

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	
1. <i>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 1:	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 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 standards.
2. <i>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 2:	The proposed subdivision has been designed with 65% of the lots oriented in a north to south orientation. 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.
3. <i>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,</i>	
Finding 3:	The proposed project consists of a proposed 140-lot conventional single family residential subdivision/development. 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 and installation of services with meters will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.
4. <i>Infrastructure Capacity. There exists sufficient infrastructure capacity for water, runoff, storm water, wastewater, and solid waste systems to serve the proposed subdivision; and,</i>	
Finding 4:	Pursuant to the findings and representations made within the Public Services section

	included herein above, 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. <i>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.</i>	
Finding 5:	The proposed project is located within a flood prone area as designated in the latest Flood Insurance Rate Map. However, development has been conditioned to comply with FMFCD drainage requirements and therefore complies with the FMFCD Flood Plain Policy. Furthermore, development will comply with standards for construction pursuant to FMC Sections 11-624 to 11-630 and 11-632. Therefore, the proposed subdivision is compliant with the City of Fresno Floodplain Management Ordinance.

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	
A.	<i>That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451 of the SMA.</i>
B.	<i>That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.</i>
C.	<i>That the site is not physically suitable for the type of development.</i>
D.	<i>That the site is not physically suitable for the proposed density of development.</i>
E.	<i>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>
F.	<i>That the design of the subdivision or type of improvements is likely to cause serious public health problems.</i>
G.	<i>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.

REZONE FINDINGS

The 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 McLane Community Plan. Subject to compliance with the Conditions of Approval dated July 5, 2017 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 a mix of vacant and active agricultural land, rural residential and single family residences and is planned for Medium Low Density Residential. The subject property is vacant and located within the area identified as Growth Area 1 depicted in Figure IM-2 of the General Plan; Furthermore the proposed project does not expand the current Sphere of Influence Boundary. Development of sites within the Growth Area 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.

ANNEXATION FINDINGS

Annexation shall not be approved unless the proposed annexation meets all of the following criteria:

Findings Per Fresno Municipal Code Section 15-6104	
<i>A. Concept Plan. 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.</i>	
Finding A:	The annexation and rezone applications were filed in order to facilitate subdivision of the subject property as proposed by Vesting Tentative Tract Map No. T-5434/UGM. Pursuant to Subdivision Map Act Section 66498.1(b), when a local agency approves or conditionally approves a vesting tentative map, approval shall

	confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Section 66474.2. Pursuant to Section 66474.2 of the Subdivision Map Act, in determining whether to approve or disapprove an application for a tentative map, the local agency shall apply only those ordinance, policies, and standards in effect at the date the local agency has determined that the application is complete. T-5434/UGM was deemed complete and vested under the rules and regulations established prior to the adoption of the new Development Code. Therefore, criteria A, of FMC Section 15-6104 does not apply and a concept plan is not required prior to annexation.
<i>B. Plan Consistency. The proposed annexation and parcel configuration is consistent with the General Plan, Concept Plan, and any applicable operative plan; and</i>	
Finding B:	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 dated July 5, 2017 for development, the proposed project may be found consistent with all applicable local ordinances, regulations, policies and standards.
<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.