

Exhibit K – Fresno Municipal Code Findings

**FRESNO MUNICIPAL CODE FINDINGS
FOR PLAN AMENDMENT/REZONE APPLICATION NO. P22-01086 AND
DEVELOPMENT PERMIT APPLICATION NO. P21-06232**

PLAN AMENDMENT/REZONE FINDINGS

**Findings per Fresno Municipal Code
Section 15-5812**

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:

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

Finding (a) can be made for the following reason. The change in the planned land use for the subject property from Medium Density Low Residential to Medium High Density Residential through a General Plan amendment and Rezone provides consistency with many goals, policies, and objectives of the General Plan.

Increasing density and promoting a diverse mix of housing types is emphasized in several GP goals. Such examples are Goal 1: to increase opportunity, economic development, business, and job creation; 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; 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; Goal 9: Promote a city of healthy communities and improve quality of life in established neighborhoods; Goal 10: Emphasize increased land use intensity and mixed-use development at densities supportive of greater use of transit in Fresno. Goal 11: Emphasize and plan for all modes of travel on local and Major Streets in Fresno.

As identified in detail in the Land Use Plans and Policies section of the attached Planning Commission Report, many objectives and policies of the GP emphasize the infill of vacant lots within city limits, increased density, promoting a mix of housing types, and the creation of complete neighborhoods.

The project will implement these policies by developing a multi-family housing development on a vacant lot in an existing neighborhood. Construction of the off-site improvements adjacent to the property will provide curb, gutter, and sidewalks, which will

provide a pedestrian connection from the site to an existing neighborhood commercial/retail center located north of the subject property at the intersection of East Shepherd and North Chestnut Avenues. From that intersection, further connectivity is provided to a prominent Class I bicycle trail (Fresno Clovis Rail Trail) which leads to Woodward Park to the west and Old Town Clovis to the southeast. A neighborhood park is located to the northeast. Many schools are also located within the vicinity of the project. Besides the nearby shopping center, North Willow Avenue is located east of the subject property and provides access to the Clovis Community College to the north, and commercial/retail, and employment opportunities to the south. While the overall area is predominantly single family homes, increased density through multi-family housing development will strengthen the neighborhood by promoting qualities of a more complete neighborhood by increasing the diversity in available housing types.

Finding 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) can be made for the following reason. The subject property is a vacant infill site located within the incorporated area of the County of Fresno which lies within the City of Fresno's General Plan Boundary and Sphere of Influence. Furthermore, the project site meets the General Plan goals and strategies for sequencing of development and growth. Therefore, for the reasons contained within the attached initial study for the associated environmental assessment as well as within the Background/Project Analysis section contained within the Staff Report to the Planning Commission dated April 5, 2022, the project site is a logical infill development for purposes of orderly development within the General Plan boundary; and, will promote orderly land use development in pace with public facilities and services needed to serve development.

Finding 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) can be made for the following reason. The proposed change in land use is necessary to comply with goals and policies of the General Plan, including Policy LU-1-a, which promotes infill development within vacant sites in city limits. The project proposes to amend the Fresno General Plan and Woodward Park Community Plan to achieve a land uses desired by the City of Fresno. This includes but is not limited to emphasizing land conservation and maximizing the efficient use of available underutilized property within a planned residential growth area which will increase the inventory of land available for development of multi-family residential houses while providing for a variety of market-based on land situated within proximity to public facilities, schools and employment opportunities.

DEVELOPMENT PERMIT FINDINGS

Findings per Fresno Municipal Code Section 15-5206

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:

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

Finding (a) can be made for the following reason: Pursuant to Table 15-1002 of the Fresno Municipal Code (FMC), Multi-Unit Residential uses are permitted in the Residential multi-family (RM) zone districts “by right”, with an approved Development Permit.

The project is conditioned to comply with the requirements for intensity and massing development standards in regard to minimum lot size, width, and depth; maximum floor area ratio; maximum height; residential transition standards, and minimum setbacks from major streets as identified in FMC Article 9. The project has been reviewed and through the Conditions of Approval dated April 5, 2023, conditioned to comply will all applicable provisions of the site design development standards or façade design development standards of the development code that apply to the project.

The project is subject to the landscape requirements of FMC Article 23. Property borders are required to provide a 10 foot Type 1 landscape buffer between the subject property and adjacent single-family homes.

The project is required to comply with the parking standards of FMC Article 24. The project is required to meet the required location, development standards, access, surface standards, lighting, landscaping and shading, and circulation requirements of Article 24.

The project is required to meet any relevant Performance standards of FMC Article 25.

The project will be required to meet the sign code requirements of FMC Article 26.

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

Finding (b) can be made for the reasons identified in finding (a) for Plan Amendment/Rezoning provided in the section above.

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

Finding (c) can be made for the following reason: The proposed project complies with all applicable objectives and policies for buildings and design contained in the Development Code and the Fresno General Plan. Given the conditions of approval, the project will meet all applicable standards and requirements of the development code, including FMC Articles 23, 24, 25, and 27.

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 reason: The proposal does not require approval of a tentative map, conditional use permit, or variance for approval. 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.

Development Permit Application No. P21-06232 is consistent with the approval of Plan Amendment Application P22-01086 in that the proposed density is consistent with the change in zoning and land use designations and standards as required within the conditions of approval dated April 5, 2022.

Finding 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.

Finding (e) can be made for the following reason: The project is not located within an airport influence area identified in the Fresno County Airport Land Use Compatibility Plan. Therefore, the project is consistent with the Fresno County Airport Land Use Compatibility Plan.