixed-use centers and transit-oriented development along major BRT corridors, and other non-corridor infill areas, and vacant land.*
- *Objective UF-14:* Create an urban form that facilitates multi-modal connectivity.

Through its land use arrangements and supportive policies, the Plan seeks to provide for a diversity of housing types, locating transit-supportive housing along transit routes, and is paired with infrastructure policies that facilitate enhanced multimodal connectivity (see Plan Policies LU 2.1, LU 2.4, LU 3.3, LU 3.6, LU 4.2, LU 7.1 and LU 7.2).

- *Objective LU-1:* Establish 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.
- *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.
- *Objective LU-5:* Plan for a diverse housing stock that will support balanced urban growth and make efficient use of resources and public facilities.

- *Objective LU-6:* Retain and enhance existing commercial areas to strengthen Fresno's economic base and site new office, retail, and lodging use districts to serve neighborhoods and regional visitors.
- *Objective LU-8:* Provide for the development of civic and institutional land uses to meet the educational, medical, social, economic, cultural, and religious needs of the community.
- *Objective LU-9:* Plan land uses, design, and development intensities to supplement and support, and not compete with, the Downtown.

The Plan process was intended to be a refinement of Fresno General Plan goals to the specific needs of the Tower District Plan Area and still serves as part of the comprehensive land use planning strategy for the city to meet its many goals. This includes planning for a range of housing types and building forms (see LU 2 – LU 4 and related Policies and Land Use Map) that respects the character-defining elements associated with the Tower District (see LU 1 and LU 7 and related Policies). It also places emphasis on the creation of new and much-needed neighborhood-serving uses, such as grocery store/healthy foods (see Land Use Map and LU 4 and its related Policies). With a focus on neighborhood-serving amenities, the Plan does not compete with the primacy of Downtown.

#### Historic Preservation.

This Element focuses on maintaining and enhancing a citywide program for historic and cultural preservation, consistent with the State and Federal Certified Local Government program and State laws and regulations related to historic and cultural resources. The Plan can be found to be consistent with, and help implement, the following Objectives:

- *Objective HCR-1:* Maintain a comprehensive, citywide preservation program to identify, protect and assist in the preservation of Fresno's historic and cultural resources.
- *Objective HCR-2:* Identify and preserve Fresno's historic and cultural resources that reflect important cultural, social, economic, and architectural features so that residents will have a foundation upon which to measure and direct physical change.
- *Objective HCR-3:* Promote a "New City Beautiful" ethos by linking historic preservation, public art, and planning principles for Complete Neighborhoods with green building and technology.
- *Objective HCR-4:* Foster an appreciation of Fresno's history and cultural resources.

The Plan includes policies that maintain the Tower District's distinct character and foster an inclusive, livable environment by prioritizing historic resource preservation, adaptive reuse, design standards, and the maintenance of key streetscape elements (see CHP 1 - CHP 3 and related policies). Plan Policy CHP 4.1 also aligns with the General Plan objectives UF-1 and UF-11 through policy CHP 4.1 to reinforce the historic relationship between Fulton and Van Ness Corridor and Downtown.

### Healthy Communities

This Element presents a broad and comprehensive initiative to improve community health emphasizing the relationships between the built, natural, and social environments and community health and wellness outcomes. The Plan can be found to be consistent with, and help implement, the following Goals and Objectives:

- *General Plan Goal 9:* Promote a city of healthy communities and improve quality of life in established neighborhoods.
- *Objective HC-2:* Create complete, well-structured, and healthy neighborhoods and transportation systems.
- *Objective HC-3:* Create healthy, safe, and affordable housing.
- *Objective HC-7:* Establish priorities and mechanisms for park facilities improvements linked to effectiveness and improving health.

Every objective and policy in this Plan has been considered from a health and equity perspective through analysis and community engagement – metrics that were determined by the Implementation Committee at the start of this planning process. The Parks and Public Facilities chapter describes how parks should be improved physically and programmatically in Objectives POS 1 and 2 and their related policies. The Circulation chapter contains objectives and policies that emphasize complete and connected streets (Policies C 1.5 and C 2.2), community connection through placemaking (Policies C 1.9, C 7.3, C 7.5, C 8.1 and C8.2 ), commercial health and revitalization of main street areas (Policies C1.2), and using alleys to enhance the bike and pedestrian network, access ADUs and create greenways (Policies C 1.3, C 1.4, C 1.10, and C 7.4), reduce truck traffic in neighborhoods (Policies C 4.3, C 4.4, and C 5.1), and improve bus stops (Policies C1.7 and C1.8).

**Adopted Design Guidelines (Operative Plan).** The proposed project includes an update to the Tower District Design Standards (adopted in 2005). The update is titled, “Tower District Design Standards and Guidelines” (Design Standards and Guidelines). These Design Standards and Guidelines build on historic development patterns, the Citywide Development Code, the original Design Guidelines, and the updated Specific Plan, to guide development projects to make positive contributions to the Tower District’s uniqueness, beauty, and walkability. This document is intended to preserve the essence of the Tower District while facilitating compatible infill development.

**Criteria 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,

**Finding B:** The proposed project is consistent with the purpose of the Development Code to promote growth of the city in an orderly and sustainable manner, and to promote and protect the public health safety, peace, comfort, and general welfare. The vision, guiding principles, policies, and implementation strategies of the Plan are designed to promote and protect the public health, safety, peace, comfort, and general welfare of the people living and working in and around the Plan Area. The Plan relies on the adopted Development Code to implement its guiding principles and policies. The Plan proposes rezoning parcels to better align with existing uses, add housing opportunities to vacant and underutilized sites, expand the Apartment Housing Overlay District where greater flexibility is needed, and promote mixed-use development along commercial corridors. See Specific Plan Policies LU2.1, LU 2.6, and LU 3.6 on pages 76-79.

**Criteria 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.

**Finding C:** The change in land use will achieve a balance of land uses desired by the City, reflect the desires of community members within the Plan Area, and align with the Feasibility Study conclusions for the Plan Area. The Plan land use changes accomplish the following:

1. Increase mixed-use and residential density to address the need for more diverse and affordable housing;
2. Replace office and commercial use with mixed-use to gain residential capacity while maintaining business opportunities;
3. Slightly increase much needed park acreage to account for recently built pocket parks; and
4. Expands the Apartment Housing Overlay District to allow multifamily development without ground-floor commercial in locations where greater flexibility is needed.