

Exhibit E

FRESNO MUNICIPAL CODE FINDINGS

CONDITIONAL USE PERMIT FINDINGS

Section 15-5306 of the Fresno Municipal Code provides that 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.

FINDINGS PER FRESNO MUNICIPAL CODE SECTION 15-5306

a. 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; and,

Finding a: In accordance with FMC Table 15-902 (Use Regulations – Residential Single Family Districts) and FMC Section 15-906-B, the proposed multi-family residential development is a permitted use in the RS-5 (*Single-Family Residential, Medium Density*) zone district subject to Planning Commission approval of a Conditional Use Permit. Conditional Use Permit Application No. P24-02488 will comply with the RS-5 zone districts and with all applicable codes, given that the special conditions of project approval issued for the project will be complied with prior to the issuance of building permits.

Per FMC Section 15-906, Multi-Unit Residential uses in the RS-5 district have an allowable density range of 5 to 12 dwelling units per acre. As proposed, the 90 units on approximately 7.57 acres, would result in a density of 11.8 dwelling units per acre and would therefore be consistent with the maximum density requirements of FMC Section 15-906-D.1.b.

Setbacks

The subject property is considered a through lot because the property includes streets along the south (East Copper Avenue) and north (cul-de-sac) property lines, as well as the east (North Portofino Drive). FMC Section 15-312.B determines the front yard of through lots as the yard that borders the street primarily used as frontage by neighboring lots. None of the streets abutting the subject property provide direct access to houses on the same block face as the subject property. That said, the north and south property lines can both be considered as the front yard. Pursuant to FMC Table 15-1003, the setback requirements of the RM-1 zone district are as follows:

- Front setback (East Copper Avenue and northern property line; adjacent to cul-de-sac): the front setback requirement of the RM-1 zone district does not apply.

- Interior side yard setback (western property line; adjacent to single-family residential and golf course to the west): Pursuant to FMC Section 15-1004.A.2.b., when an RM zone district abuts an RS zone district, the minimum interior side yard setback shall be ten feet (10'). The site plan depicts the nearest building to the portion of the property that abuts the RS zone district at 10'. Thus, in both cases, the proposed project complies with the minimum interior side yard setback requirements of the RM-1 zone district.
- Street side yard setback (North Portofino Drive): The minimum street side yard setback requirement is 10'. The site plan depicts the nearest building along the North Portofino Drive frontage at 13.5'. Thus, the proposed project complies with the minimum street side yard setback requirement of the RM-1 zone district.

Lot Coverage

The maximum lot coverage for the RM-1 zone district is 50%. The proposed lot coverage for the project is approximately 32% providing consistency with the maximum lot coverage requirement of the RM-1 zone district.

Parking

The project proposes 60 two-bedroom units and 30 one-bedroom units. For multi-family projects containing one- or two-bedroom units, FMC Section 15-2409 requires 90 covered parking spaces (one covered space per unit) and 45 additional uncovered guest parking spaces (one additional uncovered guest parking space for every two units) for a total minimum requirement of 135 parking spaces. The proposed site plan depicts 90 garages (covered parking) and 85 uncovered parking spaces for a total of 175 parking spaces, providing compliance with the minimum parking space requirements of the RM-1 zone district.

Conditional Use Permit Application No. P24-02488 will comply with the RS-5 and RM-1 zone districts and with all applicable codes, given that the special conditions of project approval issued for the project will be complied with prior to the issuance of building permits.

b. The proposed use is consistent with the General Plan and any other applicable plan and design guideline the City has adopted; and,

Finding b: The Fresno General Plan designates the subject property for Medium Density Residential land uses and provides objectives to guide in the development of this project. Medium Density Residential covers developments of 5 to 12 units per acre and is intended for areas with predominantly single-family residential development, but can also accommodate a mix of housing types, including small-lot starter homes, zero-

lot line developments, duplexes, and townhouses. The proposed project will facilitate the construction of the site with a 90-unit, multi-family residential project which is the intent of the Fresno General Plan for this property. Objectives and policies within the Fresno General Plan support diverse housing types and efficient and equitable use of resources. Some of those objectives and policies are outlined below:

- Objective UF-1: Emphasize the opportunity for a diversity of districts, neighborhoods, and housing types.
- Policy UF-1-a: Diverse Neighborhoods. Support development projects that provide Fresno with a diversity of urban and suburban neighborhood opportunities.
- Policy UF-1-d: Range of Housing Types. Provide for diversity and variation of building types, densities, and scales of development in order to reinforce the identity of individual neighborhoods, foster a variety of market-based options for living and working to suit a large range of income levels, and further affordable housing opportunities throughout the city.
- 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.
- 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.
- Policy LU-5-c: Medium Density Residential Uses. Promote medium density residential uses to maximize efficient use of residential property through a wide range of densities.

	<p>The proposed project would allow development on existing properties within the City of Fresno. The project promotes multi-family residential development and reinvestment within the city and preserves and protects resources within the City by expanding opportunities for development. Furthermore, the proposed multi-family development promotes a city of healthy communities and will enhance the overall character of the neighborhood by providing multi-family residential development that is compatible with the surrounding established neighborhood.</p> <p>This project supports the above-mentioned policies in that the density and intensity of the proposed development conform to the applicable Medium Density Residential land use designation of the Fresno General Plan.</p> <p>The project complies with the design guide Woodward Park Community Plan subject to the Conditions of Approval dated December 4, 2024.</p> <p>Therefore, it is staff's opinion that the proposed project is consistent with respective general and community plan objectives and policies and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno.</p>
	<p><i>c. 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; and,</i></p>
<p>Finding c:</p>	<p>The proposed multi-family residential development will not have a negative impact on either the subject site or neighboring properties given the conditions of approval, and the type of multi-family development planned for the Project site which is in keeping with the larger Copper River Ranch Development. Approval of the special permits would be in accordance with applicable provisions of the FMC, including the determination that all findings have been made relative to the issuance of a conditional use permit for the proposed project.</p>
	<p><i>d. 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></p>
<p>Finding d:</p>	<p>The proposed multi-family residential development will comply with the FMC requirements and will not have a negative impact on either the subject site or neighboring properties given the conditions of approval. This multi-family development was considered and planned for as part of the Copper River Ranch Development. Thus, the proposed multi-family residential development is consistent and compatible with the existing surrounding single-family residences and the Copper River golf course, as well as with the larger planned Copper River Ranch Development.</p>

e. The site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required.

Finding e: The proposed multi-family residential development is consistent with the allowable land use and intensity requirements per the underlying zone districts. The Department of Public Utilities (DPU) has determined that adequate sanitary sewer and water services are available to serve the project site subject to implementation of the Fresno General Plan policies, and the construction and installation of public facilities and infrastructure in accordance with Department of Public Works standards, specifications, and policies. Adequate access, parking, utilities, and services shall be provided to serve the property and were review for consistency with the requirements of the RM-1 (*Multi-Family Residential, Medium High Density*) and RS-5 (*Single-Family Residential, Medium Density*) zone districts.

f. 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.

Finding f: The subject property is not located within the Fresno County Airport Land Use Compatibility Plan; thus this finding is not applicable.