

EXHIBIT H
FRESNO MUNICIPAL CODE 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	
<i>A. The change is consistent with the General Plan goals and policies, any operative plan, or adopted policy; and,</i>	
Finding A:	The Fresno General Plan and the McLane Community Plan designate the subject property for Residential Medium Density planned land uses. Further, the proposed project meets several goals and policies of the Fresno General Plan, including but not limited to the following: Policies UF-1-d, LU-1-e, and ED-5-b and Objectives UF-1, LU-1, and LU-5. Thus, the proposed project is found to be consistent with the 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>	
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 is located within an area which is attracting substantial development interest and which meets the General Plan goals and strategies for sequencing of development and growth. 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/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.
<p><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></p>	
<p>Finding C:</p>	<p>Contingent on an affirmative action for the related Annexation Application, the General Plan Amendment and Rezone is necessary to designate the subject property for Residential Medium Density per the Fresno General Plan Land Use Map and RS-5 per the Zoning Ordinance. The Plan Amendment and Rezone applications are proposed in conjunction with each other so the proposed land use is consistent with the proposed zoning for the subject property. The project achieves the balance of land uses desired by the City of Fresno by emphasizing land conservation and maximizing the efficient use of available underutilized property within a planned residential growth area through the proposed planned development which affords an efficient, diverse mix or residential densities and housing types that foster a variety of market-based options (including affordable housing) to suit a large range of income levels on lands situated within proximity to public facilities, schools and employment opportunities.</p>

ANNEXATION CRITERIA

Section 15-6104 of the Fresno Municipal Code provides that annexation shall not be approved unless the proposed annexation meets all of the following criteria:

Findings Criteria per Fresno Municipal Code Section 15-6104	
<p>A. <i>Concept Plan.</i> <i>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></p>	
<p>Finding A:</p>	<p>Annexation Application No. P19-06018 includes a proposed Concept Plan Connectivity Map pursuant to the requirements of Section 15-6102 of the Fresno Municipal Code (FMC). An affirmative action by the Fresno City Council regarding Annexation Application No. P19-06018 will authorize the filing of an application with LAFCO to initiate proceedings for the consideration of the proposed Clinton-Armstrong No. 3 Reorganization; and, approval of the related Concept Plan Connectivity Map prepared for the annexation application.</p>

B. Plan Consistency. *The proposed annexation and parcel configuration is consistent with the General Plan, Concept Plan, and any applicable operative plan; and,*

Finding
B:

The subject property is located within the City of Fresno's Sphere of Influence and identified as Growth Area 1 in Figure IM-2 of the Fresno General Plan. The proposed annexation is consistent with the sequencing of development outlined in the Fresno General Plan. Additionally, the proposed annexation supports the following policies in assisting the City in achieving its goal of locating future residential development in Growth Areas: UF-1-a, UF-1-b, UF-1-c, UF-12-a, and LU-2-f. For these and the reasons contained within the attached initial study 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.

B:	<p>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 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.</p>
<p>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) Projects requiring annexation will not negatively impact City Finances; 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,</p>	
Finding C:	<p>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.</p>
<p>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,</p>	
Finding D:	<p>No Disadvantaged Unincorporated Communities are identified adjacent or within the vicinity of the proposed annexation boundary.</p>
<p>E. LAFCO Approval. The annexation shall be approved by the Local Agency Formation Commission (LAFCO) of Fresno.</p>	

Finding E:	The proposed Pre-zone Application No. P19-06286 has been filed to facilitate annexation of the ±79.12 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 Fire Protection District in accordance with Annexation Application No. P19-06018. The combination of these actions comprises the proposed Clinton-Armstrong No. 3 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. P19-06018 will authorize the filing of an application with LAFCO to initiate proceedings for the consideration of the proposed Clinton-Armstrong No. 3 Reorganization. Annexation will be required to be completed prior to recordation of a Final Map for Vesting Tentative Tract Map No. 6241.
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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:

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:	The proposed subdivision is consistent with the Residential Medium Density planned land use and RS-5 zone district. The project proposes 225 lots on approximately 19.8 acres of land for a density of 11.36 dwelling units per acre. The permitted density in the RS-5 zone district is 5-12 du/ac. For these and the reasons contained within the attached initial study for the associated environmental assessment as well as within the Background/Project Analysis section of 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 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.
<i>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,</i>	
Finding B:	The proposed subdivision has been designed with lot sizes and configuration to provide for future passive and natural heating or cooling opportunities through orienting a majority of the lots in an east-west direction.

<p>C. Availability of Water. <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></p>	
<p>Finding C:</p>	<p>The project consists of a subdivision to create and facilitate development of 225 single family residential lots. Therefore, 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 February 26, 2020.</p>
<p>D. Infrastructure Capacity. <i>There exists sufficient infrastructure capacity for water, runoff, storm water, wastewater, and solid waste systems to serve the proposed subdivision; and,</i></p>	
<p>Finding D:</p>	<p>Pursuant to the findings and representations made within the Public Services section included within the Staff Report to the Planning Commission dated February 26, 2020, 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>
<p>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></p>	
<p>Finding E:</p>	<p>According to the Fresno Metropolitan Flood Control District (FMFCD), the subject site is not located within a flood prone or hazard area as designated on the latest Flood Insurance Rate Maps available to the District.</p>

PLANNED DEVELOPMENT PERMIT APPLICATION REVIEW FINDINGS

Section 15-5905 of the Fresno Municipal Code provides the Director or Planning Commission may only approve a Planned Development Permit application if it finds that the application is consistent with the purposes of this article and with the following:

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 subdivision is consistent with the Residential Medium Density planned land use and RS-5 zone district. The project proposes 225 lots on approximately 19.8 acres of land for a density of 11.36 dwelling units per acre. The permitted density in the RS-5 zone district is 5-12 du/ac. For these reasons and 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 McLane 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. The subject site is physically suitable for the type and intensity of the land use being proposed; and,

Finding b: The proposed 225-lot subdivision meets the land use regulations, lot, and density standards of the underlying RS-5 zone district. The zone district supports the density 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: Adequate access, parking, utilities and services shall be provided to serve the property and were reviewed for consistency with the requirements of the Residential Single-Family planned land use and the RS-5 (Residential Single-Family, Medium Density) zone district. The proposed 225-lot subdivision will not result in a reduction of public services, subject to compliance with the Conditions of Approval, dated May 20, 2020. Approval of the special permit would be in accordance with applicable provisions of the FMC, including the determination that all findings have been made relative to the issuance of a planned development permit for the proposed project.

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:	The proposed 225-lot subdivision is consistent with the Residential Single-Family, Medium Density planned land use designation for the project site and will not have a negative impact on either the subject site or neighboring properties subject to compliance with the Conditions of Approval, dated May 20, 2020.
	<p>e. <i>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:</i></p> <ol style="list-style-type: none"> 1. <i>Appropriateness of the use(s) at the proposed location.</i> 2. <i>The mix of uses, housing types, and housing price levels.</i> 3. <i>Provision of infrastructure improvements.</i> 4. <i>Provision of open space. For example, a greater amount of open space than would otherwise be provided under the strict application of this code.</i> 5. <i>Connectivity to public trails, schools, etc.</i> 6. <i>Compatibility of uses within the development area.</i> 7. <i>Creativity in design and use of land.</i> 8. <i>Quality of design, and adequacy of light and air to the interior spaces of the buildings.</i> 9. <i>Overall contribution to the enhancement of neighborhood character and to the built and natural environment of Fresno in the long term.</i>
Finding e.	The proposed 225-lot subdivision will benefit the community through the development of a viable housing development on the subject property that provides an overall improvement to the area by providing an affordable option for home ownership to single family housing with less annual expense on yard maintenance and water consumption. The proposed subdivision provides adequate open space in the form of both private yards for each house private open space to serve the subdivision. The subject property has connectivity to public schools and trails, primarily the Class I Bicycle Path on East McKinley and North Temperance Avenues. Furthermore, the requested modifications to the Development Code design guidelines will contribute to meeting density requirements pursuant to FMC Section 15-1003, making it an appropriate use for the subject property.

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.