

EXHIBIT D – FRESNO MUNICIPAL CODE FINDINGS

Section 15-5811 of the Fresno Municipal Code provides that the Planning Commission shall not recommend and the City Council shall not approve an application unless the proposed Text Amendment meets Criteria A (1 and 2) as noted below.

- 1. The Code text amendment 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 and any applicable operative plans; and**

The purpose of the proposed Text Amendment is to amend Sections 15-1002, 15-1102, 15-1502, 15-5102 and 15-6802 of the Fresno Municipal Code to comply with California Government Code Sections 65580-65589.11 to maintain compliance with the City of Fresno Housing Element and permit housing developments with at least 20 percent of units affordable to lower-income households without discretionary action on any nonvacant site identified in a prior housing element and a vacant site included in two or more consecutive Housing Elements. Text Amendment Application No. P26-01326 has been examined with respect to its consistency with the Fresno General Plan and it has been concluded that the proposed Text Amendment is consistent with the following General Plan Policies:

Policy ED-1-d: **Strategic Land Regulation.** Explore increasing the amount of land properly zoned, consistent with the General Plan, and ready to be expeditiously developed, redeveloped, and/or revitalized for economic development and job creation purposes. Establish a priority infill development program for sites and districts.

Text Amendment Application No. P26-01326 supports Policy ED-1-d of the Fresno General Plan in that it will allow for ministerial approval of housing developments with at least 20 percent affordable to lower-income households on any nonvacant site identified in a prior Housing Element and a vacant site included in two or more consecutive Housing Elements. Eligible projects which qualify for ministerial approval must be located on sites identified as Housing Element sites, which are located within City limits and further incentivize the development of housing projects located within infill areas.

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.

Text Amendment Application No. P26-01326 is consistent with the above-referenced Policies of the Fresno General Plan in that it proposes to further promote ministerial approval of housing developments which provide at least 20 percent affordable to lower income households on qualifying parcels identified as Housing Element sites. The distribution of qualifying Housing Element sites are located in various locations Citywide, which further support diverse neighborhoods that provide a variation of building types and densities. In addition, the proposed Text Amendment will provide a range of affordable housing opportunities by incentivizing ministerial approval to eligible projects which provide at least 20 percent affordable to lower income households throughout the City, therefore supporting the above-mentioned Policies of the Fresno General Plan.

Policy LU-1-a: **Promote Development.** Promote new development, infill, and rehabilitation of existing building stock in the Downtown Planning Area, along BRT corridors, in established neighborhoods generally south of Herndon Avenue, and on other infill sites and vacant land within the City.

Policy LU-2-a: **Infill Development and Redevelopment.** Promote development of vacant, underdeveloped, and re-developable land within the City Limits where urban services are available by considering the establishment and implementation of supportive regulations and programs.

Policy LU-2-b **Infill Development for Affordable Housing.** Establish a priority infill incentive program for residential infill development of existing vacant lots and underutilized sites within the City as a strategy to help to meet the affordable housing needs of the community.

Text Amendment Application No. P26-01326 aligns with Policies LU-1-a, LU-2-a and LU-2-b of the Fresno General Plan in that it supports infill development and development of vacant, underutilized sites. The Text Amendment proposes ministerial, streamlined approval of housing projects which provide at least 20 percent affordable to lower income households on qualifying parcels identified as Housing Element sites. Qualifying criteria requires that housing developments must be located on a nonvacant site identified in a prior housing element and a vacant site included in two or more consecutive Housing Elements. In order to comply with the 2023-2031 Housing Element of the Fresno General Plan, all qualifying sites are located within City limits. As such, this Text Amendment prioritizes infill development, directly supporting General Plan Policies LU-1-a, LU-2-a and LU-2-b. For these reasons, Text Amendment Application No. P26-01326 directly supports the above-mentioned policies of the Fresno General Plan.

2. 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.

The proposed Text Amendment is consistent with the purpose of the Development Code, in that it will promote the growth of the city in an orderly and sustainable manner by establishing ministerial approval of housing developments with at least 20 percent of units affordable to lower-income households without discretionary action on any nonvacant site identified in a prior housing element and a vacant site included in two or more consecutive Housing Elements. In order to comply with the 2023-2031 Housing Element of the Fresno General Plan, all qualifying sites are located within City limits. This provision supports future development in an orderly manner by not only ensuring compliance with the 2023-2031 Housing Element, but also by facilitating development on sites located Citywide which have been identified as Housing Element sites suitable for future development. In addition, the proposed Text Amendment will protect the public health, safety, peace, comfort and general welfare in that the Text Amendment permits ministerial approval of applicable housing projects that provide at least 20 percent of units affordable to lower-income households. This provides more accessible opportunities to affordable housing and increases the affordable housing stock Citywide. Furthermore, the Text Amendment permits ministerial approval of qualifying housing development on vacant parcels. This promotes the public health and safety in that it will promote development on underutilized parcels with a variety of housing opportunities. For these reasons, the proposed Text Amendment is consistent with the Development Code and will protect the public health, safety, peace, comfort, and general welfare.