

**FRESNO MUNICIPAL CODE FINDINGS
ANNEXATION APPLICATION NO. P19-06059
PLAN AMENDMENT-REZONE APPLICATION NO. P19-06060
DEVELOPMENT PERMIT APPLICATION NO. P19-06061**

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:	For the reasons contained within the attached initial study for the associated environmental assessment as well as within the Staff Report to the Planning Commission dated August 5, 2020, the proposed annexation is found to be consistent with all applicable goals, objectives and policies of the Fresno General Plan, Roosevelt Community Plan, and Fresno County Airport Land Use Compatibility Plan. 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.

C. Revenue Neutrality.

- 1. 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.*
- 2. Fair and Proportional Payments. Projects requiring annexation will not negatively impact City finances.*
 - a. No City revenue will be used to replace or provide developer funding that has or would have been committed to any mitigation project.*
 - b. The development project will fully fund public facilities and infrastructure as necessary to mitigate any impacts arising from the new development.*
 - c. The development project will pay for public facilities and infrastructure improvements in proportion to the development's neighborhood and citywide impacts.*
 - d. 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.*

Finding C:

The proposed project will be required to pay its fair and proportional share of needed community improvements through impact fees, assessment districts, and other mechanisms as included within the project conditions of approval and applicable mitigation measures. These conditions and mitigation measures which are applied to the proposed project will assure the project 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. 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) 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 cost.

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.

Finding D:

Although the project is identified as Disadvantaged Unincorporated Community 15b pursuant to Figure LU-3: Disadvantaged Unincorporated Communities of the Fresno General Plan, the initiation of the annexation process comes from the applicant submitting an application for a proposed project on property located within the Fresno County, but within the City's Sphere of Influence.

E. LAFCO Approval. The annexation shall be approved by the Local Agency Formation Commission (LAFCO) of Fresno.

Finding E:	The proposed pre-zone application has been filed to facilitate annexation of the ±8.48 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. P19-06059. The combination of these actions comprises the proposed Tulare-Peach No. 3 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. P19-06059 will authorize the filing of an application with LAFCO to initiate proceedings for the consideration of the proposed Tulare-Peach No. 3 Reorganization.
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REZONE AND PLAN AMENDMENT APPLICATION FINDINGS

Section 15-5812 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 Plan Amendment meets the following criteria:

Findings per Fresno Municipal Code Section 15-5812	
<i>A. The change is consistent with the General Plan goals and policies, any operative plan, or adopted policy;</i>	
Finding A:	The change in the planned land use from Medium Density Residential to Urban Neighborhood Residential provides consistency with the General Plan Policy LU-5-e which promotes Urban Neighborhood Residential uses to support compact communities and Complete Neighborhoods that include community facilities, walkable access to parkland and commercial services, and transit stops. Two public schools are located at the closest intersection to the project site (East Tulare Street and South Peach Avenue) which include an elementary and middle school, and a high school is available at the next closes intersection to the south (East Kings Canyon Road and South Peach Avenue). Walkable access to commercial services is provided along both sides of East Kings Canyon Boulevard just south of the project site.
<i>B. 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>	
Finding B:	The subject property is located within the unincorporated area of the County of Fresno which lies within the City of Fresno’s General Plan Boundary and Sphere of Influence. Furthermore, the project site meets the General Plan goals and strategies for sequencing of development and growth. Therefore, for the reasons contained within the attached initial study for the associated environmental assessment as well as within the Background/Project Analysis section contained within the Staff Report to the Planning Commission dated August 5 2020, the project site is a logical expansion for purposes of orderly development within the General Plan boundary; and, will promote orderly land use development in pace with public facilities and services needed to serve development.

<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:	The proposed change in land use is necessary to comply with goals and policies of the General Plan, including Policy RC-2-a, which promotes higher density infill development in multi-modal corridors. The project provides pedestrian connectivity with sidewalks along and near two different public transit bus routes and stops (East Tulare Street and South Peach Avenue).

PRE-ZONING APPLICATION FINDINGS

Section 15-6103 of the Fresno Municipal Code provides that the City Council shall not approve or deny pre-zoning based on consideration of the requirements of this section:

Findings per Fresno Municipal Code Section 15-6103	
<i>A. 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 pre-zoning.</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. Property that is subject to annexation shall be pre-zoned consistent with the General Plan, Concept Plan if applicable, and any applicable operative plan per Section 15-6104, Annexation Criteria. If an applicant proposed to pre-zone to different zone districts than those which are consistent with the General Plan, Concept Plan, and other operable plans, then plan amendments which achieve consistency shall be initiated and processed per Article 58, Amendments to Development Code Text Amendment, Rezones, and Plan Amendments prior to pre-zoning.</i>	
Finding B:	The proposed pre-zone to the RM-2 (<i>Residential Single-Family, Urban Neighborhood</i>) will be consistent with the proposed amended planned land use designation of Urban Neighborhood Residential.
<i>C. In such cases where the Local Agency Formation Commission (LAFCO) of Fresno determines that additional land must be included for orderly growth, said land, if not previously pre-zoned by the Council, shall be brought before the Council for consideration prior to formal annexation. In order to potentially avoid such cases, staff should consult with LAFCO to identify potential parcels that would encourage the logical formation of city boundaries.</i>	
Finding C:	The applicant and City of Fresno have met with Fresno LAFCO to formulate the required logical boundary that will provide orderly growth into the City of Fresno.

DEVELOPMENT PERMIT APPLICATION FINDINGS

Section 15-5206 of the Fresno Municipal Code provides 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:

FINDINGS PER FRESNO MUNICIPAL CODE SECTION 15-5206	
<i>a. The applicable standards and requirements of this Code.</i>	
Finding a:	Development Permit Application No. P19-06061, subject to the Conditions of Approval dated August 5, 2020, will comply with the Citywide Development Code for the RM-2 (<i>Residential Multi-Family, Urban Neighborhood</i>) zone district and land use designation.
<i>b. The General Plan and any operative plan or policies the City has adopted.</i>	
Finding b:	The proposed plan amendment is in compliance with the goals and policies of the Fresno General Plan and Roosevelt Community Plan. The proposed use is compatible with the surrounding uses. The proposed site plan complies with the Site and Façade Development standards of the RM (Residential Multiple-Family) districts.
<i>c. Any applicable design guidelines adopted by the City Council.</i>	
Finding c:	Development Permit Application No. P19-06061 complies with all applicable design guidelines of the RM-2 (<i>Residential Multi-Family, Urban Neighborhood</i>) zone district and standards as required within the conditions of approval dated August 5, 2020.
<i>d. Any approved Tentative Map, Conditional Use Permit, Variance, or other planning or zoning approval that the project required.</i>	
Finding d:	Development Permit Application No. P19-06061 is consistent with the approval of Annexation Application No. P19-06059, Pre-zone Application No. P19-06060, and Plan Amendment Application P19-06060 in that the proposed density is consistent with the change in zoning and land use designations and standards as required within the conditions of approval dated August 5, 2020.
<i>e. 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>	
Finding e.	The subject property is located within the Airport Influence Area. The Fresno County Airport Land Use Commission approved a Finding of Consistency with the Fresno County Airport Land Use Compatibility Plan on June 1, 2020.

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.