

Exhibit D - Fresno Municipal Code Findings

Development Code Text Amendment Findings

Findings Per Fresno Municipal Code Section 15-5811	
<i>A. The Code text amendment is consistent with the General Plan (GP) and any operative plans; and</i>	
Finding A:	<p>As outlined in the staff report, the proposed project is not consistent with said plans because it would compromise the safe walkability, diminish the overall image, connectivity and design of current and future complete neighborhoods, commercial areas, and public space that could be better protected through Crime Prevention Through Environmental Design. The Fresno General Plan has several Goals, Objectives, and Policies that conflict with the proposed text amendment. Specifically, the proposed text amendment is inconsistent with two General Plan Goals, six Objectives, and thirteen Policies listed below:</p> <p>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>Goal 15: Improve Fresno's visual image and enhance its form and function through urban design strategies and effective maintenance.</p> <p>Objective UF-14: Create an urban form that facilitates multi-modal connectivity.</p> <p>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.</p> <p>Objective LU-3: Support the successful fulfillment of plans when adopted for the Downtown Planning Area.</p> <p>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.</p> <p>Objective MT-1: Create and maintain a transportation system that is safe, efficient, provides access in an equitable manner, and optimizes travel by all modes.</p>

Objective HC-2: Create complete, well-structured, and healthy neighborhoods and transportation systems.

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.

Policy UF-12-a: BRT Corridors. Design land uses and integrate development site plans along BRT corridors, with transit-oriented development that supports transit ridership and convenient pedestrian access to bus stops and BRT station stops.

Policy UF-12-c: Local-Serving Neighborhood Centers. Design Neighborhood Centers for local services and amenities that build upon the character and identity of surrounding neighborhoods and communities.

Policy UF-12-f: Mixed-Use in Activity Centers. Adopt a new Development Code which includes use regulations and standards to allow for mixed-uses and shared parking facilities.

Policy UF-14-a: Design Guidelines for Walkability. Develop and use design guidelines and standards for a walkable and pedestrian-scaled environment with a network of streets and connections for pedestrians and bicyclists, as well as transit and autos.

Policy LU-3-c: Zoning for High Density on Major BRT Corridors. Encourage adoption of supportive zoning regulations for compact development along BRT corridors leading to the Downtown Core that will not diminish the long-term growth and development potential for Downtown.

Policy LU-6-a: Design of Commercial Development. Foster high quality design, diversity, and a mix of amenities in new development with uses through the consideration of guidelines, regulations and design review procedures.

Policy LU-6-b: Commercial Development Guidelines. Consider adopting commercial development guidelines to assure high quality design and site planning for large commercial developments, consistent with the Urban Form policies of this Plan.

Policy LU-6-d: Neighborhood and Community Commercial Center Design. Plan for neighborhood mixed use and community commercial uses to implement the Urban Form concepts of this Plan, promote the stability and identity of neighborhoods and community shopping areas, and allow efficient access without compromising the operational effectiveness of the street system.

	<p>Policy D-4-f: Design Compatibility with Residential Uses. Strive to ensure that all new non-residential land uses are developed and maintained in a manner complementary to and compatible with adjacent residential land uses, to minimize interface problems with the surrounding environment and to be compatible with public facilities and services.</p> <p>Policy MT-1-e: Ensure Interconnectivity Across Land Uses. Update development standards and design guidelines applicable to public and private property to achieve Activity Centers, neighborhoods and communities which are well connected by pedestrian, bicycle, appropriate public transportation and automobile travel facilities.</p> <p>Policy MT-6-a: Link Residences to Destinations. Design a pedestrian and bicycle path network that links residential areas with Activity Centers, such as parks and recreational facilities, educational institutions, employment centers, cultural sites, and other focal points of the city environment.</p> <p>Policy HC-2-c: Prevent Crime through Design. Incorporate Crime Prevention Through Environmental Design (CPTED) principles and best practices into project review procedures for new development and major renovations.</p>
<p><i>B. The amendment 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.</i></p>	
<p>Finding B:</p>	<p>The purpose of the proposed text amendment is to expand the zone districts where electric fences are permitted. The proposed modifications are not consistent with the purpose of the Development Code to promote the growth of the city in an orderly and sustainable manner and promote and protect the public health, safety, peace comfort and general welfare. The modification to permit electric fences in additional zone districts seeks to promote and protect the safety and general welfare of private businesses at the expense of the health and safety of the general public. The allowance of electrified fencing in zone districts that allow residential use or could be located adjacent to residential zone districts is inconsistent with the promotion of orderly growth in a sustainable manner, and the protection of the public health and safety. As such, the proposed text amendment is inconsistent with the purpose of the Mixed-Use Districts, Employment Districts, the Public and Institutional District, and the Downtown Districts Development Code purpose. The purpose of each of these zoning classifications is listed below:</p> <p><u>Mixed-Use Districts Purposes:</u></p> <ul style="list-style-type: none"> A. Promote pedestrian-oriented infill development, intensification, and reuse of land consistent with the General Plan. B. Allow and encourage the development of mixed-use centers and corridors with a vibrant concentration of goods and services, multi-family housing, and community gathering and public spaces at strategic locations.

- C. Transform certain auto-oriented boulevards and corridors into vibrant, diverse, and attractive corridors that support a mix of pedestrian-oriented retail, office, and residential uses in order to achieve an active social environment within a revitalized streetscape.
- F. Improve access to a greater range of facilities and services for surrounding residential neighborhoods.
- G. Establish development and design standards for these centers and corridors that will create a unified, distinctive, and attractive urban character, with appropriate transitions to adjacent residential neighborhoods.

Additional purposes of each Mixed-Use District are as follows:

NMX Neighborhood Mixed-Use. The NMX district is intended to provide for mixed-use residential districts that include local-serving, pedestrian-oriented commercial development, such as smaller independent retail shops and professional offices in two- to three-story buildings. Development is expected to include ground-floor neighborhood retail uses and upper-level housing or offices, with a mix of small lot single-family houses, townhomes, and multi-family dwelling units on side streets, in a horizontal or vertical mixed-use orientation. The NMX district provides for a scale and character of development that is pedestrian-orientated, designed to attract and promote a walk-in clientele, with small lots and frequent pedestrian connections permitting convenient access from residences to commercial space.

CMX Corridor/Center Mixed-Use. The CMX district is intended to allow for either horizontal or vertical mixed-use development along key circulation corridors in the city where height and density can be easily accommodated. Ground-floor retail and upper-floor residential or offices are the primary uses, with residential uses, personal and business services, and public and institutional space as supportive uses. Development will facilitate the transformation of existing transportation corridors into vibrant, highly walkable areas with broad, pedestrian-friendly sidewalks, trees, landscaping, and local-serving uses with new buildings that step down in relationship to the scale and character of adjacent neighborhoods.

RMX Regional Mixed-Use. The RMX district is intended to support regional retail and mixed-use development in large-scale activity centers outside of Downtown, as identified by the General Plan. It accommodates urban-scale mixed-use development that serve residents and businesses of the region at large. Medium-scale retail, housing, office, civic and entertainment uses, and shopping malls with large-format or "big-box" retail are allowed, as are supporting uses such as gas stations, hotels, and residential in mixed-use or single-use buildings. Development and design standards will create a pedestrian orientation within centers and along major corridors, with parking located on the side or rear of, or within, major structures.

Employment Districts Purposes:

- B. Provide for the appropriate location of businesses that may have the potential to generate off-site impacts, while providing to ensure compatibility in use and form with existing and planned land uses.
- C. Provide appropriate buffers between employment centers and residential uses.

Additional purposes of each Employment District are as follows:

O Office. The O district is intended to provide sites for administrative, financial, business, professional, medical, and public offices, as identified by the General Plan. Retail uses would be limited to business services and food service and convenience goods for those who work in the area. This district is intended for locations where the noise or traffic generated by retail sales, restaurants, and service commercial may be incompatible with surrounding residential neighborhoods.

BP Business Park. The BP district is intended to provide a campus-type office professional environment that is well suited for large offices or multi-tenant buildings on sites identified by the General Plan. This district is intended to accommodate and allow for the expansion of small businesses with limited outdoor storage screened with landscaping proximate to residential uses. Typical land uses include research and development, laboratories, administrative and general offices, medical offices and clinics, and professional offices. Small-scale retail and service uses serving local employees and visitors are permitted as secondary uses.

RBP Regional Business Park. The RBP district is intended for large or campus-like office and technology development that includes office, research and development, manufacturing, and other large-scale, professional uses with limited and properly screened outdoor storage. Permitted uses include incubator-research facilities, prototype manufacturing, testing, repairing, packaging, and printing as well as offices and research facilities, on sites identified by the General Plan. Small-scale retail and service uses serving local employees and visitors are permitted as secondary uses.

Public and Semi-Public Districts Purposes:

- A. Provide areas for a wide range of public facilities, including parks and open space, educational facilities, cultural and institutional uses, health services, municipal offices, general government operations, utility and public service needs, and other public or quasi-public facilities.
- B. Ensure that the development and operation of public and semi-public uses protects and enhances the character and quality of life of surrounding residential areas.

- C. Ensure the provision of services and facilities needed to serve residents, businesses, and visitors and maintain a high quality of life standard.

Additional purpose of the Public and Institutional District are as follows:

PI Public and Institutional. The PI district is for public or quasi-public facilities, including City facilities, utilities, schools, health services, corporation yards, utility stations, and similar uses. Accessory retail uses and services, including food facilities and childcare, are permitted.

Downtown Districts Purposes:

1. Ensure that buildings, renovations, and additions are consistent with the goals of the Downtown Neighborhoods Community Plan (DCNP) and the Fulton Corridor Specific Plan (FCSP) for pedestrian-oriented streetscapes, building form, physical character, and quality.
2. Promote pedestrian-oriented infill development, intensification, and reuse of land consistent with the General Plan.
3. Develop a mixed-use Downtown with a vibrant concentration of goods and services, housing, community gathering spaces, and regionally-serving employment, cultural, and entertainment offerings.
4. Transform Downtown's streets into vibrant, diverse, and attractive places that support a mix of pedestrian-oriented retail, office, and residential uses in order to achieve an active social environment within a revitalized streetscape.
8. Establish Downtown development and design standards that will create a unified, yet distinctive, and attractive urban character that respects Fresno's past and serves the city for the long term.

Additional purposes of each Downtown District are as follows:

1. DTN Downtown Neighborhood. The DTN District will create lively, walkable, mixed-use urban neighborhoods surrounding the Downtown Core.
2. DTG Downtown General. The DTG District will support a high concentration of regional activity generators such as governmental buildings and convention centers within a pedestrian-oriented, mixed-use urban setting.

