

FRESNO MUNICIPAL CODE FINDINGS

VESTING TENTATIVE TRACT MAP FINDINGS

The Review Authority may approve or conditionally approve a tentative 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.</i>	
Finding A:	The proposed development is consistent with the General Plan and the Bullard Community Plan designation of Medium Density Residential.
<i>B. Passive and Natural Heating and Cooling. A subdivision for which a Tentative Map is required shall provide pursuant to the Map Act (Section 66473.1), to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.</i>	
Finding B:	As proposed, the proposed subdivision will provide for future passive or natural heating or cooling opportunities.
<i>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 Map Act (Section 66473.7).</i>	
Finding C:	Water facilities are available to provide service to the site subject to the conditions listed in the memoranda from the Department of Public Utilities dated January 18, 2017. Additionally, the application is proposing less than 500 lots.
<i>D. Infrastructure Capacity. There exists sufficient infrastructure capacity for water, runoff, storm water, wastewater, and solid waste systems to serve the proposed subdivision. In cases where existing infrastructure is found to be deficient, plans shall show how sufficient capacity will be provided.</i>	
Finding D:	The project was routed to the appropriate agencies 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.
<i>E. 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 law.</i>	
Finding E:	The proposed project is not located within a designated floodplain or flood way.

CONDITIONAL USE PERMIT APPLICATION FINDINGS

A Conditional Use Permit shall only be granted if the Review Authority determines that the project as submitted or as modified conforms to all of the following criteria. If the decision-maker determines that it is not possible to make all of the required findings, the application shall be denied.

Findings per Fresno Municipal Code Section 15-5306	
<i>A. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Code and all other chapters of the Municipal Code.</i>	
Finding A:	Conditional Use Permit Application No. C-16-062 will comply with all applicable codes, including, landscaping, walls, etc., given that the special conditions of project approval will ensure that all conditions are met with the exception of those permitted to be modified as part of a Planned Development.
<i>B. The proposed use is consistent with the General Plan and any other applicable plan and design guideline the City has adopted.</i>	
Finding B:	The proposed development is consistent with the Fresno General Plan and Bullard Community Plan designation of Medium Density Residential.
<i>C. The proposed use will not be substantially adverse to the public health, safety, or general welfare of the community, nor be detrimental to surrounding properties or improvements.</i>	
Finding C:	The Development and Resource Management Department has determined that the proposed use will not be detrimental to the public welfare or be injurious to property or improvements in the area in which the property is located if developed in accordance with the various conditions/requirements established through the related conditional use permit application review and tentative tract map application review process.
<i>D. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses in the vicinity.</i>	
Finding D:	The site is vastly surrounded by residential and office uses and is developed at an allowable density under the Fresno General Plan. The proposed development serves as a buffer between the office uses and the rest of the single family homes. The land uses to the south and west of the site is mixed use, the proposed density will act as a buffer for the neighborhood.
<i>E. The site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required.</i>	
Finding E:	The site is vastly surrounded by residential uses and is developed at an allowable density under the Fresno General Plan; and the project must comply with applicable codes, including, landscaping, walls, etc., and conditions from other City Departments and outside agencies.

Rezone Findings

The Director and Planning Commission shall not recommend and the City Council shall not approve an application unless the proposed Rezone meets the following criteria.

Findings Per Fresno Municipal Code Section 15-5812	
<i>A. The change is consistent with the General Plan (GP) goals and policies, any operative plan, or adopted policy.</i>	
Finding A:	The proposed project is found to be consistent with all applicable goals, objectives and policies of the Fresno General Plan and Bullard Community Plan. Subject to compliance with the Conditions of Approval dated March 15, 2017 <u>April 19, 2017</u> for development, 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.</i>	
Finding B:	The site is located within an area that has been predominantly developed with single family residences and is planned for Medium Density Residential. The subject property is vacant and qualifies as an Infill Area; defined by the Fresno General Plan. Development of such infill sites is consistent with the purpose of the Development Code and the Fresno General Plan.
<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 project achieves the balance of land uses desired by the City of Fresno by providing a diversity of housing types and residential densities that appeal to a broad range of people throughout the City.

Planned Development Permit Findings

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

Findings Per Fresno Municipal Code Section 15-5905	
<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.</i>	
Finding A:	The proposed development is consistent with the Fresno General Plan and the Bullard Community Plan designation of Medium Density Residential.
<i>B. The subject site is physically suitable for the type and intensity of the land use being proposed.</i>	
Finding B:	The site is vastly surrounded by residential and office uses and is developed at an allowable density under the Fresno General Plan and FMC.
<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.</i>	
Finding C:	The project will have access onto a local street, North Colonial Avenue. 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.
<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.</i>	
Finding D:	The staff of the Development and Resource Management Department 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 and requirements established through the related tentative tract map application review and conditional use permit application review process. The proposed development serves as a buffer between the office uses and the rest of the single family homes. The land uses to the south and west of the site is mixed use, the proposed density will act as a buffer for the neighborhood.
<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:</i> <ol style="list-style-type: none"> <i>1. Appropriateness of the use(s) at the proposed location.</i> <i>2. The mix of uses, housing types, and housing price levels.</i> <i>3. Provision of infrastructure improvements.</i> <i>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.</i> <i>5. Connectivity to public trails, schools, etc.</i> <i>6. Compatibility of uses within the development area.</i> <i>7. Creativity in design and use of land.</i> <i>8. Quality of design, and adequacy of light and air to the interior spaces of the buildings.</i> 	

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 option of a mainstream type of home with less annual expense on yard maintenance and water consumption. All required infrastructure improvements will be constructed by the project applicant. Pedestrian connectivity is provided with this project, so that the lots without direct access to public street access have a walk way access through Outlot A. A pedestrian gate on North Colonial Avenue will allow access to residents that work in adjacent office and commercial businesses to walk to work. The residents can also access nearby shopping needs. The planned development helps provide for a larger mix of housing and home sizes to insure a more affordable community that appeals to a wider variety of housing needs. The project is similar to existing developments in the area. 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 while keeping a design that compliments the existing neighborhood. The development will be gated, which will help maintain community value. The community will have a Homeowners Association that will enforce design guidelines and ensure the general maintenance of the development.</p>
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VESTING TENTATIVE TRACT MAP FINDINGS PURSUANT TO THE MAP ACT

The Director and Planning Commission shall recommend denial and the City Council may only deny a Vesting Tentative Tract Map application if it makes any of the following findings pursuant to the Subdivision Map Act (California Government Code §§ 66400, *et seq.*):

Findings per Fresno Municipal Code Section 15-3309
<i>A. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451 of the SMA.</i>
<i>B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.</i>
<i>C. That the site is not physically suitable for the type of development.</i>
<i>D. That the site is not physically suitable for the proposed density of development.</i>
<i>E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.</i>
<i>F. That the design of the subdivision or type of improvements is likely to cause serious public health problems.</i>
<i>G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access of or use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.</i>

The subdivision map based on the Subdivision Map Act required findings for denial of a map, cannot be made. Therefore, the map can be approved.