

FRESNO MUNICIPAL CODE FINDINGS
P20-00577/P20-00845/T-6299

PLAN AMENDMENT-REZONE 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 following findings can be made for the proposed Plan Amendment:

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 Low Density Residential to Medium Density Residential provides consistency with the General Plan Policy LU-5-c which promotes medium density residential uses to maximize efficient use of residential property through a wide range of densities. Properties directly to the east and north of the subject property include low density planned land uses which provide a transition into the proposed medium density planned land use of the subject property.
<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 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 September 16, 2020, the subject property is a logical expansion for purposes of orderly development within the 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>	
Finding C:	The project proposes to amend the Fresno General Plan and Roosevelt Community Plan to achieve the balance of land uses desired by the City of Fresno. This includes, but is not limited to, emphasizing land conservation and maximizing the efficient use of available underutilized property within a planned residential growth area through the proposed Tentative Tract Map application which will increase the inventory of land available for development of single-family residential homes while providing for a variety of market-based options to suit a large range of income levels on lands situated with proximity to public facilities, schools and employment

	opportunities.
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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	
<p>A. Consistency. <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></p>	
<p>Finding A:</p>	<p>The subject property is located within the Fresno General Plan and the Roosevelt Community Plan, both plans designate the subject property for Low Density Residential (0.2-3.5 dwelling units per acre) planned land uses. The proposed Plan Amendment proposes to change the planned land use designation to Medium Density Residential (5-12 dwelling units per acre). Vesting Tentative Tract Map 6299/UGM proposes a 218-lot single-family residential subdivision on ±22 acres at a density of 9.9 dwelling units per acre.</p> <p>The project is consistent with the following Fresno General Plan goals, objectives and policies related to residential land use and the urban form:</p> <p><u>Goals</u></p> <ul style="list-style-type: none"> • 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. <p>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.</p> <p><u>Objectives</u></p>

	<p>Objective UF-1 emphasizes the opportunity for a diversity of districts, neighborhoods, and housing types.</p> <p>Objective LU-5 calls for a diverse housing stock that will support balanced urban growth, and make efficient use of resources and public facilities.</p> <p><u>Policies</u></p> <p>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.</p> <p>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.</p> <p>Policy LU-5-c promotes medium density residential use to maximize efficient use of residential property through a wide range of densities.</p> <p>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.</p>
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B. *Passive and Natural Heating and Cooling.* *The proposed subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision; and,*

Finding B:	The proposed subdivision has been designed with sizing of all lots in a manner which exceeds minimum area requirements thereby allowing structures to be oriented and constructed in a manner which will be able to take advantage of shade and/or prevailing breezes in order to take advantage of natural and passive heating and cooling opportunities.
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C. *Availability of Water.* *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,*

Finding C:	The project consists of a 218-lot residential subdivision/development. Therefore, a water supply assessment is not required. The Department of Public Utilities, Water Division has reviewed the proposed project and has determined that compliance with the City's requirements and/or restrictions for water service will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.
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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:	Pursuant to the findings and representations made within the Public Utilities section included within the Staff Report to the Planning Commission dated September 16, 2020, and subject to compliance with the attached conditions of approval, it may be
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	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.
E. Compliance with Floodplain Regulations. <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.

PLANNED DEVELOPMENT FINDINGS

A Planned Development shall only be approved if all of the following findings are made:

Findings per Fresno Municipal Code Section 15-3309	
<i>A. The proposed development 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, any applicable operative plan, and adopted policies, including the density and intensity limitations that apply; and,</i>	
Finding A:	For the reasons contained within the Staff Report to the Planning Commission dated September 16, 2020 the proposed project 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 the Conditions of Approval attached hereto, the proposed project may be found consistent with all applicable local ordinances, regulations, policies, and land use regulations for the base zone district.
<i>B. The subject site is physically suitable for the type and intensity of the land use being proposed; and,</i>	
Finding B:	The concurrent Plan Amendment and Rezone applications propose to change the planned land use of the subject property from Low Density Residential to Medium Density Residential, which is consistent with the proposed zone change to the RS-5/UGM (<i>Single-Family Residential, Medium Density/Urban Growth Management</i>) zone district. The concurrent application for a Tentative Tract Map proposes the development of single-family residential lots at an allowable density under the Fresno General Plan as noted above, i.e. 9.9 dwelling units per acre within the Medium Density Residential (5-12 dwelling units per acre) planned land use.
<i>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,</i>	

Finding C:	<p>The project will front onto two major streets (East Belmont and North Armstrong Avenues) taking access from an Arterial Street (East Belmont Avenue). There are currently no FAX bus facilities serving the site, however with more development, this may increase the need for bus service. The project was routed to the Fire Department and the Public Utilities Department, which these departments have appropriately conditioned the project in order to provide services to the project. Utilities to be provided include water and sewer main extensions within the proposed tract to serve each lot, and construction of an 8-inch sanitary sewer main in East Belmont Avenue from the existing 8-inch main stub out located at the intersection of East Belmont and North Armstrong Avenues to the east property line of the proposed tract. Based upon the foregoing, the Conditions of Approval and the size of the development, 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.</p>
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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; and,

Finding D:	<p>Planning and Development Department staff have determined that the proposed use will not have a substantial adverse effect on surrounding land uses if developed in accordance with the various conditions and requirements established through the related vesting tentative tract map application review and planned development application review process. The adjacent land to the east and southeast is within the City's Sphere of Influence and is planned for future residential development, which is compatible with the proposed single-family development of the subject property. Staff has had discussions with the applicants for conceptual lotting patterns and future connectivity to the east at such time as residential development occurs. For the existing rural residential uses, a 6-foot masonry block wall will be extended around the boundary of the proposed subdivision to provide separation from the proposed single-family residential development.</p>
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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:

- 1. Appropriateness of the use(s) at the proposed location.*
- 2. The mix of uses, housing types, and housing price levels.*
- 3. Provision of infrastructure improvements.*
- 4. Provision of open space. For example, a greater amount of open space than would otherwise be provided under the strict application of this code.*
- 5. Connectivity to public trails, schools, etc.*
- 6. Compatibility of uses within the development area.*
- 7. Creativity in design and use of land.*
- 8. Quality of design, and adequacy of light and air to the interior spaces of the buildings.*
- 9. Overall contribution to the enhancement of neighborhood character and to the built and natural environment of Fresno in the long term.*

Finding E:	<p>The subject property is planned and zoned for residential uses. The planned development gives the prospective home buyers 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 future recreation facilities within the tract.</p> <p>There are two drive entrances on East Belmont Avenue, one pedestrian paseo at the northwest corner of the subdivision and another pedestrian paseo at the southern end of the subdivision which will allow access to residents that may work or go to school in the nearby vicinity.</p> <p>The planned development helps provide for a larger mix of housing, home sizes, home types with varying yard size to ensure 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. In the long term, the proposed development will be compatible with the surrounding existing and planned land uses in the area.</p>
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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.