

FRESNO MUNICIPAL CODE FINDINGS

TENTATIVE TRACT MAP FINDINGS

Section 15-3309(A) 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(A)

1. **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

Finding 1:

The subject property is located within the Fresno General Plan and the Roosevelt Community Plan, and both plans designate the subject property for Medium Density Residential (5-12 dwelling units per acre (du/ac)) planned land uses. Vesting Tentative Tract Map No. 6466 proposes a 105-lot single-family residential subdivision on approximately 11.97 acres of property at a density of 8.77 dwelling units per acre.

The project is consistent with the following Fresno General Plan goals and objectives related to land use and the urban form:

Goals

- **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 11:** Emphasize and plan for all modes of travel on local and Major Streets in Fresno.
- Goal 14: Provide a network of well-maintained parks, open spaces, athletic
 facilities, and walking and biking trails connecting the city's districts and
 neighborhoods to attract and retain a broad range of individuals, benefit
 the health of residents, and provide the level of public amenities required
 to encourage and support development of higher density urban living and
 transit use.
- **Goal 15:** Improve Fresno's visual image and enhance its form and function through urban design strategies and effective maintenance.

Objectives

- **Objective UF-1** emphasizes the opportunity for a diversity of districts, neighborhoods, and housing types.
- Objective UF-12 supports locating roughly one-half of future residential development in infill areas defined as being within the City on December 31, 2012 including the Downtown core area and surrounding neighborhoods, mixed-use centers and transit-oriented development along major BRT corridors, and other non-corridor infill areas, and vacant land.
- **Objective UF-14** emphasizes an urban form that facilitates multi-modal connectivity.
- Objective LU-1 promotes 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.
- Objective LU-2 promotes the planning for infill development that includes a range of housing types, building forms, and land uses to meet the needs of both current and future residents.
- **Objective LU-5** calls for a diverse housing stock that will support balanced urban growth and make efficient use of resources and public facilities.
- **Objective D-4** promotes to preserve and strengthen Fresno's overall image through design review and create a safe, walkable, and attractive urban environment for the current and future generations of residents.
- Objective MT-1 promotes to create and maintain a transportation system that is safe, efficient, provides access in an equitable manner, and optimizes travel by all modes.
- Objective MT-4 promotes to establish and maintain a continuous, safe, and easily accessible bikeways system throughout the metropolitan area to reduce vehicle use, improve air quality and the quality of life, and provide public health benefits.
- Objective MT-5 promotes to establish a well-integrated network of pedestrian facilities to accommodate safe, convenient, practical, and inviting travel by walking, including for those with physical mobility and vision impairments.
- **Objective MT-6** promotes to establish a network of multi-purpose pedestrian and bicycle paths, as well as limited access trails, to link residential areas to local and regional open spaces and recreation areas and urban Activity Centers in order to enhance Fresno's recreational amenities and alternative transportation options.

- Objective POSS-2 supports to ensure that adequate land, in appropriate locations, is designated and acquired for park and recreation uses in infill and growth areas.
- Objective POSS-3 supports to ensure that park and recreational facilities
 make the most efficient use of land; that they are designed and managed
 to provide for the entire Fresno community; and that they represent positive
 examples of design and energy conservation.

Policies

- Policy UF-1-a supports development projects that provide Fresno with a diversity of urban and suburban neighborhood opportunities.
- Policy UF-1-d further 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.
- Policy UF-1-e supports the promotion and protection of 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 Fresnans. This policy also supports unique areas through more specific planning processes that directly engage community members in creative and innovative design efforts.
- Policy UF-1-f promotes the use of Complete Neighborhood design concepts and development standards to achieve the development of Complete Neighborhoods and the residential density targets of the General Plan.
- Policy UF-12-c promotes the design of Neighborhood Centers for local services and amenities that build upon the character and identity of surrounding neighborhoods and communities.
- Policy UF-14-a promotes to develop and use design guidelines and standards for a walkable and pedestrian-scaled environment with a network of streets and connections for pedestrians and bicyclists, as well as transit and autos.
- Policy UF-14-b emphasizes local roadways to connect throughout neighborhoods and large private developments with adjacent major roadways and pathways of existing adjacent development and the creation of access for pedestrian and bicycles where a local street must dead end or be designed as a cul-de-sac to adjoining uses that provide services,

shopping, and connecting pathways for access to the greater community area.

- Policy LU-1-a promotes new development, infill, and rehabilitation of existing building stock in the Downtown Planning Area, along BRT corridors, in established neighborhoods generally south of Herndon Avenue, and on other infill sites and vacant land within the City.
- Policy LU-2-a promotes the development of vacant, underdeveloped, and re-developable land within the City Limits where urban services are available by considering the establishment and implementation of supportive regulations and programs.
- **Policy LU-5-c** promotes medium density residential uses to maximize efficient use of residential property through a wide range of densities.
- Policy LU-5-g promotes new development in or adjacent to established neighborhoods that is compatible in scale and character with the surrounding area by promoting a transition in scale and architectural character between new buildings and established neighborhoods, as well as integrating pedestrian circulation and vehicular routes.
- Policy LU-5-h supports housing that offers residents a range of amenities, including public and private open space, landscaping, and recreation facilities with direct access to commercial services, public transit, and community gathering spaces.
- **Policy D-4-e** promotes the allowance of innovative lot designs and patterns to enhance community livability in residential neighborhoods through new zoning provisions, with flexible development standards.
- **Policy MT-1-i** promotes the establishment and implementation of local roadway standards addressing characteristics such as alignment, width, continuity and traffic calming, to provide efficient neighborhood circulation; to allow convenient access by residents, visitors, and public service and safety providers; and to promote neighborhood integrity and desired quality of life by limiting intrusive pass-through traffic.
- **Policy MT-4-c** promotes to provide linkages between bikeways, trails and paths, and other regional networks such as the San Joaquin River Trail and adjacent jurisdiction bicycle systems wherever possible.
- Policy MT-5-b promotes the assurance of adequate access for pedestrians and people with disabilities in new residential developments per adopted City policies, consistent with the California Building Code and the Americans with Disabilities Act.
- Policy MT-5-c promotes to not approve new single-family residential subdivisions with lots that front and access onto a major roadway, unless

the City Traffic Engineer determines that no other feasible alternative means of vehicle access can be provided and that sufficient design measures can be implemented, such as on-site driveway turnaround, landscaped buffering, or an on-street parking lane to assure a desirable and enduring residential environment.

- Policy MT-6-c strives to provide path or trail connections to recreational
 facilities, including parks and community centers where appropriate, and
 give priority to pathway improvements within neighborhoods characterized
 by lower vehicle ownership rates and lower per capita rates of parks and
 public open space.
- Policy MT-6-h supports to avoid path and trail alignments that involve private ownership of sections of public path or trail right-of-way. Use the Director Determination process, if necessary, to adjust planned path or trail rights-of-way to avoid these situations by realigning along more visible, publicly-owned routes.
- Policy POSS-2-e supports to ensure that new residential developments provide adequate land for parks, open space, landscaping, and trails through the dedication of land or otherwise providing for Pocket Parks, planned trails, and other recreational space, maintained by an HOA, CFD, or other such entity.
- Policy POSS-3-c supports to link public open space to adjacent schools, residential uses, and Activity Centers through a series of landscaped linear walkways and bikeways that enhance and encourage pedestrian use.

The subject property is an infill site zoned for single-family residential uses generally south of Herndon Avenue. The proposed project provides diversity from other nearby single-family residential neighborhoods with an innovative smaller lot size design providing flexibility from the development standards. None of the lots front onto the adjacent major street (East Church Avenue) and all lots front onto local streets within the subdivision boundary. The adjacent public trail provides pedestrian connectivity linking East Church Avenue to the northern Park Amenity, allowing for recreational activities including biking. The subdivision design also includes local street connectivity to the existing adjacent single-family residential development to the west. All lot frontages propose sidewalks that will be constructed to ADA standards to accommodate for pedestrians and people with disabilities, including vision impairment. The proposed project also contributes to the Complete Neighborhood concept, which anticipates and plans in advance all amenities needed in a neighborhood, including but not limited to parks and public schools within or near the neighborhood, public plaza/civic space, access to public transit, neighborhood-serving retail and a range of employment opportunities, to ensure quality and lasting property values before the residential units are built instead of trying to piecemeal those amenities after the fact. Amenities in the nearby area include Sequoia Elementary (0.70 miles away), Sanger West High (0.12 miles away), and a public park and trail (adjacent north and west of proposed project. The adopted Development Agreement has a lifespan of 13 years from its adoption date (March 8, 2031) which anticipates

commercial development to be constructed adjacent east of the subject property. Although this construction would not occur until after the proposed project would be developed, it seems there is an anticipation that it will occur in the near future.

Therefore, it is staff's opinion that the proposed project is consistent with respective general and community plan objectives and policies as supported by the above-described General Plan goals, policies and objectives, and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno.

2. **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 2:

The design of the proposed subdivision shall provide to the extent feasible for future passive or natural heating or cooling opportunities and other measures that conserve nonrenewable energy resources. This subdivision has been designated with 100% of the lots oriented in a north to south orientation to take advantage of natural heating and cooling opportunities.

3. **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 3:

The project consists of a proposed 105-lot single family residential subdivision/development; Because there is less than 500 dwelling units proposed, a water supply assessment is not required. Water facilities are available to provide service to the site subject to the conditions listed in the Public Utilities comments dated June 2, 2024.

4. Infrastructure Capacity. There exists sufficient infrastructure capacity for water, runoff, storm water, wastewater, and solid waste systems to serve the proposed subdivision; and

Finding 4:

The project was reviewed by appropriate partner agencies including the Fresno Metropolitan Flood Control District and Fresno Irrigation District, as well as the City of Fresno Department of Public Utilities, and it was determined that there is sufficient infrastructure capacity for water, runoff, storm water, wastewater, and solid waste systems to serve the proposed subdivision, subject to compliance with conditions of approval dated October 2, 2024.

5. **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:

The proposed project site is not located within a designated floodplain or floodway as determined by the Fresno Metropolitan Flood Control District memorandum dated July 17, 2024.

PLANNED DEVELOPMENT PERMIT FINDINGS

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, 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

Finding A:

The subject property is located within the Fresno General Plan and the Roosevelt Community Plan, and both plans designate the subject property for Medium Density Residential (5-12 dwelling units per acre (du/ac)) planned land uses. Vesting Tentative Tract Map No. 6466 proposes a 105-lot single-family residential subdivision on approximately 11.97 acres of property at a density of 8.77 dwelling units per acre.

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<u>Goals</u>

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Objectives

- **Objective UF-1** emphasizes the opportunity for a diversity of districts, neighborhoods, and housing types.
- Objective UF-12 supports locating roughly one-half of future residential development in infill areas – defined as being within the City on December 31, 2012 – including the Downtown core area and surrounding neighborhoods, mixed-use centers and transit-oriented development along major BRT corridors, and other non-corridor infill areas, and vacant land.
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The subject property is not located within the Fresno County Airport Land Use Compatibility Plan.

Therefore, it is staff's opinion that the proposed project is consistent with respective general and community plan objectives and policies as supported by the above-described General Plan goals, policies and objectives, and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno.

B. The subject site is physically suitable for the type and intensity of the land use being proposed; and

Finding B:

The physical characteristics of the site are that it is vacant, thus allowing for new development to be constructed. The proposed single-family residential use (type) with the proposed 8.77 dwelling units per acre (du/ac) (intensity) complies with the required density range of the RS-5 zone district (5.00-12.00 du/ac), making the site physically suitable for the type and intensity of the land use being proposed.

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 front onto East Church Avenue, which is a collector street. There are currently no FAX bus facilities serving the site, however with more development, this may increase the need for bus service. It should be noted that the closest FAX bus facility is approximately 1.4 miles north from the subdivision at the intersection of East Liberty and South Fowler Avenues. The project was routed to both the Fire Department and the Department of Public Utilities and has been appropriately conditioned to provide services to the project, as well as ensure there will be no negative impacts or a reduction of public services which would result in a detriment to public health, safety or welfare.

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:

Planning and Development Department staff have determined that the proposed use will not have a substantial adverse effect on surrounding land residential 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. This includes requirements to develop internal streets, sidewalk, trail, street lights, connectivity to adjacent property, and other rights-of-way/public utilities to ensure the single-family residential development will be compatible with other adjacent and surrounding single-family residential development.

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:

The subject property is planned and zoned for single-family residential uses. The planned development gives the prospective home buyers the option of purchasing a mainstream type of home with smaller lot sizes that contribute to 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. Overall, the project positively contributes to the enhancement of the neighborhood character and to the built and natural environment providing for additional smaller lot single-family residential development options for the neighborhood. Given the above details, the planned development demonstrates a superior development that could occur under the strict application of the underlying zone district.

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.