

**FRESNO MUNICIPAL CODE FINDINGS
P18-01089/T-6237**

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 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 Residential – Medium and High Densities to Residential – Medium Low Density provides consistency with the General Plan Policy LU-5-b which promotes medium-low density residential uses to provide a transition between low and medium density residential areas. Properties directly to the south and west of the project site include medium and low density planned land use designations which provide a transition into the proposed medium low 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 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 May 20, 2020, the project site is a logical expansion for purposes of orderly development within Growth Area 1 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 proposed change in land use is necessary to provide consistency with an upcoming update to the West Area Community Plan that will change the land use designation of the subject properties to the Medium Low Density land use designation.

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:	The applicant is providing signed landowner consent forms for 100% of the landowners within the proposed annexation boundary. Furthermore, per 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 RS-4/UGM (<i>Residential Single-Family – Medium Low Density/Urban Growth Management</i>) will be consistent with the proposed amended planned land use designation of Residential – Medium Low Density.
<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 boundary that will provide orderly growth into the City of Fresno.

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	
<i>A. Consistency. 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 Staff Report to the Planning Commission dated May 20, 2020 the proposed project is found to be consistent with all applicable goals, objectives, and policies of the Fresno General Plan and West Area Community 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.
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:	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.
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 116-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.
D. <i>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:	Pursuant to the findings and representations made within the Public Utilities section included within the Staff Report to the Planning Commission dated May 20, 2020, and subject to compliance with the attached conditions of approval, 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.
E. <i>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.