

Exhibit H – Fresno Municipal Code Findings

FRESNO MUNICIPAL CODE FINDINGS

ANNEXATION CRITERIA

Section 15-6104 of the Fresno Municipal Code provides that annexation shall not be approved unless the proposed annexation meets all of the following criteria:

Findings Criteria per Fresno Municipal Code Section 15-6104	
A. <i>Concept Plan.</i> <i>If land proposed for annexation is required to create a Concept Plan per Section 15-6102, the Concept Plan must be created and adopted prior to annexation; and,</i>	
Finding A:	The proposed project does not include development of new residential land uses, therefore a Concept Plan is not required pursuant to Fresno Municipal Code (FMC) Section 156102(B). While three of the subject parcels are occupied by existing residential land uses, all five subject parcels are already designated for Community Commercial planned land uses per the General Plan.
B. <i>Plan Consistency.</i> <i>The proposed annexation and parcel configuration is consistent with the General Plan, 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, Concept Plan, and any applicable operative plan; and,</i>	
Finding B:	The project is consistent with the following Fresno General Plan goals and objectives related to land use and the urban form: Goal 13: Emphasize the City as a role model for good growth management planning, efficient processing and permit streamlining, effective urban development policies, environmental quality, and a strong economy. Work collaboratively with other jurisdictions and institutions to further these values throughout the region. Policy ED-5-b: Fair and Proportional Payments. Require new residential and commercial development that requires annexation to the City to pay its fair and proportional share of needed community improvements through impact fees, assessment districts, and other mechanisms. Approve new residential and commercial development projects that require annexation to the City only after making findings that all of the following conditions are met: • No City revenue will be used to replace or provide developer funding that has or would have been committed to any mitigation project; • The development project will fully fund public facilities and infrastructure as necessary to mitigate any impacts arising from the new development; • The development project will pay for public facilities and infrastructure improvements in proportion to the development's neighborhood and citywide impacts; and • The development will fully fund ongoing public facility and infrastructure maintenance and public service costs. Policy LU-1-e calls for adopting implementing policies and requirements that achieve annexations to the City that conform to the General Plan Land Use Designations and open

	space and park system, and are revenue neutral and cover all costs for public infrastructure, public facilities, and public services on an ongoing basis consistent with the requirements of ED-5-b. Policy PU-3-h calls for developing annexation strategies to include the appropriate rights-of-way and easements necessary to provide cost effective emergency services. The proposed annexation will conform to the current planned land use designation of the Fresno General Plan and all appropriate rights-of-way will be incorporated to provide cost effective emergency services. Additionally, as discussed below, the Project will be revenue neutral. Therefore, it is staff's opinion that the proposed project is consistent with respective general plan objectives and policies and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno. Subject to compliance with future conditions of approval for development and implementation of identified project specific mitigation, the proposed project may be found consistent with all applicable local ordinances, regulations, policies and standards. The proposed project is not located within the area of influence under the Fresno County Airport Land Use Compatibility Plan (ALUCP). The proposed offices are not considered a hazardous use or structure for aviation that would conflict with the ALUCP requirements, therefore is compatible and consistent with the plan. The project as proposed complies with the Safety Criteria Matrix of the Fresno County Airport Land Use Compatibility Plan.
	C. Revenue Neutrality. (1) Public Services, Facilities, and Utilities. <i>Adequate public services, facilities, and utilities meeting City standards are available to the lands proposed for annexation or will be provided within a specific period of time, with financial guarantees and performance requirements, to ensure this will occur; and, (2) Fair and Proportional Payments.</i> <i>Projects requiring annexation will not negatively impact City finances in any manner set forth in Section 15-6104-C-2 of the FMC; and,</i>
Finding C:	The parcels at issue here are in a County island between the Cities of Fresno and Clovis, surrounded on three sides by the City of Fresno. Public utilities will immediately be accessible to the Project site for hookup upon annexation. Future development projects will be required to pay their fair and proportional share of needed community improvements through impact fees, assessment districts, and other mechanisms when future development is proposed within the annexation area, including Community Facilities District (CFD) No. 9 providing for offset costs for maintenance of public improvements associated with development of commercial, industrial, and multi-family residential projects . Furthermore, required connections to City sewer and water, at such time as service is available to the applicable properties within the annexation area, will require the property owner to connect and pay all costs associated with those connections, not requiring the City to pay for the cost of those connections. Conditions of approval and possible mitigation measures which could be applied to future projects will assure the annexation area remains revenue neutral and will cover all costs for public infrastructure,

	public facilities, and public services on an ongoing basis consistent with the requirements of ED-5-b. The developer for P23-00702 will be required to pay applicable fees and develop the land according to the requirements for P23-00702 in accordance with the development and impact fee estimate dated March 14, 2024 included as part of the Conditions of Approval. These fees include but are not limited to: water and sewer connections, fire and police facility impact fees, citywide regional and new growth area major street charges, and traffic signal mitigation impact fees. Therefore, (1) No City revenue will be used to replace or provide developer funding that has or would have been committed to any mitigation project; (2) Future development projects will fully fund public facilities and infrastructure as necessary to mitigate any impacts arising from future development; (3) Future development projects will pay for public facilities and infrastructure improvements in proportion to all future development's neighborhood and citywide impacts; and, (4) Future development projects will fully fund its proportionate share ongoing public facility infrastructure, maintenance and public service cost.
D. <i>Disadvantaged Unincorporated Communities.</i> <i>The City will partner with the community, if there is wide support for annexation, to coordinate terms to initiate and support the annexation process; and,</i>	
Finding D:	No Disadvantaged Unincorporated Communities are identified adjacent or within the vicinity of the proposed annexation boundary.
E. <i>LAFCO Approval.</i> <i>The annexation shall be approved by the Local Agency Formation Commission (LAFCO) of Fresno.</i>	
Finding E:	The proposed Pre-zone and Annexation Applications have been filed to facilitate annexation of the approximately 10.55 acres of land within the subject property boundary to the City of Fresno as well as detachment from the Kings River Conservation District and Fresno County Fire Protection District in accordance with Annexation Application No. P23-00446. The combination of these actions comprises the proposed Nees-Willow No. 3B Reorganization and ultimately fall under the jurisdiction of the Fresno Local Area Formation Commission (LAFCO). An affirmative action by the Fresno City Council regarding Annexation Application No. P23-00446 will authorize the filing of an application with LAFCO to initiate proceedings for the consideration of the proposed Nees-Willow No. 3B.

PRE-ZONE APPLICATION FINDINGS

Section 15-5812 of the Fresno Municipal Code provides that the Planning Commission shall not recommend and City Council shall not approve an application unless the proposed Pre-zone meets the following criteria:

Findings per Fresno Municipal Code Section 15-6103

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

Finding A:

The project is consistent with the following Fresno General Plan goals and objectives related to land use and the urban form:

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 13: Emphasize the City as a role model for good growth management planning, efficient processing and permit streamlining, effective urban development policies, environmental quality, and a strong economy. Work collaboratively with other jurisdictions and institutions to further these values throughout the region. Objective UF-1 emphasizes the opportunity for a diversity of districts, neighborhoods, and housing types. Policy UF-1-a supports development projects that provide Fresno with a diversity of urban and suburban neighborhood opportunities. Policy UF-1-d further emphasizes provisions for a diversity and variation of building types, densities, and scale 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.

The proposed project provides job medical office space which will provide medical services as well as provide job opportunities. The existing services in the adjacent shopping center are predominately commercial retail uses. The proposed office development will diversify the services offered to the nearby residential neighborhoods.

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.

B. The change 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; and

Finding B:

The project site is located within an area which has primarily developed various commercial uses. The subject property is a logical location for further residential expansion, as the subject site is served with public facilities and services needed to provide for increased medical services and job opportunities and is currently planned for commercial uses in the Fresno General Plan.

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:	Approval of Annexation Application No. P23-00446, Pre-zone Application No. P23-00449, and Development Permit Application No. P23-00702 would help contribute to fulfilling the commercial needs of the region and increase the inventory of land within the Community Commercial district to meet market demand.
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DEVELOPMENT PERMIT FINDINGS

Section 15-5206 of the Fresno Municipal Code provides that a development permit shall not be approved unless the proposed application meets all of the following criteria:

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:	<i>The applicable standards and requirements of this Code;</i>
The project proposes construction of three buildings for medical, dental, and/or professional office uses. With approval of Annexation Application No. P23-00446 and Pre-zone Application No. P23-00449, the property will be zoned for CC (<i>Community Commercial</i>) Uses. The CC zone district allows for office uses as well as a range of other commercial and retail uses. The proposed project is subject to and has been conditioned for compliance with the development standards of said zone district including, but not limited to, Intensity and Massing Development Standards of FMC Section 15-1203, Building Form and Location Standards of FMC Section 15-1204, and Site Design Development Standards of FMC Section 15-1205. The project meets the requirements, including but not limited to: minimum front setback, maximum height, residential transition standards, and parking.	
Finding b:	<i>The General Plan and any operative plan or policies the City has adopted;</i>
As evidenced above, the proposed project is consistent with the applicable policies of the Fresno General Plan, as well as with the planned land use designation of Commercial Community. The following are several goals, objectives, and policies that the project supports: 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 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. The proposed project provides office space consistent with the planned land use designation of Community Commercial, and will increase the range of diverse services available to the surrounding neighborhoods.	
Finding c:	<i>Any applicable design guidelines adopted by the City Council;</i>
Compliance with the CC zone district development standards discussed in Finding (a) above and the attached Conditions of Approval, will ensure that the proposed use will conform to the design guidelines established by City Council.	
Finding d:	<i>Any approved Tentative Map, Conditional Use Permit, Variance, or other planning or zoning approval that the project required;</i>
The proposal does not require approval of a tentative map, conditional use permit, or variance for approval. Approval of the Development Permit is contingent on approval of Annexation Application No. P23-00446 and Pre-zone Application No. P23-00449, for which the findings can be made. The project may also be redesigned in accordance with the conditions of approval, which have been prepared to assure conformance to the established development standards in the CC zone district.	

Finding e:	<i>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>
The proposed use is consistent with the Fresno County Airport Land Use Compatibility Plan (ALUCP). The project is not within the boundaries of any Traffic Pattern Safety Zone of any local airport. Therefore, the proposed project use and height is consistent with the ALUCP.	