

## 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 Background and Analysis section of the Staff Report to the Planning Commission dated July 17, 2019, the proposed project is found to be consistent with all applicable goals, objectives and policies of the Fresno General Plan and Woodward 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 lot sizes and configuration to permit orientation of a structure in an east-west alignment for southern exposure and to take advantage of shade or 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 239-lot attached and detached single-family residential subdivision/development. Per FMC Section 6-501, the estimated peak hour water demands are based on 2.12 gallons per minute (gpm) for single-family residential units and fire protection water demand is based on 1,500 gallons per minute. Therefore, the annual total water demand for the proposed subdivision is forecasted to be 2,006.68 gallons per minute (506.68 gpm + 1,500 gpm for fire).</p> <p>However, in accordance with the provisions of the Fresno General Plan and Master EIR No. 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</p>

	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.
<b>D. Infrastructure Capacity.</b> <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:	Pursuant to the findings and representations made within the Public Services section included within the Staff Report to the Planning Commission dated July 17, 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.
<b>E. Compliance with Floodplain Regulations.</b> <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:	According to the Fresno Metropolitan Flood Control District (FMFCD) memo dated May 20, 2019, the subject site is not located within a flood prone or hazard area.

### 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:

Findings per Fresno Municipal Code Section 15-5812	
<b>A.</b> <i>The change is consistent with the General Plan goals and policies, any operative plan, or adopted policy; and,</i>	
<b>Finding A:</b>	For the reasons contained within the attached initial study for the associated environmental assessment as well as within the Background and Analysis section contained within the Staff Report to the Planning Commission dated July 17, 2019, the proposed project is found to be consistent with all applicable goals, objectives and policies of the Fresno General Plan and Woodward 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.
<b>B.</b> <i>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,</i>	

<i>safety, peace, comfort, and general welfare; and,</i>	
<i>Finding B:</i>	The subject property is located within the City of Fresno limits which lies within the City of Fresno's General Plan Boundary and Sphere of Influence. Furthermore, the project site is located within an area which is located on the fringe of urban development and which meets the General Plan goals and strategies for sequencing of development and growth. Furthermore, the vicinity of the subject property is currently undergoing growth in development in a manner which is rapidly encompassing the subject property with urban development. Therefore, for the reasons contained within the attached initial study for the associated environmental assessment as well as within the Background and Analysis section contained within the Staff Report to the Planning Commission dated July 17, 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 Background and Analysis section of the Staff Report to the Planning Commission dated July 17, 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, financial incentives for investing, design compatibility, providing missing uses such as recreation, neighborhood serving public service and employment opportunities, enhanced landscaping and maintenance of public right-of-way areas, and providing community-based services.

**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:

<b>Findings per Fresno Municipal Code Section 15-5905</b>	
<i>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,</i>	
<i>Finding A:</i>	The proposed development is consistent with the General Plan designation of Medium High Density and the Woodward Community Plan; and,
<i>B. The subject site is physically suitable for the type and intensity of the land use being proposed; and,</i>	

Finding B:	The site is vastly surrounded by residential and urban uses and is developed at an allowable density under the Fresno General Plan; and,
<p><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></p>	
Finding C:	The project will front onto one major street (East Copper Avenue). The project was routed to the Public Utilities Department and which they have appropriate conditioned the project in order to provide service to 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.
<p><i>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,</i></p>	
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>There are four pedestrian gates on East Copper Avenue which will allow access to residents that may work or go to school in the adjacent high school or community college.</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</p>

	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. The community will be gated, which will help maintain community value. Long term the proposed development will fit with surrounding existing and planned uses in the area.
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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.