

Exhibit H

**FRESNO MUNICIPAL CODE FINDINGS
ANNEXATION APPLICATION NO. P22-00411
PRE-ZONE APPLICATION NO. P22-00442
VESTING TENTATIVE TRACT MAP NO. 6345**

ANNEXATION APPLICATION FINDINGS

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

Findings per Fresno Municipal Code Section 15-6104	
<i>A. Concept Plan. 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.</i>	
Finding A:	Pursuant to Section 15-6102.B.2.a, this proposed project is not required to create a Concept Plan because there is no more undeveloped land within the Concept Plan Area with a residential land use designation.
<i>B. Plan Consistency. 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:	General Plan Policy ED-5-b requires 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. The Fiscal Impact Analysis dated February 11, 2022 for the project identifies that the project will have an overall annual net surplus to the General Fund of \$50.46 per unit, which will not include a deferred maintenance cost. This will assure that no City revenue will be used to replace or provide developer funding that has or would have been committed to any mitigation project. The Conditions of Approval dated September 21, 2022 require all sewer connection charges, water connection charges, and citywide development impact fees to be paid. The Department of Public Works memorandums dated August 1, 2022 and August __,

2022 require payment of the Traffic Signal Mitigation Impact Fee, Fresno Major Street Impact Fee, and Regional Transportation Mitigation Fee.

Based on the above analysis, the project would ensure that: 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) The development project will fully fund public facilities and infrastructure as necessary to mitigate any impacts arising from the new development; 3) The development project will pay for public facilities and infrastructure improvements in proportion to the development's neighborhood and citywide impacts; and 4) The development will fully fund ongoing public facility and infrastructure maintenance and public service costs.

General Plan Policy PU-3-h requires annexation strategies to include the appropriate rights-of-way and easements necessary to provide cost effective emergency services.

The Department of Public Works memorandum dated August 4, 2022 requires that the developer dedicate sufficient right of way on South Willow Avenue and the Fire Department memorandum dated April 28, 2022 requires the developer dedicate sufficient right-of-way pursuant to Public Works standards for local roads in the interior of the subdivision.

General Plan Policy RC-6-h requires imposing conditions of approval for development projects to ensure long-term maintenance of adequate clean water resources and findings that adequate water supply must exist prior to any discretionary project approval for residential and commercial development requiring annexation.

Conditions of Approval dated September 21, 2022 reference that compliance with the Department of Public Utilities dated April 29, 2022 requires that water mains shall be extended within the proposed subdivision to provide service to each lot along with installation of separate water services with meter boxes. Installation of fire hydrants along the project frontage in South Willow Avenue are required. Two independent sources of water, meeting Federal and State Drinking Water Act Standards, are required to serve the tract. Dedication and installation of a water supply well site is required capable of producing a flow amount to meet a total demand of 1,500 gallons per minute, sufficient to serve peak water demand for the project and for fire suppression services.

The General Plan identifies that parcel configuration will provide for passive or natural heating or cooling opportunities and for other measures that conserve nonrenewable energy resources through the Fresno Municipal Code (FMC). The purpose of such design measures will be to provide solar access for active solar water and space heating systems and passive space heating, minimize solar heat gain in the summer, and take advantage of prevailing breezes. FMC Section 4108.A states, "Streets shall be planned in a primarily east-west orientation in order to best implement FMC Section 15-4113, Energy Conservation, and the Map Act (Section 66473)."

The proposed subdivision design indicates that 65 percent of the total lot count will have an east-west orientation, which will provide for a majority of the subdivision to implement FMC Section 15-4113 and Map Act Section 66473.

	The subject property is not located within any airport influence area identified within the Fresno County Airport Land Use Compatibility Plan.
C. <i>Revenue Neutrality.</i>	1. <i>Public Services, Facilities, and Utilities. 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.</i> 2. <i>Fair and Proportional Payments. Projects requiring annexation will not negatively impact City finances.</i> a. <i>No City revenue will be used to replace or provide developer funding that has or would have been committed to any mitigation project.</i> b. <i>The development project will fully fund public facilities and infrastructure as necessary to mitigate any impacts arising from the new development.</i> c. <i>The development project will pay for public facilities and infrastructure improvements in proportion to the development's neighborhood and citywide impacts.</i> d. <i>The development will fund its proportionate share of public facility infrastructure, maintenance and public service costs according to the City Council approved Development Impact Fee Schedule and through a uniform application of community facilities district fees.</i>
Finding C:	The Department of Public Works memorandums dated May 2, 2022, May 25, 2022, August 1, 2022 and August 4, 2022, along with the Department of Public Utilities memorandum dated April 29, 2022, Fresno Unified School District memorandum dated April 11, 2022, Fresno Metropolitan Flood Control District memorandum dated May 11, 2022 and July 7, 2022, and Fire Department memorandum dated April 28, 2022 collectively ensure that adequate public services, facilities, and utilities will meet City standards and provide specific time periods of construction and installation. The Fiscal Impact Analysis dated February 11, 2022 for the project identifies that the project will have an overall annual net surplus to the General Fund of \$50.46 per unit, which will not include a deferred maintenance cost. This will assure that no City revenue will be used to replace or provide developer funding that has or would have been committed to any mitigation project. The Conditions of Approval dated September 21, 2022 require all sewer connection charges, water connection charges, and citywide development impact fees to be paid. The Department of Public Works memorandums dated August 1, 2022 and August __, 2022 require payment of the Traffic Signal Mitigation Impact Fee, Fresno Major Street Impact Fee, and Regional Transportation Mitigation Fee.

	Based on the above analysis, the project would ensure that: 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) The development project will fully fund public facilities and infrastructure as necessary to mitigate any impacts arising from the new development; 3) The development project will pay for public facilities and infrastructure improvements in proportion to the development's neighborhood and citywide impacts; and 4) The development will fund its proportionate share of public facility infrastructure, maintenance, and public service costs according to the City Council-approved Development Impact Fee Schedule and through a uniform application of community facilities district fees.
<i>D. Disadvantaged Unincorporated Communities. The City will partner with the community, if there is wide support for annexation, to coordinate terms to initiate and support the annexation process.</i>	
Finding D:	The proposed project is not located within a Disadvantaged Unincorporated Community, as shown in Figure LU-3: Disadvantaged Unincorporated Communities of the Fresno General Plan.
<i>E. LAFCO Approval. The annexation shall be approved by the Local Agency Formation Commission (LAFCO) of Fresno.</i>	
Finding E:	The proposed pre-zone application has been filed to facilitate annexation of the approximately 123.74 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. P22-00411. The combination of these actions comprises the proposed California-Willow No. 4 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. P22-00411 will authorize the filing of an application with LAFCO to initiate proceedings for the consideration of the proposed California-Willow No. 4 Reorganization.

PRE-ZONE APPLICATION FINDINGS

Section 15-5812 of the Fresno Municipal Code provides that the Planning Commission 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	
<i>A. The change is consistent with the General Plan goals and policies, any operative plan, or adopted policy;</i>	
Finding A:	The project is consistent with the following Fresno General Plan goals and objectives related to land use and the urban form: • 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.

- 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.
- Promote a city of healthy communities and improve quality of life in established neighborhoods.
- Improve Fresno's visual image and enhance its form and function through urban design strategies and effective maintenance.

These goals contribute to the establishment of a comprehensive city-wide land use planning strategy to meet economic development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment in accordance with Objective LU-1 of the Fresno General Plan.

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.

Policy UF-1-f promotes the use of Complete Neighborhood design concepts and development standards to achieve the development of Complete Neighborhoods and the residential density targets of the General Plan.

Objective UF-14 promotes development that facilitates multi-modal connectivity.

Policy UF-14-b promotes the design of local roadways to connect throughout neighborhoods and large private developments with adjacent major roadways and pathways of existing adjacent development, and the ability to create access for pedestrians and bicycles where a local street must dead end or be designed as a cul-de-sac to adjoining uses that provide services, shopping, and connecting pathways for access to the greater community area.

Objective LU-5 of the General Plan calls for a diverse housing stock that will support balanced urban growth and make efficient use of resources and public facilities.

Policy LU-5-g promotes new development in or adjacent to established neighborhoods that is compatible in scale and character with the surrounding area by promoting a transition in scale and architectural character between new buildings and established neighborhoods, as well as integrating pedestrian circulation and vehicular routes.

Policy LU-5-h supports housing that offers residents a range of amenities, including public and private open space, landscaping, and recreation facilities with direct access to commercial services, public transit, and community gathering spaces.

Objective D-4 supports that the City preserve and strengthen Fresno's overall image through design review and create a safe, walkable and attractive urban environment for the current and future generations of residents.

	Policy D-4-e promotes innovative lot designs and patterns to enhance community livability in residential neighborhoods through new zoning provisions, with flexible development standards. The defining characteristic of a Complete Neighborhood is a neighborhood that is mostly self-sufficient, walkable, and interconnected. It provides residents with most all they need on a daily basis nearby. In other words, a Complete Neighborhood anticipates and plans in advance all amenities needed in a neighborhood to ensure quality and lasting property values before the residential units are built instead of trying to piecemeal those amenities after the fact. This convenient and healthy lifestyle is the benefit of a Complete Neighborhood. While total self-sufficiency or even completeness is unlikely to be accomplished in each neighborhood, some of the defining characteristics of a Complete Neighborhood include parks and public schools within or near the neighborhood, public plaza/civic space, access to public transit, neighborhood-serving retail, and a range of employment opportunities. An approximate two-acre neighborhood park is proposed at the northwest corner of the proposed subdivision. Additionally, a Class I trail is proposed traveling east-west along the northern subdivision boundary, connecting to the neighborhood park. Approximately one mile away to the north is an established commercial use corridor along East Kings Canyon Road providing employment opportunities for all new residents of the neighborhood. 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.
<i>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</i>	
Finding B:	The project site is located within an area which has primarily developed various residential neighborhoods. 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 housing opportunities, and is currently planned for single-family residential uses in the Fresno General Plan.
<i>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.</i>	
Finding C:	Since about 1970, California has been experiencing an increasing housing shortage, such that by 2018, California ranked 49th among the United States in housing units per resident. This shortage has been estimated to be 3-4 million housing units (20-30% of California's housing stock, 14 million as of 2017). Experts say that California needs to double its current rate of housing production (85,000 units per year) to keep up with expected population growth and prevent prices from further increasing and needs to quadruple the current rate of housing production over the next 7 years for prices and rents to decline. Approval of Vesting Tentative Tract Map No. 6345 would help contribute to fulfilling the housing needs of the region and increase the inventory of land within the RS-5 zone district to meet market demand.

TENTATIVE TRACT MAP FINDINGS

Section 15-3309 of the Fresno Municipal Code provides that the Review Authority (Planning Commission) for a tentative tract map may approve or conditionally approve a tentative tract map if it makes all of the following findings:

Findings per Fresno Municipal Code Section 15-3309	
A. <i>Consistency.</i> <i>The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable operative plan, adopted policies or guidelines, and the Municipal Code; and,</i>	
Finding A:	The subject property is located within the Fresno General Plan and the Roosevelt Community Plan of which both plans designate the subject property for Medium Density Residential (5-12 dwelling units per acre) planned land uses. Vesting Tentative Tract Map No. 6345 proposes a 199-lot single-family residential subdivision on approximately 36.75 acres at a density of 5.42 dwelling units per acre. The project is consistent with the following Fresno General Plan goals, objectives, and policies related to residential land use and the urban form: <u>Goals</u> • Goal 1: 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 15: Improve Fresno's visual image and enhance its form and function through urban design strategies and effective maintenance. These goals contribute to the establishment of 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 in accordance with Objective LU-1 of the Fresno General Plan. <u>Objectives</u> • Objective UF-1: Emphasizes the opportunity for a diversity of districts, neighborhoods, and housing types. • Objective UF-14 promotes development that facilitates multi-modal connectivity.

- Objective LU-5: Calls for a diverse housing stock that will support balanced urban growth, and make efficient use of resources and public facilities.
- Objective D-4 supports that the City preserve and strengthen Fresno's overall image through design review and create a safe, walkable and attractive urban environment for the current and future generations of residents.

Policies

- Policy UF-1-a supports development projects that provide Fresno with a diversity of urban and suburban neighborhood opportunities.
- Policy UF-1-d: 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.
- Policy UF-1-e: Promotes and protects 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.
- Policy UF-1-f promotes the use of Complete Neighborhood design concepts and development standards to achieve the development of Complete Neighborhoods and the residential density targets of the General Plan.
- Policy UF-14-b promotes the design of local roadways to connect throughout neighborhoods and large private developments with adjacent major roadways and pathways of existing adjacent development, and the ability to create access for pedestrians and bicycles where a local street must dead end or be designed as a cul-de-sac to adjoining uses that provide services, shopping, and connecting pathways for access to the greater community area.
- Policy UF-14-c promotes development standards that provide desired and maximum block lengths in residential, retail, and mixed-use districts in order to enhance walkability.
- Policy LU-5-c: Promotes medium density residential uses to maximize the efficient use of residential property through a wide range of densities.
- Policy LU-5-g promotes new development in or adjacent to established neighborhoods that is compatible in scale and character with the surrounding area by promoting a transition in scale and architectural character between new buildings and established neighborhoods, as well as integrating pedestrian circulation and vehicular routes.
- Policy LU-5-h supports housing that offers residents a range of amenities, including public and private open space, landscaping, and recreation facilities

	with direct access to commercial services, public transit, and community gathering spaces. • Policy D-4-e promotes innovative lot designs and patterns to enhance community livability in residential neighborhoods through new zoning provisions, with flexible development standards. Much of Fresno has been built as discrete residential tracts bordered by strip retail centers, many of which are not accessible from the adjacent homes due to security walls or other barriers. By contrast, the Complete Neighborhoods concept will enable Fresnoans to live in communities with convenient services, employment, and recreation within walking distance. The defining characteristic of a Complete Neighborhood is a neighborhood that is mostly self-sufficient, walkable, and interconnected. It provides residents with most all they need on a daily basis nearby. In other words, a Complete Neighborhood anticipates and plans in advance all amenities needed in a neighborhood to ensure quality and lasting property values before the residential units are built instead of trying to piecemeal those amenities after the fact. This convenient and healthy lifestyle is the benefit of a Complete Neighborhood. While total self-sufficiency or even completeness is unlikely to be accomplished in each neighborhood, some of the defining characteristics of a Complete Neighborhood include parks and public schools within or near the neighborhood, public plaza/civic space, access to public transit, neighborhood-serving retail, and a range of employment opportunities. An approximate two-acre neighborhood park is proposed at the northwest corner of the proposed subdivision. Additionally, a Class I trail is proposed traveling east-west along the northern subdivision boundary, connecting to the neighborhood park. Approximately one mile away to the north is an established commercial use corridor along East Kings Canyon Road providing employment opportunities for all new residents of the neighborhood. 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. <i>Passive and Natural Heating and Cooling.</i> <i>The proposed subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision; and,</i>	
Finding B:	As proposed, to the extent feasible, the proposed subdivision will provide for future passive or natural heating or cooling opportunities by maximizing east-west facing lots. The subdivision proposes a two-acre neighborhood park and trail. Street tree requirements in the front of properties are also conditioned for the subdivision
C. <i>Availability of Water.</i> <i>Water will be available and sufficient to serve a proposed subdivision with more than 500 dwelling units in accordance with the Subdivision Map Act (Section 66473.7); and,</i>	

Finding C:	The project consists of a 199-lot residential subdivision, therefore, a water supply assessment is not required. Water facilities are available to provide service to the site subject to the conditions listed in the Department of Public Utilities comments dated April 29, 2022.
<i>D. Infrastructure Capacity.</i> <i>There exists sufficient infrastructure capacity for water, runoff, storm water, wastewater, and solid waste systems to serve the proposed subdivision; and,</i>	
Finding D:	The project was reviewed by appropriate partner agencies and it was determined that there is sufficient infrastructure capacity for water, runoff, storm water, wastewater, and solid waste systems to serve the proposed subdivision, subject to compliance with conditions of approval dated September 21, 2022.
<i>E. Compliance with Floodplain Regulations.</i> <i>The proposed subdivision is compliant with the City of Fresno Floodplain Management Ordinance and the State of California Code of Regulations Title 23, as well as any other applicable State or federal laws.</i>	
Finding E:	The proposed project site is not located within a designated floodplain or floodway.

Based upon the plans and information submitted by the applicant and the recommended conditions of project approval, staff has determined that all of the findings above can be made.