

FRESNO MUNICIPAL CODE FINDINGS

VESTING TENTATIVE TRACT MAP FINDINGS

The Planning Commission 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 72% 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 40-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 the Subdivision Map Act (California Government Code §§ 66400, <i>et seq.</i>)
<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.

PLANNED DEVELOPMENT FINDINGS

The Planning Commission may approve or conditionally approve a planned development for purposes of facilitating a density transfer if it makes all of the following findings:

FINDINGS PER FRESNO MUNICIPAL CODE SECTION 15-5905	
<i>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:</i>	
<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; and,</i>	
Finding a:	The proposed 40-lot conventional single family residential subdivision complies with the allowable land use and residential planned land use density and acreage allocations and with the goals, objectives, and policies contained in the McLane Community Plan and the Fresno General Plan.
<i>b. The subject site is physically suitable for the type and intensity of the land use being proposed; and,</i>	
Finding b:	The proposed 40-lot conventional single family residential subdivision complies with the allowable land use and residential planned land use density and acreage allocations and with the goals, objectives, and policies contained in the McLane Community Plan and the Fresno General Plan.
<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; and,</i>	
Finding c:	Adequate transportation facilities, utilities and services shall be provided to serve the each lot within the subdivision and were reviewed for consistency with the Low Density Residential and Medium-Low Density Residential planned land use designation and applicable RS-4 (<i>Residential Single-Family, Medium Low Density</i>) zone district requirements. The proposed 40-lot conventional single family residential subdivision will not have a negative impact on either the subject site or neighboring properties given the conditions of approval. 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 approval of a vesting tentative tract map and 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:	Given the requested density transfer and residential planned land use density and acreage allocations, the proposed 40-lot conventional single family residential subdivision is consistent with the Low Density Residential and Medium-Low Density Residential planned land use designation for the project site and will not have a negative impact on either the subject site or neighboring properties given the conditions of approval.
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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.	With the requested density transfer, the proposed 40-lot conventional single family residential subdivision will benefit the community through the development of a new residential neighborhood that is consistent with the land use density and acreage allocations currently designated by the Fresno General Plan and provide an overall improvement to the area through the provision of new infrastructure improvements, provision of outlots dedicated for common open space, and close proximity to an existing public school.
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