

# 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:

Findings per Fresno Municipal Code Section 15-3309	
<b>1. <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 February 15, 2017, the proposed project is found to be consistent with all applicable goals, objectives and policies of the Fresno General Plan and Roosevelt 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>2. <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 73% of the lots oriented in a north-south direction. The conventional sizing of lots will allow 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 heating and cooling opportunities.
<b>3. <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:	The project consists of a proposed 208-lot conventional single family 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 Implementation of the Fresno General Plan policies and the 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>4. <i>Infrastructure Capacity.</i></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 February 15, 2017, 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.
5. <b><i>Compliance with Floodplain Regulations.</i></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:	The proposed project site is not located within a designated floodplain or floodway.

## 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

- A. *The change is consistent with the General Plan goals and policies, any operative plan, or adopted policy; and,*

**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 contained herein above, the proposed project is found to be consistent with all applicable goals, objectives and policies of the Fresno General Plan and Roosevelt 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. *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,*

**Finding B:** The site is located within an area that has been predominantly developed with single family residences and which is planned for urban residential uses. The subject property remains vacant and was annexed to the City of Fresno in 1982 as part of Annexation No. 1062. Therefore, the subject property qualifies as an Infill Area; defined by the Fresno General Plan as being within the City on December 31, 2012. Development of such lands is consistent with the purpose of the Development Code and the strategic sequencing of development identified within the Fresno General Plan.

- 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.*

Finding  
C:

For the reasons contained within the attached initial study for the associated environmental assessment as well as within the Background and Analysis section contained herein above, 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 in established neighborhoods, design compatibility, providing missing uses such as recreation, neighborhood serving retail, public service and employment opportunities, enhanced landscaping and maintenance of public right-of-way areas, and providing community-based services.

## FINDINGS CRITERIA FOR DEVELOPMENT AGREEMENTS

Section 15-6006 of the Fresno Municipal Code provides that the City Council shall not approve a proposed Development Agreement unless it finds the following:

Findings per Fresno Municipal Code Section 15-6006	
1. <b>Consistency.</b> <i>The proposed Development Agreement is consistent with the General Plan, and any applicable operative plan; and,</i>	
Finding 1:	For the reasons contained within the attached initial study for the associated environmental assessment as well as within the Project Analysis section of the Staff Report to the City Council dated May 25, 2017, the proposed project is found to be consistent with all applicable goals, objectives and policies of the Fresno General Plan and Roosevelt 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.
2. <b>Public Benefit.</b> <i>The proposed Development Agreement will provide substantial public benefit.</i>	

Finding  
2:

The proposed project exemplifies the concepts and components associated with Complete Neighborhoods as provided within the Fresno General Plan. The subject property is already planned and zoned for single family and multi-family residential uses with a neighborhood park component. However, the form that would be facilitated by the current land use plan does not readily lend to a balance of the respective land use designations in a manner which emphasizes the key components of open space and neighborhood serving retail, employment opportunities or public services.

The proposed addition of the approximately 7 acre commercial component affords opportunities for neighborhood serving retail, potential office space which may include public and community services as well as employment opportunities within close proximity and walking distance to a diversity of housing.

The relocation of the planned open space/neighborhood park to a central location on the subject property not only affords equal proximity, access and enjoyment to adjacent land uses but also affords greater opportunities to provide visibility over shared open space such that any potential for creation of an attractive nuisance is minimized. Furthermore, the centrally located park will act as the centerpiece for the surrounding development which will provide a sense of place that will contribute to the creation of an enhanced quality of life and the retention and improvement of property values. The proposed park will incorporate linear open space and access to South Sunnyside and South Fowler Avenue in an east-west direction. The park will also incorporate linear open space and access to East Church Avenue. The linear open space areas are proposed to include the uniform planting of Valley Oak trees which will mature to provide a natural "tunnel" from the resultant large tree canopy; hence, "The Oaks" project branding. The aggregate area of the open space will include both passive and active recreation areas and opportunities.

The approximately 5 acre portion of proposed Urban Neighborhood land at the northeast corner of South Sunnyside and East Church Avenues will be developed with an assisted living facility (as will be required pursuant to the terms of the proposed development agreement). When combined with opportunities for diversity in adjacent single family residential development, the proposed project provides potential opportunities for a residential mix and a range of housing opportunities to meet all demographic populations within the community.

The provision of centrally located open space and neighborhood serving commercial opportunities within the same project manifests the applicant group's comprehensive strategy, which attempts to anticipate and plan in advance all amenities needed in a neighborhood to ensure quality and lasting property values before the residential units are built instead of trying to piecemeal those amenities after the fact. Furthermore, the proposed project also represents a rare circumstance in which, near total self-sufficiency and completeness may be achieved. As referenced within the Fresno General Plan, this is unlikely to be accomplished in each neighborhood.

The subject property qualifies as infill development pursuant to the definition provided in the Fresno General Plan and the proposed development of the subject property will contribute to the completion of missing roadway and infrastructure improvements within the area in a manner which is consistent with the land use designations and circulation element of the Fresno General Plan.

The purpose of the Development Agreement is to strengthen the public planning process, encourage private participation in comprehensive planning, and secure investment in, and commitment to, public facilities and infrastructure in the vicinity of the project in order to assure the maximum efficient utilization of resources at the least economic cost to the public.

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.