

Findings per Fresno Municipal Code Chapter 15, Article 58, 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:	<i>The change is consistent with the General Plan goals and policies, any operative plan, or adopted policy;</i>
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Finding (a) can be made:

As provided within the analyses contained within the staff report and within the Environmental Assessment prepared for purposes of California Environmental Quality Act compliance, the proposed project meets the goals, objectives and policies of the Fresno General Plan and Roosevelt Community Plan, including but not limited to the following: Objectives UF-1, LU-1, LU-2, LU-5, LU-6 and Implementing Policies UF-1-a, UF-1-d, UF-1-f, LU-1-a, LU-2-a, LU-5-g, LU-6-a, LU-6-b and LU-6-d. Thus, the proposed project is found to be consistent with the applicable goals, objectives and policies of the Fresno General Plan and Roosevelt Community Plan. Subject to compliance with conditions of approval for development and implementation of identified project specific mitigation, the proposed project may also be found consistent with all applicable local ordinances, regulations, policies, and standards.

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:

The proposed change is necessary for the development of a mixed-use project comprised of a multi-unit building, day care center, service station, general retail buildings, three drive-through facilities and office buildings. The subject property is currently zoned for multi-family, community commercial and light industrial purposes. The proposed rezoning of the property would not change the purposes of the existing zoning and is proposed only for purposes of increasing multi-family density on the subject property and reconfiguring the existing zone district boundaries for purposes of facilitating the proposed mixed-use project. All uses proposed are permissible in the respective zone districts either as uses listed within the Fresno Municipal Code as permissible "by-right" or permissible subject to approval of a conditional use permit. The listed uses are therefore consistent with the provisions of the Development Code; and, the structures, facilities and improvements proposed for the subject property are conditioned to meet the applicable requirements of the Development Code and the policies of the Fresno General Plan, the Roosevelt Community Plan, as well as with the planned land use designations of High Density Residential, Commercial Community and Employment, Light Industrial.

The Development Code implements setbacks, height, density, landscaping, parking and all applicable development standards for the uses 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. Specific requirements are identified in the project Conditions of Approval listed in **Exhibit J** of the staff report and within the mitigation measures identified for purposes of reducing the potential significant impacts of the project within the associated Environmental Assessment prepared for the project and listed in **Exhibit I** of the staff report.

The proposed project will provide 151 multi-family housing units, a daycare and additional retail and employment opportunities and amenities for the surrounding neighborhood and community including medical offices, a bank, and car wash, ; and has been conditioned and mitigated 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 referenced herein above and also attached to the staff report.

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 rezone-plan amendment is necessary to achieve the balance of land uses desired by the City and to provide sites for needed housing (during the time of a State housing crisis), neighborhood- and community-serving retail and employment-generating uses consistent with the General Plan, the Roosevelt Community Plan, and adopted policies because the project will provide for a mix of proximate uses comprised of 170,000 square-feet of residential (151 dwelling units), as well as a total 77,091 square feet of combination commercial and office space. Approximately 65,425 square feet of commercial and office will be located with the CC (*Community Commercial*) district. In the light industrial zone district 11,666 square feet of commercial and office will be developed. The provision of employment-generating and neighborhood- and community-serving uses such as retail, office, food services and entertainment in proximity to existing single family and proposed higher density residential uses in an underserved portion of the community will provide for additional housing inventory at a higher density within the City of Fresno, which will provide a mix of housing types in the area that help meet market demands, while also providing a balance of proximate retail and employment opportunities to the surrounding area in a manner which meets the goals of the City.

On December 18, 2014, by Resolution No. 2014-226, the City Council adopted the Fresno General Plan which correspondingly adopted the Roosevelt Community Plan. There are no policies or additional guidelines that are more restrictive in the Roosevelt Community Plan that are applicable to the proposed project.

The proposed rezone/plan amendment is necessary to increase the density and diversity of residential units within the area as well as the inventory of correspondingly zoned land for residential, commercial and employment opportunities to meet market demand because it provides for additional acres of land devoted to RM-3 (Residential, Multi-Family, High Density) zone district and the CC (*Community Commercial*) zone district which would facilitate both additional housing units and diversity as well as commercial development that primarily serves local needs such as convenience shopping and offices. Specific uses allowed include medium-scale retail, office, civic and entertainment uses, supermarkets, drug stores, and supporting uses. The proposed change also reduces the existing acres planned for Light Industrial uses, yet the remaining acreage allows for small-scale retail and ancillary office uses. Therefore, the proposed project provides for a mix of uses tailored for commercial-retail, non-retail commercial and office; with an appropriate balance, connectivity and interface between the mixed land uses.

Findings per Fresno Municipal Code Chapter 15, Article 53, Section 15-5306

A Conditional Use Permit shall only be granted if the decision-maker determines that the project as submitted or as modified conforms to all of the following criteria. If the decision-maker determines that it is not possible to make all of the required findings, the application shall be denied.

Finding a:	<i>The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Code and all other chapters of the Municipal Code;</i>
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Finding (a) can be made:

The proposed ±4,000 square-foot convenience store with a eight-dispenser/16-station fuel canopy, a ±170,000 square-foot, 4-story, multi-family residential building with a ±4,000 square-foot day care center, and nine general retail/office buildings with a total ±73,091 square-feet, are permitted uses, subject to a conditional use permit, in the CC (*Community Commercial*, RM-3 (*Residential Multi-Family, High Density*), IL (*Light Industrial*) zone districts. The proposed project is subject to the following applicable FMC Sections 15-1001 (Residential Multi-Family Districts), 15-1201 (Commercial Districts), 15-1301 (Employment Districts), 15-2728 (Drive-In and Drive-Through Facilities), and 15-2755 (Service Stations) and the project's site development will comply with all required Development Code standards.

Finding b:	<i>The proposed use is consistent with the General Plan and any other applicable plan and design guideline the City has adopted;</i>
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Finding (b) can be made:

The proposed multi-family building, service station, general retail buildings, the drive-throughs and office buildings are conditionally permitted uses. The listed uses and structures are consistent with the applicable policies of the Fresno General Plan, the Roosevelt Community Plan, as well as with the planned land use designation of Residential High Density, Commercial Community, and Employment, Light Industrial.

Finding c:	<i>The proposed use will not be substantially adverse to the public health, safety, or general welfare of the community, nor be detrimental to surrounding properties or improvements;</i>
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Finding (c) can be made for the following reasons:

The project has been reviewed by the City of Fresno Planning and Development, Public Utilities, Public Works, Police and Fire Departments. In addition, all responsible departments and agencies such as the Fresno County Department of Public Health, San Joaquin Valley Air Pollution Control District, Fresno Metropolitan Flood Control District, and Pacific Gas & Electric Company have been contacted and afforded opportunity to review and provide comments and/or requirements for purposes of the proposed project. The reviews provided by these City Departments and partnering responsible Agencies have been analyzed and addressed in the conditions of approval for the proposed project listed in **Exhibit J** of the staff report and within the initial study and mitigation measures identified for purposes of reducing the potential significant impacts of the project within the associated Environmental Assessment prepared for the project and listed in **Exhibit I** of the staff report.

The proposed mixed-use project will provide 151 multi-family housing units, a daycare center, and additional commercial and employment opportunities; including, retail uses, medical offices, a bank, service station, car wash, and eating establishments for the surrounding neighborhood and community. The proposed project will not be substantially adverse to the public health, safety, or general welfare of the community because the proposed uses will not result in significant impacts to the environment. The Environmental Assessment (Exhibit I) examined impacts related to Air Quality, Greenhouse Gas Emissions, Hazards and Hazardous Materials, and Wildfires (as well as all other required criteria for purposes of compliance with the California Environmental Quality Act [CEQA]) and determined that the proposed project will not have a significant impact on public health with implementation of the mitigations measures identified within the Environmental Assessment. Furthermore, the proposed project will not have a significant impact on safety due to the project's contributions to public right-of-way improvements which allow for added vehicular travel lanes, raised sidewalks and ADA compliant paths-of-travel bicycle and pedestrian trails, and payment of Citywide Development Impact fees for purpose of fair share contributions to local and regional transportation improvements (both signals and streets). Therefore, the proposed uses for the project site will be adequately served by the existing roadways and infrastructure improvements that currently serve the surrounding area.

Public Services such as Fire and Police are available and the proposed project does not provide a significant impact to response times or other performance objectives for emergency services. The proposed project is 1.9 miles northwest from Fire Station 8 and approximately 600 feet from Fresno County Fire Station 87. The nearest police station is approximately 1.75 miles from the project site. The proposed project will also contribute to Citywide Development Impact fees which contribute to police and fire services. Therefore, the proposed project will not be a detriment to the public safety of the community. The proposed project will also not be detrimental to the general welfare of the community. In the contrary, the project will provide for local serving retail, food service, and other non-retail commercial uses. Uses within these categories provide for employment opportunities which support the economic vitality of the community. In addition, the project provides for multi-family housing (during a State housing crisis) and day care services which contribute to the opportunity for the area to be a complete neighborhood with a mix of connected housing types and commercial and office spaces located in close proximity. The proposed form of mixed-use development not only provides for local-serving uses and employment opportunities, it will also contribute to the reduction of vehicle trips and miles traveled, which in-turn also contributes to air quality improvement within the region and public health.

Further, the project has been adequately reviewed by all responsible departments and agencies for compliance with applicable regulations and requirements as included in the conditions of approval and mitigation measures for development, which will minimize or eliminate any

potentially significant adverse impacts to the health, safety and general welfare of the surrounding community.

Finding d:	<i>The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses in the vicinity; and,</i>
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Finding (d) can be made for the following reasons:

The proposed uses within the project site are compatible with the established residential and commercial land uses in the surrounding area.

The proposed multi-family building, service station, drive-through, general retail, and office buildings are subject to a Conditional Use Permit, in the CC (*Community Commercial*) zone district. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing land uses as described in detail below. Furthermore, the proposed project has been evaluated and is consistent with intensity, massing and building form, and location standards of the Fresno Municipal Code.

Design

The project development incorporates a design and site layout that is consistent with the Development Code provisions of the zone district for “Lot and Intensity Standards” (Section 15-1203); “Site Design Development Standards” (Section 15-1204); and “Façade Design Development Standards” (Section 15-1205).

Location

The location of the proposed project is zoned will be zoned RM-3 (*Residential Multi-Family, High Density*), CC (*Community Commercial*) and IL (*Light Industrial*).

Size

The project is comprised of one parcel totaling ±12.18 acres.

Operating characteristics

The operating characteristics of the uses will be consistent with those uses permitted in the zone districts (Sections 15-1002, 15-1202, 15-1302) and the Standards for Specific Uses and Activities under Article 27 for “Drive-In and Drive-Through Facilities” (Section 15-2728) and “Service Stations” (Section 15-2755).

Finding e:	<i>The site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required.</i>
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Finding (e) can be made for the following reasons:

The proposed project meets the intensity and massing development standards outlined under Sections 15-1203 and 15-1303 in both minimum lot width and minimum lot depth; the Floor Area Ratio (FAR) (gross non-residential floor area of all buildings on-site) of 0.0.23 and 0.12 respectively. The proposed project improvements will provide adequate site and emergency vehicle access with one drive approach on North Maple Ave and two entry drive approaches along the East Jensen Avenue frontage of the site. Improvements include the installation of all on and off-site utilities and services for the project.

Finding f:	<i>The proposed use is consistent with the 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>
<p>Finding (f) can be made:</p> <p>The proposed project is not located within an area of influence or traffic safety zones under the Fresno County Airport Land Use Compatibility Plan (ALUCP) and therefore the project site will not have any impacts to air traffic safety and remains consistent with the ALUCP. This project has filed for a FAA determination of no hazard to air navigation. The Airport Land Use Commission approved a Conditional Finding of Consistency on August 3, 2020.</p>	
<p>Regional Housing Needs Allocation Plan Findings (RHNA) (California Government Code §§ 65863.b.2, et seq.)</p>	
<p>If a city, county, or city and county, by administrative, quasi-judicial, legislative, or other action, allows development of any parcel with fewer units by income category than identified in the jurisdiction's housing element for that parcel, the city, county, or city and county shall make a written finding supported by substantial evidence as to whether or not remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level</p>	
Finding:	<p>The project proposes to amend the General Planned Land Use from Residential Urban Neighborhood Density (16-30 dwelling units per acre) to Residential High Density (30-45 dwelling units per acre) planned land use and therefore increasing residential density. The 2008-2013 RHNA capacity for very low/low income is 8,834 units and the existing surplus capacity is 4,672 units, for a total of existing capacity of 13,507. The proposed project proposed above moderate-income housing and therefore removing the required 57 very low/low dwelling units outlined in the RHNA. The City asserts that the remaining sites identified in the Housing Element are adequate to meet the requirements of Section 65583.2 of the California Government Code and to accommodate the City's share of the regional housing need pursuant to Section 65584, therefore this project is consistent with the Housing Element.</p>