

## FRESNO MUNICIPAL CODE FINDINGS

### VESTING 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:

<b>Findings per Fresno Municipal Code Section 15-3309</b>	
<b>A. <i>Consistency.</i></b> <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:	For the reasons contained within the attached initial study for the associated environmental assessment as well as within the the Staff Report to the Planning Commission dated September 4, 2019, the proposed project is found to be consistent with all applicable goals, objectives and policies of the Fresno General Plan and McLane Community Plan. Subject to compliance with the conditions of approval and mitigation measures attached hereto, the proposed project may be found consistent with all applicable local ordinances, regulations, policies and standards.
<b>B. <i>Passive and Natural Heating and Cooling.</i></b> <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:	The proposed subdivision has been designed with the majority of streets designed in a primarily east-west orientation and 58% of the lots oriented in a north-south orientation to take advantage of natural heating and cooling opportunities, provide solar access for active solar and space heating systems and passive space heating, minimizing solar heat gain in the summer and to take advantage of prevailing breezes.
<b>C. <i>Availability of Water.</i></b> <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:	<p>The project consists of a proposed 280-lot detached single-family residential subdivision/development. Per FMC Section 6-501, the estimated Peak Hour water Demands (PHD) are based on 2.12 gallons per minute (gpm) for single-family residential units resulting in a total peak hour demand of 740 gpm.</p> <p>Fire Protection water Demand (FPD) is based on 1,500 gallons per minute. Total Instantaneous Demand (TID) is calculated based upon the combined PHD and FPD resulting in 2,240 gpm TID. Based upon the City of Fresno Water Capacity Fee Study, the City's base meter size for new connections is assumed to be a 1-inch meter. The capacity fees developed conservatively assume average annual water demand of 250 hcf per each new 1-inch meter connection. This level of annual demand is equivalent to approximately 0.574 acre-feet per year or 512 gallons per day. Total Annual water Demand (TAD) for the proposed subdivision is forecasted to be 143,360 gallons per day (or approximately 200 acre feet per year).</p> <p>In accordance with the provisions of the Fresno General Plan and Master EIR No.</p>

	<p>2012111015 mitigation measures, project specific water supply and distribution requirements must assure that an adequate source of water is available to serve the project.</p> <p>Furthermore, in order for the City to develop a Sustainable Groundwater Management Act (SGMA) compliance plan for this proposed development project, a Water Demand Analysis was calculated and SGMA compliance requirements are incorporated into the water supply conditions of approval for the project.</p> <p>The Department of Public Utilities, Water Division has reviewed the proposed project and has determined that Implementation of the Fresno General Plan policies and the mitigation measures of the associated Master Environmental Impact Report, along with the implementation of the Water Resources Management Plan and the identified project related conditions of approval, which include water main extensions within the proposed tract, installation of services with meters, and payment of applicable water fees and connection charges will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.</p>
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**D. Infrastructure Capacity.** *There exists sufficient infrastructure capacity for water, runoff, storm water, wastewater, and solid waste systems to serve the proposed subdivision; and,*

Finding D:	<p>Pursuant to the findings and representations made within the attached initial study for the associated environmental assessment and Staff Report to the Planning Commission dated September 4, 2019, and subject to compliance with the attached conditions of approval and mitigation measures identified within the initial study prepared for the associated environmental assessment, it may be determined that sufficient infrastructure capacity for water, runoff, storm water, waste water, and solid waste systems exist or will be available to serve the proposed project.</p>
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**E. Compliance with Floodplain Regulations.** *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.*

Finding E:	<p>According to the Fresno Metropolitan Flood Control District (FMFCD) memo dated February 5, 2019, the subject site is not located within a flood prone or hazard area.</p>
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**FINDINGS CRITERIA FOR REZONES AND PLAN AMENDMENTS**

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 Rezone or Plan Amendment meets the following criteria:

<b>Findings per Fresno Municipal Code Section 15-5812</b>	
A.	<p><i>The change is consistent with the General Plan goals and policies, any operative plan, or adopted policy; and,</i></p>

<i>Finding A:</i>	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 September 4, 2019, the proposed project is found to be consistent with all applicable goals, objectives and policies of the Fresno General Plan and McLane Community 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.
<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>	
<i>Finding B:</i>	The subject property is located outside the City of Fresno limits but lies within the City of Fresno’s General Plan Boundary and Sphere of Influence. Furthermore, the project site proposed for subdivision comprises the last remaining vacant infill parcels of land in southeast Fresno and north of Clinton Avenue which are located within the area identified as Growth Area 1 in Figure IM-2: Sequencing of Development of the City of Fresno General Plan and therefore meets the General Plan goals and strategies for sequencing of development and growth. Furthermore, properties on all sides of the project site have been developed with, are in the process of being developed or have been approved for development with single family residences. Therefore, 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 September 4, 2019, the project site is a logical expansion for purposes of orderly development inside city limits as depicted on Figure IM-2: Sequencing of Development of the General Plan; 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>	
<i>Finding C:</i>	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 September 4, 2019, the proposed project achieves the balance of land uses desired by the City of Fresno through planning and implementation of the Complete Neighborhoods concept and strategy for development by affording connectivity and safe routes to schools, financial incentives for investing, design compatibility, providing missing uses such as open space for recreation, and enhanced landscaping and maintenance of public right-of-way areas.

**FINDINGS CRITERIA FOR PLANNED DEVELOPMENT PERMITS**

Section 15-5909 of the Fresno Municipal Code provides that the Review Authority (Planning Commission) for a planned development shall only be approved if all of the following findings are made:

**Findings per Fresno Municipal Code Section 15-5905**

*A. The proposed development is consistent with the General Plan, any applicable operative plan, and adopted policies, including the density and intensity limitations that apply; and,*

Finding A:	The proposed development is consistent with the General Plan designations of Medium and Medium-Low Density Residential subject to authorization of a Density Transfer in accordance with Section 15-310-C of the Fresno Municipal Code and pursuant to Planned Development Permit Application No. P18-03739.  Furthermore, 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 September 4, 2019, the proposed project has been determined to be consistent with applicable Goals, Objectives and Policies of the Fresno General Plan.
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*B. The subject site is physically suitable for the type and intensity of the land use being proposed; and,*

Finding B:	The site is substantially surrounded by residential and urban uses and is proposed to be developed with single family residential uses and at an allowable density which is consistent with the Planned Land Use designations of the Fresno General Plan; and,
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*C. Adequate transportation facilities, utilities, and public services exist or will be provided, in accord with the conditions of PD approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of public services so as to be a detriment to public health, safety, or welfare; and,*

Finding C:	The project will have frontage and access to/from two major streets (East Shields and North Temperance Avenues). As provided within the attached initial study for the associated environmental assessment as well as within the Staff Report to the Planning Commission dated September 4, 2019, the project was routed to the Departments of Public Utilities and Public Works which have appropriately conditioned the project in order to provide service to the project and in order to provide adequate access to and transportation facilities to accommodate the traffic generation characteristics of the project. The project is not proposed in size or scope which would result in a reduction of public services so as to be a detriment to public health, safety, or welfare. The area street plans are the product of careful planning that projects traffic capacity needs based on the densities and intensities of planned land uses anticipated at build-out of the planned area. These streets will provide adequate access to, and recognize the traffic generating characteristics of, individual properties and, at the same time, afford the community an adequate and efficient circulation system; no substantial increase in transportation or traffic is expected to result.
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*D. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;*

<i>and,</i>	
Finding D:	The Planning and Development Department staff has determined that the proposed use will not have a substantial adverse effect on surrounding land uses if developed in accordance with the various conditions/requirements established through the related tentative tract map application review and planned development permit application review process.
<p><i>E. The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation, and/or substantial public benefit. In making this determination, the following factors should be considered: (a) Appropriateness of the use(s) at the proposed location. (b) The mix of uses, housing types, and housing price levels. (c) Provision of infrastructure improvements. (d) Provision of open space. For example, a greater amount of open space than would otherwise be provided under the strict application of this code. (e) Connectivity to public trails, schools, etc. (f) Compatibility of uses within the development area. (g) Creativity in design and use of land. (h) Quality of design, and adequacy of light and air to the interior spaces of the buildings. (i) Overall contribution to the enhancement of neighborhood character and to the built and natural environment of Fresno in the long term.</i></p>	
Finding E:	<p>The subject property is planned and zoned for residential uses. The planned development gives the home buyer the option of purchasing a mainstream type of home with less annual expense on yard maintenance and water consumption. Multiple exterior elevations with various architectural styles will be a standard option for home buyers. All required infrastructure improvements will be constructed by the project applicant. Pedestrian connectivity is provided with this project and includes use of existing and future recreation facilities within and near the tract.</p> <p>The planned development helps provide for a larger mix of housing, home sizes, home types with varying yard size to insure a more affordable community that appeals to a wider variety of home buyer needs. The lot layout enhances the pedestrian walkways throughout the project. The product will maximize natural light through expansive windows and is at the forefront of the home industry in terms of urban product design trends. Long term the proposed development will fit with surrounding existing and planned uses in the area.</p>

### FINDINGS CRITERIA FOR ANNEXATIONS

Section 15-6104 of the Fresno Municipal Code provides that the Review Authority (Planning Commission) for an annexation shall only be approved if all of the following findings are made:

<b>Findings per Fresno Municipal Code Section 15-6104</b>	
<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.; and,</i>	
Finding A:	The project site proposed for subdivision comprises the last remaining vacant infill parcels of land within the respective quarter-section. Pursuant to Section 15-6102 of the FMC, a Concept Plan is not required when there is no more undeveloped land

	within the Concept Plan Area with a residential land use designation; excepting the proposed project.
<i>B. Plan Consistency. The proposed annexation and parcel configuration is consistent with the General Plan, 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 September 4, 2019, the proposed annexation is found to be consistent with all applicable goals, objectives and policies of the Fresno General Plan and McLane Community 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.
<i>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; and, (2) Fair and Proportional Payments. 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 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.
<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.; and,</i>	
Finding D:	No Disadvantaged Unincorporated Communities are identified adjacent or within the vicinity of the proposed annexation boundary.
<i>E. LAFCO Approval. The annexation shall be approved by the Local Agency Formation Commission (LAFCO) of Fresno.</i>	
Finding E:	The proposed Prezone Application has been filed to facilitate annexation of the ±69.15 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

	<p>Fire Protection District in accordance with Annexation Application No. P18-03263. The combination of these actions comprises the proposed Shields-Temperance No. 2 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. P18-03263 will authorize the filing of an application with LAFCO to initiate proceedings for the consideration of the proposed Shields-Clinton No. 2 Reorganization. Annexation will be required to be completed prior to recordation of a Final Map for Vesting Tentative Tract Map No. 6224/UGM.</p>
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Based upon the plans and information submitted by the applicant and the recommended conditions of project approval and project specific mitigation, staff has determined that all of the findings above can be made.